
**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2005-9

**A resolution conditionally approving Revised Tentative Map
No. 2005-3; Betty Mankins, applicant. Assessor Parcel Number
011-270-011.**

WHEREAS an application for Revised Tentative Map No. 2005-3 was received on the 11th day of January 2005 from Betty Mankins for a property located at 3486 Highway 140, Catheys Valley, also known as Assessor Parcel Number APN 011-270-011; and

WHEREAS the application proposed amended conditions of approval for Land Division Application No. 1485; and

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

WHEREAS a duly noticed public hearing was scheduled for the 4th day of March 2005; and

WHEREAS the Planning Department reviewed the previously adopted environmental documents in accordance with the California Environmental Quality Act and local administrative procedures and found the request for amended conditions was covered by the previous environmental determination; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

BE IT THEREFORE BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Revised Tentative Map No. 2005-3; and

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

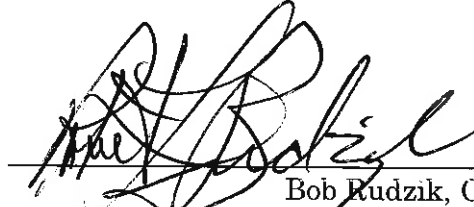
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Crain, this resolution is duly passed and adopted this 4th day of March 2005 by the following vote:

AYES: Ludington, Ross, Rudzik, Skyrud and Crain

NOES: None

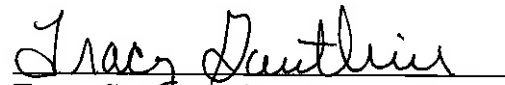
EXCUSED: None

ABSTAIN: None



Bob Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1 · Findings of Approval

1. Based on the size and number of parcels proposed and site inspection, the site is physically suited for low density homes and appurtenant improvements such as septic systems provided that the conditions of approval are met including the septic systems and approved locations requirements.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone (5-acre minimum parcels with individual wells and sewage disposal systems) and the Agriculture Exclusive zone (160-acre minimum parcels). The subdivision density is designed in accordance with the Mountain Home zoning and the remainder portion in the Agriculture Exclusive zone does not create further non-conformity.
3. The Initial Study prepared for the original project (LDA No. 1485) found that it would not have a significant impact on the environment. Pursuant to Section 15073 of the CEQA Guidelines, no substantial revision of the negative declaration has occurred as a result of the revisions proposed. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species located on the project site or the surrounding area. It will not substantially and avoidably injure fish and wildlife or their habitat, and will not individually or cumulatively have an adverse effect on wildlife resources.
4. This land division and its subsequent use for low density residential purposes will not 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 implementation of these improvements will ensure that serious health problems will not occur on the site.
5. The proposed map is consistent with the Mariposa County General Plan. The land division is the initial step in the process to 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. 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. The project will not conflict with any public easement.

8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act, and Mariposa County Code Title 16, the 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.

Exhibit 2 · Conditions of Approval

1. A declaration shall be recorded concurrently with and referenced on the parcel map stating:

“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder as shown on the Parcel Map for Betty Mankins, recorded in Book ___ of Parcel Maps at Page __, Mariposa County Records until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease, or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.”

2. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

“Approved percolation tests and soils analysis tests have been performed on Parcel B as shown on the Parcel Map for Betty Mankins, 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 be required.”

3. Prior to the recordation of the parcel map, all fees associated with the County’s processing of the map and filing of associated documents shall be paid.

4. A declaration shall be recorded concurrently with and referenced on the parcel map stating:

“The approved access for Parcel B as shown on the Parcel Map for Betty Mankins, recorded in Book ___ of Parcel Maps at Page __, Mariposa County Records is from a residential driveway encroachment directly onto Highway 140.”

Remainder Conditions

5. If the remainder was not shown on the parcel map then, prior to the recordation of the parcel map the applicant shall provide the Planning Department with a legal description for the remainder. The legal description shall be prepared by a licensed land surveyor or other qualified professional and the description shall be stamped and signed by the preparer.
6. Upon completion of all conditions applied to the remainder, a certificate of compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant.