

Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2011-005

**A resolution conditionally approving Land Division Application No. 2010-107; DesCor Mariposa, LLC, applicant. Assessors Parcel Number 013-010-016.**

WHEREAS an application for a land division was received on August 9<sup>th</sup>, 2010 from DesCor Mariposa, LLC for a property located at 5336 Highway 49 North in the Town of Mariposa, also known as Assessor Parcel Number 013-010-016; and

WHEREAS the project proposes the division of one legal 3.53 acre parcel into two parcels; Parcel A of 20,620 square feet gross and Parcel B of 3.06 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 4<sup>th</sup> day of March, 2011; and

WHEREAS the Planning Department evaluated the project together with the Environmental Impact Report prepared for the Mariposa Town Planning Area Specific Plan; and

WHEREAS that Environmental Impact Report included a series of mitigation measures to be included in the Specific Plan as requirements for further land division development in the Mariposa Town Planning Area; and

WHEREAS the project was designed to comply with those standards; and

WHEREAS Section 15183 of the California Environmental Quality Act Guidelines allows a Notice of Exemption to be filed for projects designed in conformity with an adopted community plan and the EIR adopted for that specific plan; and

WHEREAS a Staff Report was 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 Staff Report, 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 find the project is exempt from environmental review pursuant

to Section 15183, CEQA Guidelines and directs the execution of a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2010-107; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

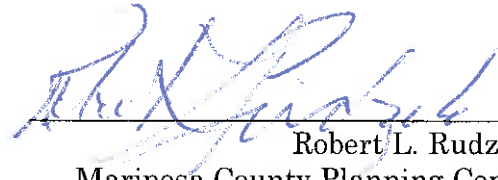
ON MOTION BY Commissioner Ross, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 4<sup>th</sup> day of March 2011 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, and Marsden

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the  
Mariposa County Planning Commission

***EXHIBIT 1***  
***PROJECT FINDINGS***  
***FOR***  
***Land Division Application No. 2010-107***

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

**EVIDENCE:** Based on the site inspection, and the proposed tentative parcel map dividing the existing parcel into two parcels that meets the minimum of 9,000 square feet net in size, the site is physically suited for general commercial development and appurtenant improvements. Building permits have already been issued for construction of office buildings. The proposed project is located within the General Commercial land use and zoning classification. The subdivision density is designed in accordance with the General Commercial land use and zoning 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 impacts of this project have already been evaluated according to the California Environmental Quality Act Guidelines, by the certification of the Final EIR for the Mariposa Town Planning Area Specific Plan (see finding No. 3). This project complies with the Special Subdivision Standards for the Mariposa TPA Specific Plan, which ensures that the potential impacts of the subdivision are mitigated.

3. **FINDING:** Pursuant to Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and Section 65457 of the California Government Code, the project is exempt from the requirements of CEQA.

**EVIDENCE:** As documented by the staff report, the project is consistent with the Mariposa Town Planning Area Specific Plan, for which an EIR has been certified. Substantial changes have not occurred with respect to the circumstances under which the EIR was certified. There is no new information which demonstrates the project will result in significant adverse environmental impacts not discussed in the EIR or significant impacts which are substantially more severe than discussed in the EIR.

4. **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 the office use are not likely to cause serious health problems. All uses are conditioned to comply with all Building Code regulations and connect to MPUD systems in accordance with MPUD regulations for water and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, all 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.

5. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** The proposed land division is consistent with the goals, policies and implementation measures of the Land Use Element and other applicable standards in Mariposa County General Plan and Title 17, Mariposa County Zoning. The proposed land division is being done in compliance with the General Commercial land use and zone. The proposed development has been reviewed for compliance with Zoning Code and has gone through the Design Review Process. The Mariposa Town Planning Area Specific Plan covers the subject property; the project map is consistent with the density allowed by the specific plan.

6. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

**EVIDENCE:** The minimum parcel size proposed by the project is consistent with standards contained in the General Plan, the Specific Plan, and 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. The project design is consistent with the requirements of the Mariposa Town Planning Area Specific Plan, including the Special Subdivision Standards for the TPA (Ordinance No. 823)

7. **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. The project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

***EXHIBIT 2***  
***CONDITIONS OF APPROVAL***  
***FOR***  
***Land Division Application No. 2010-107***

**Project Name: Descor Mariposa, LLC      File Number: Land Division Application No. 2010-107**

**Project Approval Date: March 4, 2011**

The following conditions of approval are recommended for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

<b>Sign-Off Checklist for List of Conditions of Approval</b>		
	<b>Monitoring Dept.</b>	<b>Verified Implemented</b>
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The easement (Lemee Lane) from Frank Wilson Road to the project parcel shall be improved at a minimum to a Town Class III Standard and shall meet this standard at the time of parcel map recordation. 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 at the time of recordation of the parcel map. 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.</p>	<p>Public Works</p>	
<p>(Section 16.12.170, County Subdivision ordinance; Chart A and</p>		

Section II.D.2.a, Road Improvement and Circulation Policy)		
2. The on-site easement from Lemee Lane to the southwesterly boundary of Parcel A shall be improved to a Town Class II Standard and shall meet this standard at the time of parcel map recordation. The entire length of the on-site circular drive, from the southwesterly boundary of Parcel A back to Lemee Lane, which functions as a turnaround for the subdivision, shall have a minimum travel way width of a 26 feet in areas where cars will be parked and shall have a minimum travel way width of 20 feet from curb to curb for the portions where no parking is located. The pavement cross sections for the travel way of the circular drive shall comply with the Town Class II standards. These standards shall be met at the time of parcel map recordation.	Public Works	
3. The edges or boundaries of the off-site easement for Lemee lane from Frank Wilson Road to the project parcel shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 4. The staking of the road shall be maintained during road construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easements.	Public Works	
(Planning Department Recommendation)		
4. Immediately upon completion of the required road and encroachment improvements (including driveway improvements), the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contract the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the recordation of the parcel map.	Public Works	
(Road Improvement and Circulation Policy).		
5. Prior to 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, the	Public Works	

<p>road contractor, Cal Fire, MPUD, and Cal Trans (if required) shall occur. 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>(Public Works and Mariposa Planning Recommendation)</p>		
<p>6. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Frank Wilson 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 improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval of for this project. If engineered improvement plans are required, the plans shall be approved by the County engineer prior to the commencement of construction work on the required road improvements.</p> <p>(Chapter 11, County Improvement Standards)</p>	Public Works	
<p>7. The on-site easement road shall be named Lemee Lane 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. The name of the road shall be shown on the parcel map.</p> <p>(County Resolution No. 92-541)</p>	Planning Department	
<p>8. Road name signs for Lemee Lane and Frank Wilson Road shall be placed at the intersection of Lemee Lane and Frank Wilson Road, and the intersection of Frank Wilson Road and Highway 49. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards. Encroachment permits may be required from the Public Works Department and/or Caltrans for these signs.</p> <p>(Section 16.12.175, County Subdivision Ordinance)</p>	Public Works	
<p>9. A stop sign shall be placed at the intersection of the Lemee Lane and Frank Wilson Road. The stop sign shall</p>	Public Works	



<p>be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.</p> <p>(Public Works Recommendation)</p>		
<p>10. A stop sign shall be placed at the intersection of the Frank Wilson Road and State Highway 49. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by Caltrans prior to installation. An encroachment permit from Caltrans may be required for this sign.</p> <p>(Public Works Recommendation)</p>	Public Works	
<p>11. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	Public Works	
<p>12. A road maintenance association shall be formed to provide for the maintenance of Lemee Lane off site. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association 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:</p> <p>a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other governmental entity.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p>		

