

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2011-021

A resolution conditionally approving Land Division No. 2010-126, F.E.&M. Inc. Trust/Fortner, applicant. Assessor Parcel Number 015-400-005.

WHEREAS an application for Land Division No. 2010-126 was received on August 30, 2010 from F.E.&M. Inc. Trust for a property located at an unassigned address on Parker Drive in the Ponderosa Basin area of Mariposa County, also known as Assessor Parcel Number 015-400-005; and

WHEREAS Land Division Application No. 2010-126 proposes to divide a 21.90 acre parcel into two parcels; Parcel A of 10.94 acres and Parcel B of 10.96 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 7th of October, 2011; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study 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 Initial Study and 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 approve a Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division No. 2010-126; 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.

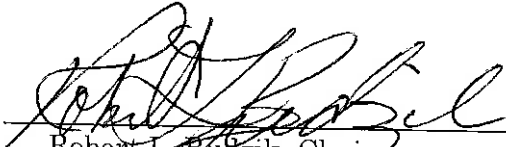
ON MOTION BY Commissioner Marsden, seconded by Commissioner Ross, this resolution is duly passed and adopted this October 7, 2011 by the following vote:

AYES: ROSS, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE


EXCUSED: TUCKER

ABSTAIN: NONE



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Attachments:

Exhibit 1: Project findings as approved by Planning Commission

Exhibit 2: Project conditions as approved by Planning Commission

Project Findings for LDA No. 2010-126

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into two parcels of 10.94 and 10.96 acres, the site is physically suited for low-density homes and appurtenant improvements. The proposed project is located within the Mountain Home zone and the Residential Land Use. The subdivision density is designed in accordance with this zone and 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 Initial Study prepared for the project found that based on the approved project description, the project would have a less-than-significant effect on the environment with mitigation. The project may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees for a 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. 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 (Mariposa County General Plan, 2006) and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish the 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"*. There is no specific plan governing this property. In addition, Harris Cutoff Road, Harris Road, Ponderosa Court, and Parker Drive to the project site have adequate capacity for the additional traffic

generated by the one new parcel proposed by this project, with the exception of a short and narrow (one lane) bridge located on Harris Road just east of Harris Cutoff Road.

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 is outside of the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. This is due to the limited area on the proposed parcels that is suitable for building sites; the majority of the property is comprised of steep slopes and deep ravines and drainages and is not suitable for any other subdivision configuration, and the Planning Commission finds a variance to this standard appropriate. The limited building sites on both parcels are located very near Parker Drive, the access to the project site, and therefore further minimizes impacts of road building, etc. associated with development. The project site is not in an area governed by any special, specific, community, or area plan at this time.

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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

Project Conditions for LDA No. 2010-126

Project Name: F.E. & M. Mfg. Trust/Fortner

File Number: LDA No. 2010-126

The following conditions of approval were approved 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.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. Parker Drive along the project site shall be improved to a Rural Class I standard and shall meet this standard at the time of 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 final 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>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>	PUBLIC WORKS	
<p>2. Prior to commencement of any road improvements 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 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of encroachment improvements.</p>	PUBLIC WORKS	

<p>(Public Works Department and Planning Department Recommendation)</p>		
<p>3. Immediately upon completion of the required 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 contact 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.</p> <p>(Road Improvement and Circulation Policy)</p>	<p>PUBLIC WORKS</p>	
<p>4. 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>	<p>PUBLIC WORKS</p>	
<p>5. A road maintenance association shall be formed for the maintenance of Parker Drive from Ponderosa Court to and including the project 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 roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to the filing of the 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 road.</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</p>	

<p>-OR-</p> <p>As an alternative to what is required above, the applicant may join into an existing Road Maintenance Association for Parker Drive, if there is one which is active and which generally accomplishes the objectives described in this condition. If the applicant elects this alternative, the applicant shall provide evidence that the subject parcels are legally "joined" into the existing association and shall provide information about the association. If the existing association doesn't agree to extend their maintenance responsibilities to include the subject parcels, the applicant shall form a separate association for the subject parcels as described in the first part of this condition.</p> <p>(Public Works Department Recommendation: Road Improvement and Circulation Policy)</p>		
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>6. Project approval is valid for a period of three years from October 7, 2011. This approval shall expire on October 7, 2014.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>	<p>MARIPOSA PLANNING</p>	
<p>7. 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.</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</p>	<p>MARIPOSA PLANNING</p>	

