

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2008-030

**A resolution conditionally approving Major Subdivision
Application No. 2007-135, Stephen P. Allison, applicant.
Assessors Parcel Number 014-140-078**

WHEREAS an application for Major Subdivision No. 2007-135 was received on August 1, 2007 from Stephen P. Allison for property located at the intersection of Silva and Carleton Roads, identified as Assessor Parcel Number 012-140-030 (5269 Carleton Road); and

WHEREAS Major Subdivision Application No. 2007-135 proposes the division of a 206.30-acre parcel into 12 lots ranging from 5 to 35 acres in size, 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 October 17, 2008; 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 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 adopt a Mitigated Negative Declaration.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2007-135.

BE IT 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.

BE IT FINALLY RESOLVED THAT project mitigation measures will be monitored as shown in Exhibit 3.

EXHIBIT 1
PROJECT FINDINGS
FOR
Major Subdivision Application No. 2007-135

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 12 lots that are all between five and 35 acres, the site is physically suited for low-density residential development and appurtenant improvements such as septic systems. The easement road and/or a county road provide adequate access to the residential parcels. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

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 and the proposed mitigation measures, it would have a less than significant effect on the environment. Implementation of mitigation measures as identified in the project's initial study will reduce potentially significant impacts of project implementation on riparian corridors, wildlife, or their habitat, oak woodlands and nesting birds to less than significant levels. The project is subject to the California Department of Fish and Game filing fees of (\$1,876.75) for a mitigated negative declaration as required by AB 3158 and a County Clerk fee of (\$50).

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 site soils are suitable for the installation of standard septic systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Project roadways and encroachments will be constructed in accordance with all state and local standards that are designed to reduce potentially significant impacts on traffic and roadways to less than significant levels.

EXHIBIT 2
CONDITIONS OF APPROVAL/MITIGATION MEASURES
FOR
Major Subdivision Application No. 2007-135

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
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The easement from Silva Road to Lot no. 9 shall be made 60 foot wide and non-exclusive. A cul-de-sac with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements. 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 the Road Improvement and Circulation Policy. The easement shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the final map that 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>	Public Works	
<p>2. A dedication of 30 feet from the centerline of Silva Road on lots 1, 3, 9, 10, and 11 and a dedication of 60 feet for Silva Road within lot 12 shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the final map that the dedication is for "public road and public utility purposes." The offer of dedication shall include all dedication required to encompass the proposed alignment per data on file at the Mariposa County Public Works Department. The location and width of the offer of dedication shall be approved by the County Engineer.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	

<p>dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes." The easement shall be designed for access for the use and benefit of the subject property. The location and width of the easement shall be approved by the County Engineer. The encroachment shall be improved to a Rural Class I standard prior to final map filing.</p> <p>Public Works Department Recommendation.</p>		
<p>7. Access to lots 1, 2, & 3 shall be limited to the easement road from Silva Road to the cul-de-sac; No further encroachment permits to Silva Road to these lots will be granted. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to lots 1, 2 and 3. The declaration shall state the following:</p> <p style="padding-left: 40px;">"Approved access for residential development of lots 1, 2, and 3, as shown on the final map for Van Ness Ranch II filed in Book of Maps at Page _____, Mariposa County Records, is from (road name), and no additional encroachments shall be granted to this parcel from Silva Road."</p> <p>The County Engineer will confirm that this condition has been met prior to map filing.</p> <p>Public Works Department Recommendation.</p>	Public Works	
<p>8. 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, CalFire, the applicant, the agent, and road contractor shall occur. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify 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>	Public Works	
<p>9. 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.</p> <p>Public Works Recommendation</p>	Public Works	