<p>c. Include 100% of the parcels in the subdivision served by the access roads.</p> <p>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>(Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)</p>		
<p>13. If Lemee Lane is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of Lemee Lane and Frank Wilson Road. The design and specifications of the sign shall be in accordance with the County Improvement Standards.</p> <p>(Section III.A.4, Road Improvement and Circulation Policy)</p>	Public Works	
<p>14. All required signs shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>(Public Works Department Recommendation)</p>	Public Works	
<p>15. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p>	Public Works	

CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>16. Project approval is valid for a period of three years from March 4, 2011. This approval shall expire on March 4, 2014.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>17. Prior to recordation of the parcel map, all fees associated with the County's [processing of the map and filing of associated documents shall be paid. The applicant may choose to have Mariposa County Planning file the Notice of Exemption (NOE) with the Mariposa County Clerk. While filing is not required, it shortens the statute of limitations on challenges to the environmental determination from 180-days to 35-days. If the applicant opts to file, then the NOE must be posted at the County Clerk's Office within five days of March 4, 2011. The County Clerk's Office requires a fee of \$50.00 for the filing of a NOE. If the property owner opts to file, cash or a money order for \$50.00 made payable to the Mariposa County Clerks Office shall be submitted to the Planning Department within 4-days of the approval of the land division. (The County Clerk's Office will not accept personal checks for this fee).</p> <p>Note, the filing fees are adjusted annually, effective January 1<sup>st</sup> of each year, pursuant to Fish and Game Code.</p> <p>§16.12.390, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>18. The Property Owner (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,</p>	Mariposa Planning	

<p>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.</p> <p>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.</p> <p>[COUNTY ORDINANCE NO. 1017]</p>		
<p>19. The minimum parcel size of each lot shall be 9,000 square feet net, exclusive of road easements. The County Surveyor shall ensure this condition is met prior to recordation of the parcel map.</p> <p>Planning Department Recommendation</p>	<p>Mariposa          Planning</p>	
<p>20.A "Reciprocal Easement and Shared Maintenance Agreement" as proposed by the application shall be reviewed and approved by County Counsel. This agreement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map.</p> <p>(Mariposa Planning Recommendation)</p>		
<p>21. All fees for processing of this project shall be paid within forty-five (45) days of the date of billing.</p> <p>(Mariposa Planning Recommendation)</p>		
<p>22. An address shall be obtained from the Assessors Office for each existing structure which takes access from the recently named Lemee Lane prior to recordation of the parcel map.</p>		

(Planning Department Recommendation)		
<b>CONDITIONS OF APPROVAL/ MARIPOSA PUBLIC UTILITY DISTRICT</b>		
23. Prior to recordation of the parcel map, the unpaid portion of the Saxon Creek Assessment District 94-1 assessments shall be paid in full. As an alternative, an apportionment of existing assessments may be prepared. The MPUD Assessment Engineer will prepare the apportionment. The property owner is responsible for all costs relating to apportionments.	MPUD	
Mariposa Public Utility District Requirement		
<b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b>		
24. Prior to recordation of the parcel map, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A letter shall be submitted to the County Surveyor from CalFire to confirm this requirement.	Cal Fire	

<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Alvaro Arias	209-742-1218 aarias@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Mariposa Public Utility District	Mark Rowney	209-966-2515	4992 7 <sup>th</sup> St Mariposa, CA 95338	P.O. Box 494 Mariposa, CA 95338
Public Works	Cheryl Jay	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street	P.O. Box 5

				Mariposa CA 95338	Mariposa CA 95338
Regional Quality Board	Water Control	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa Resource Conservation District	County	Dawn Afman	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor		Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire		Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal Fire		Jason Wight	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

**Certificate of Completion:**

By signing below, the environmental coordinator confirms that the required conditions of approval and standards for development in the Mariposa Town Planning Area, have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

\_\_\_\_\_  
 Environmental Coordinator

\_\_\_\_\_  
 Date

**Explanation of Headings:**

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.