STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION  

Resolution  
No. 2018-007  

WHEREAS an application for a Revised Map No. 2017-098 was received on May 13, 2017 from Rick Raucina for a property located at 5670 W. Whitlock Road, also known as Assessor Parcel Number 008-270-050; and  

WHEREAS Revised Map Application No. 2017-098 proposes a revision of previously approved LDA No. 2003-266 to reduce the number of parcels from the previously approved (4) parcels and a remainder to (1) parcel (5.14 acres) and a remainder (29.6 acres); and  

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and  

WHEREAS a duly noticed public hearing was scheduled for the 23rd of March 2018; and  

WHEREAS a Staff Report and environment determination were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and  

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the environmental determination and Staff Report and amendments to Condition Nos. 1, 2, 4 and 7, testimony presented by the public concerning the application, and the comments of the applicant.  

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve the environmental determination that the project's amended design does not add impacts or mitigation, and a new Mitigated Negative Declaration is not required to be re-circulated or approved pursuant to CEQA Guidelines Sections 15162 and 15164.  

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Revised Map No. 2017-098 (revision of LDA No. 2003-266).  

BE IT THEREFORE FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and conditions set forth in Exhibit 2.
ON MOTION BY Commissioner Kennec, seconded by Commissioner Herman this resolution is duly passed and adopted this 23rd day of March 2018 by the following vote:

AYES: Herman, Kehoe, Kennec, McCamman

NOES:

EXCUSED: Becker

ABSTAIN:

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Kimberlee A. Lake, Secretary
Mariposa County Planning Commission
Exhibit 1 - Project Findings for Revised Map No. 2017-098

1. FINDING: The site is physically suitable for the type and density of development.

   EVIDENCE: The site is physically suited for low-density homes and appurtenant improvements, and some project parcel and remainder development such as roadway, well and septic and house pad have already been developed under previous LDA NO. 2003-266 approvals thereby further demonstrating the site suitability. The proposed project is located within the mountain Home Zone and the Residential Land Use. The subdivision density is designed in accordance with the Mountain Home Zone and the Residential land use classification.

2. FINDING: The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   EVIDENCE: The previous environmental determination (MND LDA No. 2003-266) found that based on the approved project description, the project would have a less than significant effect on the environment. The project is a revision of the previously approved that reduces the number of parcels allowed thereby reducing the overall impacts of the project. Further, the site has been developed including the road, well and septic and building pad as allowed pursuant to LDA No. 2003-266. Due to the reduction in project size and development already constructed to support the proposed parcel and Remainder, the project is not likely is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project is subject to the California Department of Fish and Wildlife filing fees for a notice of determination filing on the previous mitigated negative declaration as required by AB 3158 and Senate Bill 1535 and County Clerk fees.

3. FINDING: The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

   EVIDENCE: This land division and its subsequent use for low-density residential purposes are not likely to cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems (if additional wells or septic systems are needed). The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. FINDING: The proposed map is consistent with applicable General and Specific plans as specified in Government Code Section 65451.
EVIDENCE: The land division is the initial step in the process to help accomplish Mariposa County General Plan’s Housing Element overall goal to “Provide opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County.” The land division satisfies the following Housing Element Objectives, including: “Provide Adequate Sites and Services”. The proposed 60 foot wide non-exclusive private access and public utility easement, which is required to be improved to meet current standards that provide access from W. Whitlock Road, has adequate capacity for the additional traffic generated by the new parcels created by this project.

5. FINDING: The design or improvement of the proposed subdivision is consistent with applicable General and Specific plans.

EVIDENCE: The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Residential Land use of the General Plan and the Mountain Home Zone of the Zoning Ordinance. The land division’s design complies with the County Subdivision Ordinance’s maximum 4:1 length to width ratio for parcel configuration.

6. FINDING: The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project will not conflict with any public easement. A private road easement is proposed by the project; however, conditions of approval ensure that the utility easement component is a public easement. A condition requiring a variable width easement and offer of dedication on the project frontage on W. Whitlock Road insures that no conflict with that public easement would occur due to the project.