<p>revocation of project approval by the county.</p> <p>[COUNTY ORDINANCE NO. 1017]</p>		
<p>8. 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 Game filing fee (\$2,044. as of 1/1/11) and the County Clerk fee (\$50.00 as of 1/1/11) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, October 14, 2011), 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, October 14, 2011 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,094.00 (effective 1/1/11), and that it be in the form of a cashiers 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.</p> <p>Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>(§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code)</p>	<p>MARIPOSA PLANNING</p>	
<p>9. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>(Planning Department Recommendation)</p>	<p>MARIPOSA PLANNING</p>	
<p>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</p>		
<p>10. Percolation tests and soils analysis tests shall be performed on Parcels A & B in accordance with Health Department rules and regulations and Health Department Policy 03-01. A report meeting the requirements of Health Department Rules and Regulations shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to recordation of the parcel map. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. If the Health Department approves the use of Standard Septic Systems then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Parcels ___ as shown on the Parcel Map for</p>	<p>HEALTH DEPARTMENT</p>	

_____, 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 that has not had an approved percolation test, additional percolation tests and design recommendations may be required.”

If the Health Department approves the report based on the use of special design or engineered septic systems then a statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

“Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel ____ as shown on the Parcel Map for _____, filed in Book _____, at Page ____, Mariposa County Records, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding state or local regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.”

Additionally, a statement shall be filed concurrently with the parcel map and referenced on the parcel map which states:

“The property described as Parcel __ as shown on the Parcel Map for _____, filed in Book ____ at Page _____, Mariposa County Records, is required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department.

The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, “A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be

<p>submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities.</p> <p>In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel."</p> <p>In the event that no area meeting the requirements of the Mariposa County Health Department for on-site sewage disposal can be located on one or more of the parcels the Health Department shall so notify the Planning Department and no further work shall be completed on any other condition of approval.</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
<p>CONDITION OF APPROVAL/ PONDEROSA BASIN MUTUAL WATER COMPANY</p>		
<p>11. Prior to recordation of the parcel map, a new water main system and laterals shall be installed in a location to be approved by Ponderosa Basin Mutual Water Company (PBMWC) prior to installation. Water main system and laterals shall meet the specifications of PBMWC, and the water supplied by PBMWC shall be for domestic use only. A letter from Ponderosa Basin Mutual Water Company shall be submitted to the County Surveyor stating that required water main system and laterals have been installed. Any costs associated with this condition shall be borne by the applicant.</p> <p>(Ponderosa Basin Mutual Water Company Recommendation)</p>	<p>PBMWC</p>	
<p>12. Prior to recordation of the parcel map, all parcel fees and tie-in fees charged by Ponderosa Basin Mutual Water Company (PBMWC) shall be paid. As an alternative, an agreement may be executed between PBMWC and the applicant ensuring that these fees will be paid through the escrow account upon the parcels being sold. Evidence that this condition has been met shall be submitted by PBMWC prior to recordation of the parcel map.</p> <p>(Ponderosa Basin Mutual Water Company Recommendation)</p>	<p>PBMWC</p>	

CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION		
<p>13. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>“Future residential development on Parcels A and B as shown on the Parcel Map for ____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resources Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resources Code 4291.”</p> <p>Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forest and Fire Protection (Cal Fire) to the County Surveyor.</p> <p>(California Public Resources Code)</p>	<p>Cal Fire</p>	
MITIGATION MEASURES PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)		
<p>14. Wildlife resource area declarations shall be recorded for each parcel being created and referenced on the parcel map stating:</p> <p>“This parcel is located within a wildlife resources area within the deer range and no fences greater than 6 feet high shall be constructed on the parcel boundary lines without the approval of the California Department of Fish and Game. A letter of approval from the California Department of Fish and Game shall be provided to the Mariposa Planning Director approving of fences over 6 feet prior to the installation of the fences.”</p> <p>(Mitigation Measure, CDFG Recommendation)</p>	<p>Planning Department</p>	
<p>15. If required by CalFire and/or Mariposa County Fire, fire hydrant(s) shall be installed prior to recordation of the parcel map in a location to be approved by CalFire and/or Mariposa County Fire prior to installation. Fire hydrant(s) shall meet the specifications of Ponderosa Basin Mutual Water Company (PBMWC). A letter from PBMWC shall be submitted to the County Surveyor stating that fire hydrant(s) have been installed (if required); if not required, written evidence of such shall be submitted to the County Surveyor. Any costs associated with this condition shall be borne by the applicant.</p> <p>(Mitigation Measure; PBMWC Recommendation)</p>	<p>PBMWC</p>	