

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-06

**A resolution conditionally approving
Land Division Application No. 2005-210;
Earl & Charlotte Heitzmann, applicants.
Assessor Parcel Number 015-120-018.**

WHEREAS an application for a land division was received on October 25, 2005 from Earl and Charlotte Heitzmann for property located at 3065 Triangle Road in the Triangle area, also known as Assessor Parcel Number 015-120-018 and

WHEREAS this application is Land Division Application No. 2005-210 and proposes to divide a 16.06 acre parcel into three parcels: Parcel A is 6.02 acres, Parcel B is 5.02 acres, and Parcel C is 5.02 acres. Parcel A is currently being developed with a single-family residence and will utilize onsite well and septic. Future development of Parcels B and C will also be served by onsite well and septic. The subject property is zoned Mountain Home, with a minimum parcel size of five acres, and has a General Plan designation of Mountain Home; and

WHEREAS the County Zoning Code Section 17.20.010.A.2. provides for the subdividing of land into five acres parcels in the Mountain Home zone, and the applicants are proposing residential development within the standards established by the Mariposa County General Plan; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

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

WHEREAS a finding has been made pursuant to section 15315 of the CEQA guidelines that the project is exempt from CEQA. This is a minor land division that will result in the creation of 3 parcels, Parcel A is already developed, and required road improvements are minor. Camp Meeting Creek is located onsite; however, it is a minor drainage lacking riparian vegetation or a defined drainage channel.

WHEREAS a Staff Report and Notice of Exemption were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS a duly noticed public hearing was scheduled for March 3, 2006; 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 Notice of Exemption and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant, and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LDA 2006-210; 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.

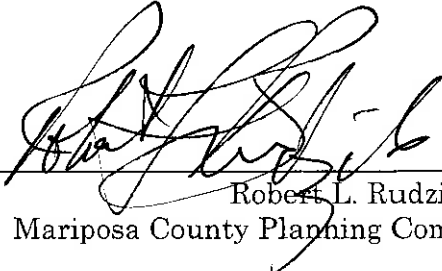
ON MOTION BY Commissioner Skyrud seconded by Commissioner Ross, this resolution is duly passed and adopted this 3rd of March, 2006 by the following vote:

AYES: Commissioners Skyrud, Ross, De Santis, Rudzik

NOES:

EXCUSED: Commissioner Ludington

ABSTAIN:



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION #2005-210

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

EVIDENCE: The parcels to be created are five or more acres in size. The parcels have access to a County maintained road. The topography of the subject property is acceptable for the construction of residences. 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 are met. The proposed project is located within the Mountain Home zone, five-acre minimum parcel size. 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: This project is exempt under section 15315 of the CEQA guidelines. This is a minor land division that will result in the creation of 3 parcels. Additionally, Parcel A is already developed and road improvement is minor. Camp Meeting Creek is located onsite; it is a minor drainage lacking riparian vegetation or a defined drainage channel.

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

5. **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.

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 fronts upon an existing county road. No new easements are necessary or required for the project, and the project will not conflict with any known public easement. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

EXHIBIT 2
CONDITIONS OF APPROVAL FOR
LAND DIVISION APPLICATION #2005-210

Project Name: Earl & Charlotte Heitzmann
2005-210

File Number: LDA No.

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.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	Monitoring department	Verified Implemented
<p>The onsite easement shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the boundary between Parcels A and B. 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 Improvement 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 on the Parcel map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	Public Works	
<p>2. A dedication of a minimum of 30 thirty feet from the centerline of Triangle Road that is adjacent to the subject property shall be offered to the County of Mariposa. The offer of dedication shall be</p>		

<p>non-revocable and specifically state on the Parcel Map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes. [County Subdivision Ordinance Section 16.12.150, Road Improvement and Circulation Policy Section II.A.3]</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance, and utilities for Triangle Road.</p>	<p>Public Works</p>	
<p>3. The easement from Triangle Road to Parcel A shall be improved to a Rural Class II SRA 'B' 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>[County Subdivision Ordinance Section 16.12.170, Road Improvement and Circulation Policy Chart A and Section II.D.]</p>	<p>Public Works</p>	
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road at the parcel boundary between Parcels A and B. The cul-de-sac shall be constructed to meet county standards and shall meet this standard at the time of parcel map recordation. 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 inspected and approved by the County Engineer prior to recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain</p>	<p>Public Works</p>	

<p>as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>[County Subdivision Ordinance Section 16.12.170, Road Improvement and Circulation Policy Chart A and Section II.A.2, County Improvement Standards, Section 11.4(9) & Section 11.4 (10)]</p>		
<p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Triangle 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>Public Works</p>	
<p>6. 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>Public Works</p>	

<p>[County Improvement Standards, section 3 & section 11.3(c)]</p>		
<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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/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>8. 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>9. A STOP sign shall be placed at the intersection of the on site easement and Triangle 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>10. 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 Triangle 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>11. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Triangle 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>12. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement. 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> <p>a. Be in effect for a period of not less than thirty (30) years 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 with the power of sale.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p>	<p>Public Works</p>	

<p>13. 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 Ordinance Section 16.12.395]</p>	<p>Public Works</p>	
<p>Condition of Approval / Mariposa Planning</p>	<p>Monitoring department</p>	<p>Verified Implemented</p>
<p>14. Project approval is valid for a period of three years from March 3, 2006. This approval shall expire on March 3, 2009.</p> <p>[Mariposa County Subdivision Code Section 16.12.430]</p>	<p>Mariposa Planning</p>	
<p>15. 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>Mariposa Planning</p>	

[County Ordinance No. 1017]		
16. The onsite 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 Board of Supervisors. The name of the road shall be shown on the Parcel Map. [County Resolution No. 92-541]	Mariposa Planning	
<p>17. OPTIONAL: Prior to recordation of the parcel map, the applicant may elect to file a Notice of Exemption with the County Clerks office. By filing the NOE the statute of limitations on appeals is shortened from 180-days to 35-days. The County Clerk fee of \$25 for the Notice of Exemption must be paid by the applicant 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 this fee, for a total of \$25.00, 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 the Notice of Exemption with the County Clerk.</p> <p>§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code</p>	Mariposa Planning	
CONDITION OF APPROVAL/ HEALTH DEPARTMENT	Monitoring department	Verified Implemented
18. Percolation tests and soils analysis tests shall be performed on Parcels B and C 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:	Health Department	

<p>“Approved percolation tests and soils analysis tests have been performed on Parcels B and C 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
<p>CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>	<p>Monitoring department</p>	<p>Verified Implemented</p>
<p>19. 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,B,C 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.”</p>	<p>California Department of Forestry and Fire Protection</p>	

<p>Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.</p>		
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Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Wes McCullough	209-742-1218 wmccullough@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
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	Blaine Shultz	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

Certificate of Completion:

By signing below, the project planner/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.

Project Planner/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.