7. FINDING: The project’s amended design does not add impacts or mitigation, and a new Mitigated Negative Declaration is not required to be re-circulated or approved (Sections 15162 and 15164, CEQA Guidelines)

EVIDENCE: A Mitigated Negative Declaration was approved for Land Division (LDA) 2003-266, a land division of four (4) parcels and a remainder. The project is to keep Parcel A and consolidate Parcels B, C, D and Remainder of the approved map (LDA NO. 2003-266), into a Remainder. The resultant project would be Parcel A and a Remainder. This change reduces the roadway length and related grading and associated impacts by approximately 600-800 feet in length. Over half of the previously authorized roadway build out would no longer be a part of the project, which is a reduction in impacts.

The original approval included a roadway alignment from Whitlock Road to serve the project parcels A, B, C and D. The roadway length from the Whitlock Road encroachment to previously proposed Parcel D is approximately 1400 feet. The proposed project roadway section from Whitlock Road over proposed Parcel A to the newly proposed Remainder is already built being approximately 600-800 feet.
The revised map project will reduce overall potential impacts and will not create impacts which were not previously reviewed and addressed by the environmental determination due to the project being:

- A reduction in overall grading by a significantly reduced roadway length (less 600-800 feet)
- The roadway section proposed to serve the project Parcel A and Remainder has been constructed
- Well and sewage disposal system improvements have been made to serve the proposed revised project
- A reduction in overall potential density from up to ten residential units to up to four residential units (less 6 units)
- A reduction in overall grading allowed due the smaller project size
Exhibit 2 - Project Conditions for Revised Map No. 2017-098

The following conditions supersede and replace conditions of approval per Planning Commission Resolution No. 2004-25 for LDA No. 2003-266 and are applicable to Revised Map Application No. 2017-098

1. This project approval shall expire June 18, 2019. (Mariposa County Subdivision Code Section 16.12.430)

2. The easement from W. Whitlock Road to the cul-de-sac (easement) shall be made (a minimum) 60 foot wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject properties. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. A cul-de-sac easement with a minimum radius of 45 feet shall be provided to encompass the required cul-de-sac improvements OR the easement shall be sufficient to accommodate a hammerhead T turnaround that meets CALFIRE requirements. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the parcel map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer. (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).

The Planning Commission recommends that the County Engineer accept the offer of dedication for public utilities for the on-site public utilities easement.

3. A centerline profile showing existing and proposed roadway grade to verify that a grade of no greater than 16% can be achieved, from Whitlock Road to the proposed turnaround at the shared Parcel A and Remainder property line, shall be required for submittal to, and approval by, the County Engineer prior to map recordation. Map shall be prepared by a licensed land surveyor or other as approved by the County Engineer. (Public Works Recommendation)

4. A variable width dedication a minimum of 30 feet from the centerline of W. Whitlock Road shall be offered to the County of Mariposa. The offer of dedication shall specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. (Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).

The Planning Commission recommends that the County Engineer accept the offer of dedication for public access, maintenance and utilities for W. Whitlock Road.

5. Access to Parcel A shall be limited to the proposed on site easement road; no additional encroachment permits to W. Whitlock Road for this project will be granted, other than that as shown on the parcel map. A declaration shall be recorded and referenced on the parcel map, or shall be included on the parcel map and made appurtenant to Parcel A. The declaration shall state the following:
“This is not intended to affect record title interest. Approved access for residential development of Parcel A is from the on-site easement road. No additional encroachments to W. Whitlock Road will be granted.”

Format must be approved by the County Surveyor. The County Engineer will confirm that this condition has been complied with prior to map recordation. (Public Works Recommendation)

6. All cut and fill areas required for the construction of the proposed access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the parcel map. The location, width, and description of the easements shall be approved by the County Engineer. (Public Works Recommendation)

7. A road maintenance association shall be formed or road maintenance agreement shall be recorded (if approved by County Counsel) to provide for the maintenance of the onsite easement road and turnaround. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association or road maintenance agreement (if approved by County Counsel) provisions shall be developed by the applicant so those parcels served by the easement road shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:

a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity.

b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Include 100% of the parcels and the Remainder in the subdivision served by the access road.

d. Provide a mechanism for the road maintenance association or road maintenance agreement to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.

e. Provide a mechanism for new parcels to be added to the association or road maintenance agreement.

