

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2007- 038

A resolution conditionally approving Land Division Application 2007-041, Loren and Doris Rogers, applicants. Assessor Parcel Number 004-150-005

WHEREAS an application for Land Division Application 2007-041 was received on February 22, 2007 from Loren and Doris Rogers for a property located at 10330 McMahan Road, approximately 700 feet mile from Greeley Hill Road, also known as Assessor Parcel Number 004-150-005; and

WHEREAS Land Division Application #2007-041 proposes the division of a 10.52 acre parcel into 2 parcels, Parcel A of 2.51 acres, and Parcel B of 8.01 acres 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 September 7, 2007; 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 adopt a Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2007-041.

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.

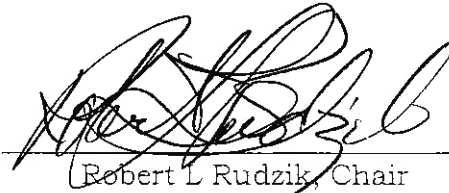
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Ross, this resolution is duly passed and adopted this by the following vote:

AYES: Ross, Skyrud, Rudzik, Francisco, DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Sharilyn Allen, Office Technician, for
Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application 2007-041

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

EVIDENCE: Based on site inspection, existing issued development permits, and the proposed division of the existing parcel into two parcels that are two and one-half (2.5) acres or greater, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Town Planning Area zone and the Greeley Hill Planning Area Land Use. The subdivision density is designed in accordance with the Town Planning Area zone and the Planning Area Land Use.

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, it would have a less than significant effect on the environment. According to a study conducted by a qualified wildlife biologist, there are no special, rare, or endangered animal or plant species or wildlife resources located on the project site and the surrounding area that would be affected by approval of this project. The land is currently and will continue to be used primarily for residential purposes. 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 of (\$1,800) for a negative declaration as required by AB 3158 and Senate Bill 1535 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 proper location and implementation of these

improvements will ensure that serious health problems will not occur on the site.

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

EVIDENCE: The land division is the initial step in the process to help accomplish 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.

Based upon input from the Mariposa County Public Works Department, Greeley Hill Road in the vicinity of the project site is maintained and has adequate capacity for the potential traffic volume generated by the total number of existing lots and those which are proposed by the project.

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

EVIDENCE: The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Greeley Hill Planning Area Land use of the General Plan and the Town Planning Area zone of the Zoning Ordinance. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. 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.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Land Division Application 2007-041

Project Name: Loran and Doris Rogers

File Number: LDA No. 2007-041

The following conditions of approval and/or mitigation measures were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions/mitigation measures have been complied with and implemented.

Project Approval Date: September 7, 2007

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. The non-exclusive easement (McMahon Road) from Greeley Hill Road to Parcel B shall be improved to the appropriate Rural Class standard pursuant to the Road Improvement and Circulation Policy in effect on the date of pre-construction conference required by Condition No. 2. The road shall meet these standards at the time of parcel map recordation and shall be approved by the County Engineer.</p> <p>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>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.]</p>	<p>PUBLIC WORKS</p>	

<p>2. 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 California Dept. of Forestry and Fire Prevention, the applicant, the agent, and a road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>[COUNTY IMPROVEMENT STANDARDS, SECTION 3 & SECTION 11.3(C)]</p>	<p>PUBLIC WORKS</p>	
<p>3. The easement road for McMahon Road through Parcel B to the northerly boundary of the project shall be made 30 foot wide and non-exclusive. (Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement standards and Road Improvements and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state that the dedications are offered for "public road and utility purposes.</p> <p>(Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p>		
<p>4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Greeley Hill Road Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.C.5 & COUNTY IMPROVEMENT STANDARDS SECTION 11]</p>		

