

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. 2009-011

A resolution conditionally approving Land Division No. 2009-028, Philip and Kathi Whitson, applicant. Assessor Parcel Number 017-480-058.

WHEREAS an application for Land Division No. 2009-028 was received on March 6, 2009 from Philip and Kathi Whitson for a property located at 2281 Sierra Vista Way, also known as Assessor Parcel Number 017-480-058; and

WHEREAS Land Division Application No. 2009-028 proposes to divide a 10.0 acre parcel into two parcels of 5.0 acres each; 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 22<sup>nd</sup> of May, 2009; 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. 2009-028; 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 Francisco, this resolution is duly passed and adopted this May 22, 2009 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

EXCUSED:

ABSTAIN:

  
\_\_\_\_\_  
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]

*Exhibit 1*

**PROJECT FINDINGS for  
Land Division No. 2009-028**

This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance. Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040.B.3, and based on the evidence presented in the staff report and comments provided at the public hearings, the following Findings are recommended:

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

**EVIDENCE:** Based on site inspection and the size and the number of parcels proposed the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met.

2. **FINDING:** The site is physically suitable for the proposed density of development.

**EVIDENCE:** The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

3. **FINDING:** The design of the subdivision or the proposed improvements are 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 and the conditions of approval, it would have a less than significant effect on the environment. This project is limited in its scope, and will result in one additional parcel being created. Both of the proposed parcels are already developed with residential improvements. There is access to the project site already, and minor work is all that will be required to comply with emergency access requirements the applicant agreed to with Cal Fire. The land is currently and will continue to be used primarily for residential purposes. The Biological Survey conducted for the project did not find any listed species. Because the parcel sites are already developed and no new roads are proposed, an oak tree survey was not conducted. The project is subject to the California Department of Fish and Game filing fees for a negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee.

4. **FINDING:** The design of the subdivision or the proposed improvements are 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. Existing residential uses were required to comply with all Building Code regulations and Health Department standards for the proper installation of the existing sewage disposal systems on the project site. Both proposed parcels have wells installed. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project will be required to comply with requirements of Cal Fire. All existing and future residential uses were required or 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. The length of the access road for this project has been approved by Cal Fire based upon the applicants' proposal to improve an emergency egress route. These improvements will be maintained in the same manner as the access improvements.

5. **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 the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

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 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 site is not in an area governed by a Specific Plan.

7. **FINDING:** The design of the subdivision or type of improvements will not conflict with easement, 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.

*Exhibit 2*  
**Conditions Of Approval For  
 Land Division Application No. 2009-028**

**Project Name:** Land Division for Philip and Kathi Whitson **Approval Date:** May 22, 2009  
 The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

**Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures**

	Monitoring Dept.	Verified Implemented
<p><b>Project Description</b></p> <p>Land Division Application No. 2009-028 proposes to divide a 10.0 acre parcel into 2 parcels of 5.0 acres each. The applicants propose to make offsite improvements to the unnamed emergency egress road that links the cul-de-sac of Sierra Vista Way with Mountain Way to comply with State Fire Safe Regulations:</p> <ul style="list-style-type: none"> <li>• Obtain and install county-approved reflective property address signs at both property locations.</li> <li>• Obtain and install a minimum 2,500 gallon water storage tank for the purpose of supplying water for fire fighting purposes.</li> <li>• Establish a clearly marked engine turn-around area for egress.</li> <li>• Establish and maintain the required 100 feet 'zone of protection' clearance of brush and debris related to the structures on the property.</li> <li>• Scrape and gravel the 'pre-determined county emergency easement' through the Ritter property [APNs 17-480-059 and 17-480-057]; gravel to be 18 feet wide and minimum 2 inches deep, with run-off measures.</li> <li>• Obtain and install gates at each end of the emergency easement to equal 20 feet each, and secure gates with Cal Fire provided state locking devices.</li> </ul> <p>These improvements will be done in accordance to standards established in the County Improvement Standards and the SRA Fire Safe regulations. All proposed improvements will be completed and 'signed off' (approved) by CDF and the Public Works Department prior to recordation of the parcel map.</p>		
<p><b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b></p>		
<p>1. Sierra Vista Way easement on-site shall be 60 feet wide and non-exclusive. The easement shall be re-offered for dedication to the</p>	<p>Public Works</p>	

