
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-10

A resolution conditionally approving Land Division Application No. 2004-155 and Lot Line Adjustment No. 2004-156, Spencer Enterprises, Inc, applicant. Assessor Parcel Number 017-280-035 and 017-035-001

WHEREAS an application for lot line adjustment and land division was received on the 16th day of August, 2004 from Spencer Enterprises, Inc. for a property located at an unassigned address off of Ben Hur Road approximately 800 feet east of Buckeye Road, on the north side of Ben Hur Road, also known as Assessor Parcel Numbers 017-280-035 and 017-035-001; and

WHEREAS the Planning Department accepted the application as complete for processing and circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate on the 2nd day of September, 2004; and

WHEREAS a duly noticed public hearing was scheduled for the 7th day of January, 2005; 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; and

WHEREAS based on input received during the public hearing, the Planning Commission continued the public hearing until the 18th day of February, 2005 at 9:00 a.m. or as soon thereafter as possible. The Planning Commission required additional information in order to address comments raised during the public hearing regarding water supply and cultural resources onsite; and

WHEREAS on the 18th day of February, 2005, the Planning Commission continued the public hearing until the 18th day of March, 2005 at 9:00 a.m. or as soon thereafter as

possible, because the additional information required by the Planning Commission was not available for staff review in a timely manner; and

WHEREAS the Planning Commission did hold a continued public hearing on the 18th day of March, 2005, and considered all of the information in the public record, including the Amended Initial Study and the Amended Staff Report, new information regarding water availability and cultural resources onsite, 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 approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2004-155 and Lot Line Adjustment No. 2004-156, Spencer Enterprises, applicant; and

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

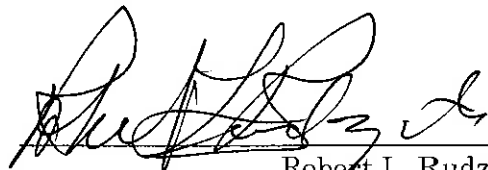
ON MOTION BY Commissioner Crain, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this March 18, 2005 by the following vote:

AYES: Commissioners Crain, Ludington, Ross, Rudzik, and Skyrud

NOES: None

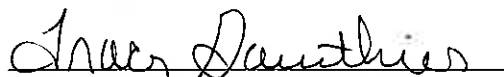
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1—FINDINGS OF APPROVAL

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 four parcels and a remainder that are all five acres or greater, 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. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone. According to testing done onsite, there is sufficient water available to support this development.

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 mitigation measures incorporated into the project approval, it would have a less than significant effect on the environment. 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, 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 (\$1,250) for a negative declaration as required by AB 3158 and a County Clerk fee of (\$25). The mitigation measures are incorporated in order to protect the two potentially significant cultural resources located onsite; the mitigation measures are based on recommendations from a qualified consultant and are sufficient to mitigate the impact of the project to less-than-significant levels.

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.” There is no specific plan governing this property.

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 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

Project Name: Spencer Enterprises, Inc.
155 and

File Number: LLA No. 2004-

Project Approval Date: March 18, 2005

LDA No. 2004-156

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.

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 onsite road easement from Ben Hur Road to the Remainder 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. Additional easement width and access improvements may be required in order to improve the onsite easement road and cul-de-sac to County standards. 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 easement 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."</p> <p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. Prior to recordation of the parcel map for this project, the applicant shall comply with all requirements necessary to abandon the portion of the existing easement dedicated to Mariposa County by Parcel Map Book 28 Page 16, which is not necessary to meet access requirements for this project. These requirements shall be established by the Public Works Department.</p>	Public Works	

(Project Proposal)		
<p>3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Ben Hur 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, including the drainage crossing for Kibu Creek. 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>Chapter 11, County Improvement Standards</p>	Public Works	
<p>4. A dedication of a variable-width easement as shown on Parcel Map 28-16 from the centerline of Ben Hur Road within the project site shall be re-offered for dedication to the County of Mariposa. The offer of dedication shall be 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</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy.</p>	Public Works	
<p>5. The road within the easement from Ben Hur Road to the proposed Remainder and Parcel 2 of the Lot Line Adjustment shall be improved to a Rural Class IIB 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 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, including the Kibu Creek drainage crossing. 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>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	Public Works	
<p>6. A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county</p>	Public Works	

<p>standards and shall meet these standards 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 approved and inspected 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 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>Section 11.4(B)(9) County Improvement Standards</p>		
<p>7. 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, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be set up 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>	Public Works	
<p>required signs, including 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.</p>	Public Works	
<p>stop sign shall be placed at the intersection of the onsite easement and Ben Hur Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p>	Public Works	
<p>sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the onsite easement and Ben Hur 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>on III.A.4, Road Improvement and Circulation Policy</p>	Public Works	