<p>5. 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 <u>prior</u> to commencement of construction work on the required road improvements.</p>	<p>PUBLIC WORKS</p>	
<p>6. 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 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.</p> <p>[COUNTY IMPROVEMENT STANDARDS, SECTION 12]</p>	<p>PUBLIC WORKS</p>	
<p>7. All required signs shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>8. A STOP sign shall be placed at the intersection of the off site easement road and Greeley Hill Road. The design and placement of this STOP sign shall be approved by the County engineer prior to installation. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>9. If the onsite easement road 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 the easement road and Greeley Hill Road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County engineer prior to installation.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	

<p>10. A road name sign for the off-site easement road (McMahon Road) shall be placed at the intersection of the easement road and Greeley Hill Road prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.175; COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	<p>PUBLIC WORKS</p>	
<p>11. A road maintenance association shall be formed to provide for the maintenance McMahon Road. 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 recordation of the parcel map and shall:</p> <ul 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 governmental 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. 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 with the power of sale. e. Provide a mechanism for new parcels to be added to the association. <p>If an existing Road Maintenance Association (RMA) that performs these same functions exists, and if additional parcels can join the existing RMA, this shall be an acceptable alternative for meeting this condition.</p> <p>(ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p>PUBLIC WORKS</p>	
<p>12. A Verification of Taxes Paid Form, acquired no sooner than 30-days prior to the recordation of the parcel map, shall be submitted to the County Surveyor. [COUNTY SUBDIVISION</p>	<p>Public Works</p>	

ORDINANCE SECTION 16.12.395]		
CONDITION OF APPROVAL / MARIPOSA PLANNING	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>13. Project approval is valid for a period of three years from September 7, 2007. This approval shall expire on September 7, 2010.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>	MARIPOSA PLANNING	
<p>14. 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 revocation of project approval by the county.</p> <p>[COUNTY ORDINANCE NO. 1017]</p>	MARIPOSA PLANNING	
<p>15. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>Planning Department Recommendation</p>	MARIPOSA PLANNING	

<p>16. Parcel A shall have a minimum parcel size of 2.5 acres, exclusive of easement. At the time of recordation the applicant shall provide evidence and the County Surveyor shall verify that the minimum parcel size has been complied with.</p> <p>Section 17.12.C.1, Mariposa County Zoning Ordinance, Title 17.</p>	<p>MARIPOSA PLANNING</p>	
<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 Department of Fish and Game filing fee (\$1,800) and County Clerk fee (\$50) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, 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 \$1,850.00, 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>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>	<p>MARIPOSA PLANNING</p>	
<p>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>18. Percolation tests and soils analysis tests shall be performed on Parcels A in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County R.E.H.S. prior to recordation of the parcel map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. 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 A and B as shown on the Parcel Map for _____, recorded in Book ____ of Parcel Maps at Page ____ Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. A map identifying the location of the approved percolation tests is on file in the County Health Department. If an on-site septic system is proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may</p>	<p>HEALTH DEPARTMENT</p>	

be required.”

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

19. Prior to recordation of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcels A has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

- a. an approved connection from an approved public water provider; or
- b. a proposed connection to a shared well which has been pre-approved by the Health Department; or
- c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or
- d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or
- e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in “Section d.” above.

Additionally, if the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:

“Water supplies for residential lands are derived from private wells on Parcels A and B as shown on the Parcel Map for _____, recorded 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

<p>be found or sustained on any parcel shown on this map.” (Mariposa County General Plan, Section 5.3.02.E(4))</p>		
<p>CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>20. 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 _____, recorded in Book _____ of Parcel Maps at Page _____ M.C.O.R. shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource 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 Resource Code 4291, including the requirement to maintain fire protection or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by CDF at the time of issuance of a residential building permit”</p> <p>Planning Department Recommendation</p>	<p>COUNTY SURVEYOR</p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Larry Enrico	209-742-1222 lenrico@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	P.O. Box 5

			Mariposa CA 95338	Mariposa CA 95338
Mariposa County Resource Conservation District	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	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. Dept of Forestry	Paul Alvarez	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site