<p>with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance. 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 parcels and additional road length to be added to the zone if appropriate in the future.</p> <p>The formation of the Zone of Benefit shall be completed prior to the filing of the map.</p> <p>(Section II.I, Road Improvement and Circulation Policy)</p> <p>If a zone of benefit is not formed the project applicant shall form a road maintenance association. 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 filing of the final map and shall:</p> <ol style="list-style-type: none"> a. Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, or other government entity. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. include 100% of the parcels in the subdivision served by the access road, including the Remainder. 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. e. Provide a mechanism for new parcels to be added to the association. <p>Public Works Recommendation; Section II.I, Road Improvement and Circulation Policy</p>		
<p>17. If a Zone of Benefit for road maintenance is not formed for the maintenance of the easement road from the intersection of Silva Road to the cul-de-sac a declaration or covenant of non-protest for road</p>	<p>Public Works</p>	

<p>Resource Code 4291, including the requirement to maintain fire protection of firebreaks within 100 feet from building or structures or to the property line unless an alternative mitigation measure is approved by CalFire at the time of issuance of a residential building permit.”</p> <p>CalFire Recommendation</p>		
CONDITIONS OF APPROVAL / MARIPOSA PLANNING		
<p>23. The on-site easement road 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. The name of the road shall be shown on the final map.</p> <p>County Resolution 92-541</p>	Mariposa Planning	
<p>24. Project approval is valid for a period of three years from October 17, 2008. This approval shall expire on October 17, 2011.</p> <p>§16.16.090, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>25. Prior to filing of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.</p> <p>Mariposa Planning Recommendation</p>	Public Works/ Mariposa Planning	
<p>26. Prior to filing of the final 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 (\$1,876.75 as of January 1, 2008) and County Clerk fee (\$50 as of January 1, 2008) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, October 24, 2008), 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 24, 2008 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 \$1,926.75 (effective January 1, 2008), 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 who will 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; (California Department</p>	Mariposa Planning	

<p>"All residential buildings, including mobile homes placed on foundations on Lots 1 through 12 as shown on the Final Map for Van Ness Ranch II Subdivision, filed in Book of Maps at Page _____, Mariposa County Records, shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the Van Ness Ranch II Subdivision and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit."</p> <p>Mariposa Planning Recommendation</p>		
<p>30. Subdivision Map Act Section 66434.2 applies to the filing of the final map for this project.</p> <p>Mariposa Planning Recommendation</p>	<p>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>31. The following statement shall be filed with the final map and referenced on the final map:</p> <p>"Water supplies for residential lands are derived from private wells on these parcels. 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>Environmental Health</p>	
<p>32. Percolation tests and soils analysis tests have been performed on lots 1 through 12 in accordance with Mariposa County Health Department rules and regulations and Health Department Policy 03-01. A report meeting the requirements of Health Department rules and regulations was submitted to the Mariposa County Health Department and has been approved by the County Environmental Health Specialist. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Lots 1 through 12 as shown on the Final Map for Van Ness Ranch II Subdivision, filed in Book of 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 lot that has not had an approved</p>	<p>Environmental Health</p>	

<p>Any subdivision of these parcels that involves construction of a subdivision easement road that would encroach into the setback area of or cross Pegleg Creek and/or its tributaries shall only occur upon the completion of a site specific biological assessment of the proposed disturbed area by a qualified biological consultant and the implementation of any recommended mitigation measures.</p> <p>This setback shall be in perpetuity and shall restrict the use of the land within the setback."</p> <p>Mitigation Measure 4.b.1</p>		
<p>35. Any tree removal or pruning that is necessary to implement the project as described in the project's conditions of approval shall occur between September 15 and January 31, the time-frame which is outside of the general avian nesting season. Should such tree removal or pruning occur between February 1 and September 15 a pre-construction survey conducted by a qualified biologist/botanist shall be required to determine if such removal violates the provisions of Fish and Game Code sections 3503, 3503.5 and 3513. The survey shall be conducted no more than 30 days prior to tree removal or pruning. If these code sections will be violated by tree removal or pruning between February 1 and September 15, mitigation measures established by the qualified biologist/botanist shall be implemented to reduce impacts of this tree removal or pruning to less than significant levels. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to such tree removal or pruning on the site.</p> <p>Mitigation Measure 4.d.1</p>	Public Works	
<p>36. Open space setbacks of 30 feet surrounding all prehistoric Native American sites as identified in the Cultural Resource Survey prepared for the project site dated November 2007 shall be established and shown on the final map for the property. A document shall be recorded and referenced on the final map stating the following:</p> <p>"No structure shall be constructed within the open space setbacks as shown on the final map for Van Ness Ranch II filed in Book of Maps at Page_____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. No grading shall be allowed within the setback. This setback shall be in perpetuity and shall restrict the use of the land within the setback."</p> <p>Mitigation Measure 5.a.1</p>	Mariposa Planning	
<p>37. During road grading and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological,</p>	Mariposa Planning	