<p>County of Mariposa if determined necessary by the county surveyor. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."</p> <p>(§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections; Road Improvement and Circulation Policy.)</p>		
<p>2. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.</p> <p>(Public Works Department recommendation)</p>	Public Works	
<p>3. The Sierra Vista Way easement from Indian Peak Road to the cul-de-sac shall be improved to a Rural Class II SRA 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>(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>	Public Works	
<p>4. The existing cul-de-sac located at the end of Sierra Vista Drive shall be restored to meet county standards at the time of recordation of the parcel map. 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 by the County Engineer prior to the recordation of the parcel map.</p> <p>(Road Improvement and Circulation Policy, and Public Works and Planning Department recommendation)</p>	Public Works	
<p>5. 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 Cal Fire</p>	Public Works	

<p>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 meeting 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 permits required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>(Public Works Recommendation)</p>		
<p>6. The edges or boundaries of the off-site easement for the pre-determined Cal Fire emergency easement from the project site to the end of the emergency egress easement, shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 6. 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.</p> <p>(Planning Department recommendation)</p>	Public Works	
<p>7. 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 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>	Public Works	
<p>8. Applicant shall amend the existing Zone of Benefit for Sierra Vista Way. The applicant shall file a completed petition (including, but not limited to, all required signatures and attachments) with the County to create/ expand/ amend the Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the access roads within the subdivision and the emergency egress road. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates.</p> <p>Maintenance shall include, but not be limited, to, drainage and erosion control devices, fuel modification, upkeep of road surfaces, and ultimate replacement costs for road surfaces, etc. The initial road construction costs shall not be included in the Zone of Benefit.</p> <p>The Zone of Benefit shall include provisions to allow additional</p>	Public Works	

<p>parcels and additional road length to be added to the zone if appropriate in the future.</p> <p>The amended 5Zone of Benefit shall be completed prior to or concurrently with recordation of the map.</p> <p>(Section II.I, Road Improvement and Circulation Policy)</p>		
<p>9. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Indian Peak Road. 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.</p> <p>(Chapter 11, County Improvement Standards)</p>	Public Works	
<p>10. A road name sign for the on-site easement road (Sierra Vista Way) shall be placed at the intersection of the easement road (Sierra Vista Way) and Indian Peak Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.</p> <p>(Section 16.12.175, Mariposa County Subdivision Ordinance)</p>	Public Works	
<p>11. 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>12. A stop sign shall be placed at the intersection of the on-site easement (Sierra Vista Way) and Indian Peak Road. The stop sign 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.</p> <p>(Public Works Department recommendation)</p>	Public Works	
<p>13. Verification of taxes paid shall be submitted to the County Surveyor prior to the parcel map recordation.</p> <p>(Mariposa County Planning Department recommendation)</p>	Public Works	



CONDITION OF APPROVAL / MARIPOSA PLANNING

<p>14. Project approval is valid for a period of three years from May 22, 2009. This approval shall expire on May 22, 2012.</p> <p>(§16.12.430, Mariposa County Subdivision Code)</p>	<p>Mariposa Planning</p>	
<p>15. Prior to the filing of the parcel map, the existing residences on Parcel A and Parcel B shall obtain a new address from the County Assessor.</p> <p>(County Resolution No. 92-541)</p>	<p>Mariposa Planning</p>	
<p>16. 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 (\$1,993.00 as of 1/1/09) and the County Clerk fee (\$50.00 as of 1/1/09) shall be paid by the applicant within five (5) working days of the approval of the application (by Monday, June 1, 2009), 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 Monday, June 1, 2009 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 \$2,043.00 (effective 1/1/09), 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 1<sup>st</sup> 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>17. 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</p>	<p>Mariposa Planning</p>	

<p>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 revocation of project approval by the county.</p> <p>(§16.36.030, Mariposa County Subdivision Ordinance)</p>		
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**CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT**

<p>18. The applicant shall record a disclosure statement concurrently with the parcel map and referenced on the parcel map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on Parcel A and Parcel B as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.”</p> <p>(Mariposa County General Plan, Section 5.3.02.E(4))</p>	<p align="center">Health Department</p>	
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**CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION**

<p>19. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the</p>	<p align="center">CDF</p>	
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County Surveyor by CDF stating this condition has been met.  (California Public Resource Code)		
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<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER  EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Karen Peneschi	209-742-1219 kpeneschi@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Health Department	Dave Conway	209-966-2220	5100 Bullion Street Mariposa CA 95338	P.O. Box 5 Mariposa CA 95338
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
Mariposa County Resource Conservation District	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 Middleton	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Fire	Matt Watson	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 mitigation measures 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.