
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-02

**A resolution conditionally approving Land Division Application
No. 2004-158, Joe Steele and Angela Beattie Steele, applicants.
Assessor Parcel Number 014-510-007**

WHEREAS an application for land division was received on August 18, 2004 from Joe Steele and Angela Beattie Steele for property located at 5142 Cole Road in the Bootjack Town Planning Area, Assessor Parcel Number 014-510-007; and

WHEREAS the application for land division is to subdivide a 5.5 acre parcel into two parcels; one of 2.72 acres and the other of 2.79 acres, 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 15061(b)3 of the California Environmental Quality Act that the project is exempt under CEQA in that CEQA applies only to projects which have the potential for causing a significant effect on the environmental, and

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 December 3, 2004; and

WHEREAS the project was continued to the next scheduled Planning Commission hearing of December 17, 2004 so as to give applicant, applicant's agent, and staff of County and State departments and agencies adequate time to address road improvement standards, and

WHEREAS at the December 17, 2004 Planning Commission hearing the project was continued to the next scheduled Planning Commission hearing of January 7, 2005 due to more time being needed to address possible amended conditions of approval related to road improvement standards, and

WHEREAS the Planning Commission did hold a public hearing on January 7, 2005 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 Land Division Application #2004-158; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and with the terms and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner D. Ludington, seconded by Commissioner S. Skyrud, this resolution is duly passed and adopted this January 7, 2005 by the following vote:

AYES: Commissioners S. Crain, D. Ludington, N. Ross, R. Rudzik, S. Skyrud

NOES:

EXCUSED:

ABSTAIN:


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

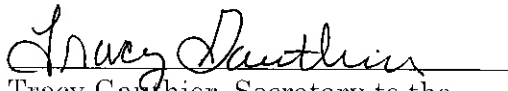

Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1
PROJECT FINDINGS
FOR

LAND DIVISION APPLICATION #2004-158

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 Zoning 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 parcels to be created are 2 ½ acres in size. The parcels front on an existing road. There are existing dwellings on both of the proposed parcels. The proposed project's General Plan designation and zoning is Bootjack Town Planning Area; single family dwellings on 2 ½ acre parcels are a permitted use. The subdivision density is designed in accordance with the density regulations identified for these designations.

3. **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: Staff reviewed the project in reference to the California Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County. This review did not reveal any areas of concern. The proposed project is a subdividing of land that does not require the construction of any new roads, does not impact any known biological resources, will not create any significant traffic or impact existing roads, will not require any significant improvements, and is in compliance with County subdivision ordinances.

4. **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 will not cause serious health problems. The proposed parcels currently

have low-density residential uses. 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 implementation of these improvements will ensure that serious health problems will not occur on the site.

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

EVIDENCE: The project is located in the Bootjack Town Planning Area, with a General Plan and zoning designation of the same. The County General Plan Land Use Element states Town Planning Areas are considered 'centers of service, commerce, industry, and population.' It further states that the minimum parcel size requirements for the TPA classification is 2 ½ acres, with on site-septic system and a private well.

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 fronts upon an existing easement. This unnamed easement is accessed from Cole Road, designated a Local Collector. No new easements are necessary or required for the project, and the project will not conflict with any public easement.

EXHIBIT 2
CONDITIONS AND MONITORING PROGRAM
FOR
LAND DIVISION APPLICATION #2004-158

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented, and fulfills the County of Mariposa's Monitoring requirements.

CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-158	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The existing easement adjacent to proposed Parcels A and B shall be re-offered and made 30' wide and non-exclusive. The easements shall be <u>reoffered</u> for dedication to the County of Mariposa. The <u>reoffers</u> of dedication shall be non-revocable and specifically state on the Parcel map that the dedications are for "public road and utility purposes." (COUNTY SUBDIVISION ORDINANCE SECTION 16.12.160.B; ROAD STANDARD CROSS-SECTIONS, ROAD IMPROVEMENT AND CIRCULATION POLICY).</p> <p><i>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.</i></p>	PUBLIC WORKS	
<p>2. The existing easement from <i>its intersection with</i> Cole Road to the cul-de-sac to the east end of the turnout taper as so proscribed in Condition of Approval #3 shall be improved to a Rural Class IIB standard and shall meet this standard at the time of parcel map recordation. The existing easement past this point of the turnout taper, including the existing cul-de-sac that is located at the terminus of this existing easement, shall be graded and rocked to a condition as approved by the County Public Works Department. 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 prior to the 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. COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170; ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.2.A).</p>	PUBLIC WORKS	

<p style="text-align: center;">CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-158</p>	<p style="text-align: center;">MONITORING DEPARTMENT</p>	<p style="text-align: center;">VERIFIED IMPLEMENTED</p>
<p>3. The existing cul de sac located at the easterly terminus of the project's easement shall be upgraded 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. This improvement shall be approved by the County Engineer prior to the recordation of the Parcel map. (COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.A.2)</p> <p>3. There shall be constructed along the north frontage of Parcel B along the unnamed easement road a turnout with taper; the northern length of this turnout shall be at least eighty (80) feet long and the southern length shall be at least sixty (60) feet long and the turnout's width shall be at least ten (10) feet; said surface of the turnout shall support a 40-52,000 pound load. This turnout's location and construction shall comply with the requirements set forth by the California Department of Forestry and Fire Prevention and the Mariposa County Public Works Department. Additionally, there shall be located on Parcel B an all-weather driveway at least twenty (20) feet wide by thirty (30) feet long; this driveway's location and construction shall comply with the requirements set forth by the California Department of Forestry and Fire Prevention and the Mariposa County Public Works Department. <u>The driveway shall be shown on the Parcel Map as being entirely in the existing easement, therefore the existing 60' easement in the driveway's location shall be extended to envelop this driveway.</u> (CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PREVENTION RECOMMENDATION AND PLANNING DEPARTMENT & COMMISSION REQUIREMENT.)</p>	<p style="text-align: center;">PUBLIC WORKS/CDF</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 Cole 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 (COUNTY IMPROVEMENT STANDARDS SECTION 11.8).</p>	<p style="text-align: center;">PUBLIC WORKS</p>	

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<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 if necessary, the California Department of Forestry and Fire Prevention 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. (PUBLIC WORKS AND PLANNING DEPARTMENT RECOMMENDATION)</p>	<p style="text-align: center;">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 Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed. (COUNTY IMPROVEMENT STANDARDS, SECTION 12, PLANNING AND NRCS/RCD RECOMMENDATION)</p>	<p style="text-align: center;">PUBLIC WORKS, PLANNING & NRCS/RCD</p>	
<p>7. All required signs, including the street name 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. (SECTION III.A.4, ROAD IMPROVEMENT AND CIRCULATION POLICY, COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p style="text-align: center;">PUBLIC WORKS</p>	
<p>8. A stop sign shall be placed at the intersection of the on-site easement and Cole_Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of all signage and the Stop Bar shall be approved by the County engineer prior to installation. (SECTION III.A.4, ROAD IMPROVEMENT AND CIRCULATION POLICY, COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p style="text-align: center;">PUBLIC WORKS</p>	

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<p>9. If the subject parcels' easement 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 Cole Road and the existing easement 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. (ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A.4; COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)).</p>	<p style="text-align: center;">PUBLIC WORKS</p>	
<p>10. A road name sign for the on-site easement shall be placed at the intersection of the existing easement and Cole 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. (COUNTY SUBDIVISION ORDINANCE COUNTY SECTION 16.12.175; IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p style="text-align: center;">PUBLIC WORKS</p>	
<p>11. A road maintenance association shall be formed to provide for the maintenance of the access road from Cole Road to the eul-de-sae <u>turnout taper/hammerhead as so constructed pursuant to Condition of Approval #3</u>. 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 style="text-align: center;">PUBLIC WORKS</p>	