<p>Road Improvement and Circulation Policy standards from the point of the encroachment to a public road meeting these standards.</p> <p>The County Engineer will confirm that this condition has been met prior to map filing.</p> <p>Planning Commission Condition</p>		
RECOMMENDATION ON OFFERS OF DEDICATION		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities, but not for maintenance, for the on-site easement road.</p> <p>Mariposa Planning Recommendation</p>	Public Works	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for Silva Road.</p> <p>Mariposa Planning Recommendation</p>	Public Works	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Skip Strathearn	209-742-1247 sstrathearn@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 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 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 Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
CalFire	Matt Watson	209-966-3622	5366 Highway 49 North Mariposa CA 95338	5366 Highway 49N Mariposa, CA 95338
Department of Fish and Game	Lisa Gymer	559-243-4014	1234 East Shaw Avenue, Fresno, CA 93710	1234 East Shaw Avenue, Fresno, CA 93710

EXHIBIT 3
MITIGATION MONITORING
FOR
Major Subdivision Application No. 2007-135

MITIGATION MEASURE 4.b.1

An open space setback for Pegleg Creek and its tributaries within parcels 8, 9, 10, 11 and 12 shall be established and shown on the final map. The width of the setback area shall be 50 feet from the centerline of Pegleg Creek, and 25 feet from the centerline of tributaries to Pegleg Creek within these parcels, to protect the riparian corridor, native plants, species habitat, oak woodlands, and to prevent soil erosion. There shall also be a 25-foot setback from the top of a dam on a tributary and from the high water mark of water impounded by a dam. The setback shall exclude the existing road crossings 50 feet from the centerline of the creek and 25 feet from the centerline of the tributaries. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“No structure shall be constructed within the open space setbacks as shown on the final map for Van Ness Ranch II filed in Book of Maps at Page _____, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setback. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director in consultation with a qualified biological consultant, whose services shall be paid for the property owner. No grading shall be allowed within the setback, except as needed to implement the uses described in the following paragraphs.

Residential driveway construction encroaching into the setback area of or crossing Pegleg Creek and/or its tributaries on these parcels, including expansion of any existing crossings, may be subject to a Stream Alteration Agreement (SAA) with the Department of Fish and Game. Should it be determined that a SAA is required, the Agreement may involve site specific biological study of the proposed disturbed area including a wetland delineation. Owners of these affected parcels are encouraged to contact the Department of Fish and Game to determine if an SAA is needed prior to any residential driveway construction within this setback area.

Any subdivision of these parcels that involves construction of a subdivision easement road that would encroach into the setback area of or cross Pegleg Creek and/or its tributaries shall only occur upon the completion of a site specific biological assessment of the proposed disturbed area by a qualified biological consultant and the implementation of any recommended mitigation measures.

This setback shall be in perpetuity and shall restrict the use of the land within the setback.”

Monitoring for Mitigation Measure 4.b.1:

This mitigation measure will be monitored by the Mariposa County Planning Department through the final map filing process.

Monitoring for Mitigation Measure 5.a.2: The applicant shall ensure that if cultural resources as described above are uncovered during grading or construction activities on the project site, that all grading and/or construction work shall cease immediately and the Mariposa County Planning Department notified. The Mariposa County Coroner and the American Indian Council of Mariposa County shall also be notified in the event human remains are discovered. This measure will be monitored by the Mariposa County Planning Department through the project construction process and the implementation of applicable protocol as determined by a qualified consultant will ensure that potentially significant impacts to cultural resources are mitigated to a less than significant level.