<p>11. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement up to its intersection with Ben Hur 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 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. 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>(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.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>road name sign for the onsite easement road shall be placed at the intersection of the</p>	<p>Public Works</p>	

<p>onsite easement road and Ben Hur 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>on 16.12.175, County Subdivision Ordinance</p>		
CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>14. 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 Planning Director. The name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>	Mariposa Planning	
<p>15. Project approval is valid for a period of three years from March 18, 2005. This approval shall expire on March 18, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>16. 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 (\$1,250) and County Clerk fee (\$25) 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 \$1,275.00, 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</p>	Mariposa Planning	
CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT		

<p>17. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as required 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 applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that re-vegetation and erosion control provisions have been completed.</p> <p>(County Improvement Standards)</p>	<p>NRCS/RCD</p>	
<p>CONDITION OF APPROVAL/ MARIPOSA COUNTY ENVIRONMENTAL HEALTH</p>		
<p>18. Soil profile holes shall be excavated on all parcels and the Remainder to the standards of the County Health Department and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. The location of the soil profile holes shall not be within the open space easements required by Mitigation Measure 1. The applicant shall provide the County Sanitarian with a map showing the location of the open space easements prior to scheduling a soil profile inspection with the County Health Department. If the County Sanitarian approves the parcel for septic disposal based on the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel 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 Sanitarian prior to recordation of the parcel map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). 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</p>	<p>Environmenta l Health</p>	

<p>performed on Parcels ___ as shown on the Parcel Map for Spencer Enterprises, Inc., 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.”</p> <p>Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation</p>		
REMAINDER CONDITIONS		
<p>19. 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. If the Remainder is not shown on the parcel map, a legal description prepared by a land surveyor or other qualified individual will be required.</p> <p>(Section 16.04.030, Subdivision Ordinance)</p>	Mariposa Planning	
<p>20. A declaration shall be recorded with the parcel map and shall be referenced on the parcel/final map:</p> <p>“Pursuant to Section 16.04.030 of Mariposa County Code, a Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder as shown on the Parcel Map for Spencer Enterprises, Inc., recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records.”</p> <p>(Section 16.04.030, County Subdivision Ordinance)</p>	Mariposa Planning	
MITIGATION MEASURES		
<p>21. Open space easements shall be designated on the parcel map for the cultural resource sites identified as BH-1 and BH-2 in the cultural resource survey prepared for the site. The easements shall be shown on the parcel map and shall be established a minimum of fifty (50) feet from all portions of the sites, unless the consulting</p>	Mariposa Planning	

<p>archaeologist determines that a lesser easement is adequate to protect the site(s) from potential impacts. The easements, including locations, shall be approved by the Planning Director. A declaration shall be recorded prior to or concurrently with the parcel map which states:</p> <p>“Grading, driveways, roads, and structures shall be prohibited within the open space easements on Parcel ___ and the _____ as shown on the Parcel Map for Spencer Enterprises, Inc., recorded in Book __ of Parcel Maps at</p> <p>Page __, Mariposa County Records.”</p> <p>(Mitigation Measure)</p>		
<p>22. A declaration shall be recorded prior to or concurrently with the parcel map which states:</p> <p>“If archeological materials are uncovered during future ground disturbance or construction on any parcel or the Remainder as shown on the Parcel Map for Spencer Enterprises, Inc., recorded in Book __ of Parcel Maps at Page __, Mariposa County Records, Mariposa County authorities and/or a qualified archeologist should be notified immediately.”</p> <p>(Mitigation Measure)</p>	<p>Mariposa Planning</p>	
<p>23. During any and all construction required as a condition of approval for this project, the required open space easements shall be temporarily fenced with snow fence or similar plastic fencing to provide physical protection for the cultural resources onsite. This fencing must be in place prior to the Public Works consultation meeting as required by Condition No. 7 and prior to the excavation of soil profile holes as required by Condition No. 18. County staff who will be onsite prior to commencement of work for these conditions shall ensure that the open space easements are sufficiently protected during construction.</p> <p>(Mitigation Measure)</p>	<p>Public Works/ Environmental Health</p>	

RECOMMENDATION ON OFFERS OF DEDICATION		
Staff recommends that the Planning Commission recommend 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.	Public Works	
Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, utilities, and maintenance for the re-offer for dedication on Ben Hur Road within the project site.	Public Works	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@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	Dennis Townsend	209-966-3622	5366 Highway 49 N Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the 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*.

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.