<p>e. Provide a mechanism for new parcels to be added to the association.</p> <p>(SECTION II.I, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>		
<p>CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-158</p>	<p>MONITORING DEPARTMENT</p>	<p>VERIFIED IMPLEMENTED</p>
<p>12. A declaration or covenant of non-protest for road maintenance of the access road from Cole Road to and including the cul-de-sac shall be recorded concurrently with the Parcel map and shall be referenced on the Parcel map. The declaration of covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to Parcel Map recordation. (PUBLIC WORKS RECOMMENDATION)</p>	<p>PUBLIC WORKS</p>	
<p>13. Prior to commencement of road construction within the existing easement for subject parcels, the applicant shall provide a letter from Pacific Gas & Electricity (PG&E) to the Department of Public Works assuring that the electrical pole currently in the proposed easement has been moved outside of the area for road improvements or is beyond the limits of grading. (PUBLIC WORKS DEPARTMENT RECOMMENDATION)</p>	<p>PUBLIC WORKS</p>	
<p>14. 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>15. The existing access from Cole Road to the cul-de-sac shall be named in accordance with Mariposa County Resolution No. 92-541, with said easement [road] name being achieved through the filing on a Mariposa County Road Name Application. (MARIPOSA COUNTY RESOLUTION No. 92-541)</p>	<p>PLANNING</p>	

<p style="text-align: center;">CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-158</p>	<p style="text-align: center;">MONITORING DEPARTMENT</p>	<p style="text-align: center;">VERIFIED IMPLEMENTED</p>
<p>16. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>State Fire Safe Regulations</i>. 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. (CALIFORNIA FIRE SAFE REGULATIONS PUBLIC RESOURCES CODE 4290 & 4291)</p>	<p style="text-align: center;">PUBLIC WORKS & PLANNING</p>	
<p>17. <u>The following condition shall apply if the existing residential structure on Parcel B is not removed prior to the recordation of the Parcel Map.</u> <u>Based upon the existence of a habitable residential structure on Parcel B, which is connected to a well on Parcel A for domestic water, one of the following conditions shall be met prior to recordation of the parcel map:</u></p> <p><u>a. A maintenance agreement shall be prepared and recorded concurrently with the parcel map and referenced on the Parcel Map. The maintenance agreement shall provide for maintenance of the existing shared well and well improvements, and shall include Parcel A and Parcel B. The maintenance agreement shall be developed by the applicant so Parcels A and B are responsible for maintenance of the well and well improvements. The provisions shall be reviewed and approved by the Planning Director and County Counsel prior to recordation of the parcel map and shall:</u></p> <ul style="list-style-type: none"> • <u>Be in effect for a period of not less than thirty (30) years.</u> • <u>Provide for annual maintenance and the immediate correction of emergency and hazard situations.</u> • <u>Include both Parcels A and B.</u> • <u>Provide a mechanism to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent property with the power of sale</u> <p><u>In addition, an easement shall be shown on the Parcel Map on Parcel A for the well on Parcel A and the water line serving Parcel B. The easement shall be made wide enough for vehicular access for maintenance purposes, and shall be designated for the use and benefit of the subject property. The location and width of the easement shall be approved by the County Engineer.</u></p> <p><u>The maintenance agreement and easement may include termination provisions, should a well which is sufficient for domestic water use be drilled on Parcel B at any time in the future.</u></p>	<p style="text-align: center;">PUBLIC WORKS & PLANNING</p>	

OR

b. Prior to recordation of the parcel map, a well which is sufficient for domestic water use as determined by the Mariposa County Health Department, shall be drilled on Parcel B and connected to the existing residential structure on Parcel B. All connections from Parcel B to the well on Parcel A shall be permanently abandoned. A letter from the Mariposa County Health Department shall be submitted to the County Surveyor indicating that these provisions have been met.

(PLANNING COMMISSION RECOMMENDATION)