(Section II. I Road Improvement and Circulation Policy)

8. The proposed Remainder has an approved Mariposa County Septic Permit Application No. 58. Profiles, Percolation tests and/or soils analysis tests shall be performed on the Remainder in accordance with Health Department rules and regulations if a septic system is proposed in another location. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Registered Environmental Health Specialist (R.E.H.S.) prior to recordation of the parcel map. A letter from the Health Department shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map as follows:
“Approved percolation tests and soils analysis tests have been performed (Mariposa County Septic Permit No. 58) on the Remainder of the Parcel Map for _____ recorded in Book ____ of Parcel Maps at Page __, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel or remainder that has not had an approved soil profile holes and/or approved percolation tests, additional profile holes and/or percolation tests and design recommendations may be required.”

(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)

9. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the parcel map, shall be submitted to the County Surveyor. (County Subdivision Ordinance Section 16.12.395)

10. Prior to filing of the parcel map, all fees associated with the County’s processing of the map and filing of associated documents shall be paid. The Department of Fish and Wildlife filing fee ($2,280.75 as of 1/1/18) and the County Clerk fee ($50.00 as of 1/1/18) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, March 30, 2018), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, March 30, 2018 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).

The County Clerk requires that one check be submitted to cover both of these fees, for a total of $2330.75 (effective 1/1/18), and that it be in the form of a cashier’s check or money order payable to “Mariposa County.” The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning to file this fee and other required documents with the County Clerk.

OR Proof of previous Department of Fish and Wildlife filing fee payment required by Condition No. 12 for LDA NO. 2003-266 shall be submitted to and approved by the Planning Director. Proof being a copy of receipt from the County, Fish and Wildlife or verification letter from the County Clerk for payment of the fees AND a County Clerk fee of $50.00.

($16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code)

11. A statement shall be recorded in Official Records concurrently with the parcel map or referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map as follows:

“This notice is not intended to affect record title interest. A Certificate of Compliance must be obtained prior to issuance of any county development permit (including, but not limited to a well permit, a septic permit, a grading permit, an electrical permit, and/or a structure permit) on the designated Remainder of the Parcel Map for_______, in accordance with Section 16.04.030 of Mariposa County Code. All of the subdivision conditions for the Remainder as established by the Planning Commission shall be met prior to issuance of the Certificate of Compliance. The Remainder is not a parcel available for sale, lease or finance until the Certificate of Compliance is issued. The Remainder may or may not be surveyed. Fees associated with the application for and recordation of the certificate of compliance
shall be paid by the applicant.” [If the Remainder is not shown on the parcel map, a legal
description (typed, stamped and signed legal descriptions along with lot closure
computations) prepared by a land surveyor or other qualified individual will be required.]
(Section 16.04.030, County Subdivision Ordinance; Planning Department Recommendation)

12. The Property Owner shall indemnify, protect, defend, and hold harmless the County,
and any agency or instrumentality thereof, and officers, officials, employees, or agents
thereof, from any and all claims, actions, suits, proceedings, or judgments against the
County, or any agency or instrumentality thereof, and any officers, officials, employees, or
agents thereof to attack, set aside, void, or annul, any approval of the County, or any
agency or instrumentality thereof, advisory agency, appeal board, or legislative body,
including actions approved by the voters of the County, concerning the project and the
approvals granted herein. Actions concerning the project and approvals granted shall
include, but not be limited to, the environmental determination made pursuant to the
California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify,
protect, defend, and hold harmless the County, or any agency or instrumentality thereof,
against any and all claims, actions, suits, proceedings, or judgments against another
governmental entity in which Owner’s project is subject to that other governmental entity’s
approval and a condition of such approval is that the County indemnify and defend such
governmental entity. County shall promptly notify the Owner of any claim, action, or
proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within
twenty (20) working days of the date of project action. Non-compliance with this condition
may result in revocation of project approval by the County. (Mariposa County Ordinance
No. 1017)

Remainder Conditions

13. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance
shall be recorded on the Remainder, in accordance with Section 16.04.030, County
Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance
shall be paid by the applicant. If the Remainder is not shown on the parcel map, a legal
description prepared by a land surveyor or other qualified individual will be required. The
legal description shall be in the format required by the County Surveyor, and shall be
approved by the county Surveyor.

14. Prior to the commencement of any road improvements, road construction or other road
building or maintenance activities required as a condition of approval for this project and
prior to issuance of any encroachment permit for the required improvements, a consultation
meeting with the Public Works Department, the applicant, the agent, road contractor, and
CALFIRE shall occur. This meeting shall be conducted on-site. This consultation meeting
shall be setup by the applicant and/or agent. Any and all costs associated with the
consultation shall be the responsibility of the applicant. The County Engineer shall verify
that this condition has been met prior to issuance of any road improvement or
encroachment permit required for this project and prior to the scheduling of any on-site
inspection of road improvements. (Public Works Recommendation)

15. The Easement Road from W. Whitlock Road, to the westerly property line of the
Remainder shall be improved to a Rural Class I SRA standard and shall meet this
standard at the time of recordation of the Certificate of Compliance for the reminder. The
required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer prior to the recording of the Certificate of Compliance for the Remainder. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. This will include bringing the current encroachment up to standard, which will require hard surfacing. (Section 16.12.170, County Subdivision Ordinance: Chart A and Section II.D.2.a, Road Improvement and Circulation Policy). Section 16.12.120 – No portion of a proposed Road will exceed 16%.

16. A cul-de-sac shall be constructed at the terminus of the on-site easement road at the west property line of the proposed Remainder. The cul-de-sac shall be improved to meet county standards and shall meet this standard at the time of the recording of the Certificate of Compliance for the Remainder. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved and inspected by the County Engineer prior to recording of the Certificate of Compliance for the Remainder. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer and with the concurrence of CALFIRE, the applicant may request permission to construct a hammerhead T turnaround. (Based on site inspection by CALFIRE staff the existing built turnaround met the dimensional requirements for a Hammerhead T.) Prior to recording of the Certificate of Compliance for the Remainder, the County Surveyor shall confirm that this condition has been met. The Cul-de-sac or Hammerhead T improvements will have to be encompassed by road easements which are for the use of the affected parcels. (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).

17. One of the following conditions shall be met prior to recording of the Certificate of Compliance for the Remainder:

a. A gate shall be installed across the easement adjacent to the intersection of the on-site easement and W. Whitlock Road. The type and location of the gate shall be approved by the Public Works Director. If the gate is to be locked, the gate shall be approved by the County Fire Chief and the CALFIRE for emergency access purposes (Section II.I, Road Improvement and Circulation Policy).

or

b. A sign stating “PRIVATE ROAD” shall be installed on the easement adjacent to the intersection of the on-site easement road and W. Whitlock Road. The location of the sign shall be approved by the Public Works Director, and the design and specifications shall be in accordance with the County Improvement Standards (Section II.I, Road Improvement and Circulation Policy).

18. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to W. Whitlock Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans
prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements (Chapter 11, County Improvement Standards).

19. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. (Chapter 11, County Improvement Standards)

20. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed. (Public Works and NRCS/RCD Recommendation)

21. All required signs, with the exception of street name signs, shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation. (Public Works Recommendation)

22. A stop sign shall be placed at the intersection of the on-site easement and W. Whitlock Road. The stop sign shall be installed on metal breakaway type posts prior to. The design and placement of signs shall be approved by the County Engineer prior to installation. (Public Works Recommendation)

Road Name Conditions

23. The onsite easement shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director (applicable prior to the recordation of the parcel map only), OR be approved by the Board of Supervisors prior to the Recordation of the Certificate of Compliance for the Remainder. (County Resolution No. 92-541).

24. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and W. Whitlock Road prior to the recordation of the parcel map OR Certificate of Compliance of the Remainder. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation. (Section 16.12.175, County Subdivision Ordinance).