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

Resolution

No. 2005-15 **A resolution approving request for Amended Conditions No. 2005-12, amending conditions of approval for Land Division Application No. 2002-517, Timothy Hooper, applicant. Assessor Parcel Number 014-380-062.**

WHEREAS an application seeking to amend conditions of approval for Land Division Application #2002-517 was received on February 1, 2005 from Timothy Hooper for a property located at 3577 Highway 49 South, also known as Assessor Parcel Number 014-380-062; and

WHEREAS on June 30, 2003, the Mariposa County Planning Commission approved LDA #2002-517, which was to subdivide a 68-acre parcel into four parcels of five acres each and a remainder of 48 acres, and

WHEREAS the applicant is requesting to amend the approved Tentative Parcel Map so that the location of the onsite easement providing access to the proposed parcels can be changed from its location as shown on the approved Tentative Parcel Map, and

WHEREAS the location of the onsite easement is proposed to be relocated from running south along the western property line to running south through the middle of the subject property along the common property line of Parcel A & Parcel B with a cul-de-sac at the common corner of Parcels A, B, C, & D, and then continuing south along the common property line of Parcel C & Parcel D, ending at the common property line between these two parcels and the Remainder, 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 22th day of April 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 was 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 Staff Report and related documents, testimony presented by the public concerning the application, and the comments of the applicant, and

WHEREAS the Planning Commission made changes to Land Division Application #2002-517 Conditions of Approval #1, 14, 15, & 20 pursuant to Amended Conditions #2005-12, with said changes being shown in underlined italicized text for new text and strikethrough type for deleted text, as shown below, and

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Request for Amended Conditions #2005-12, amending **Conditions of Approval #1, 14, 15, & 20** of Land Division Application #2002-517 as stated: [deletions in ~~strikethrough~~ text and amendments are in *italics and underlined*.]

1. The proposed access road from the State Highway 49 South encroachment and then along the north property line of the subject property and then south along the common property line of Parcel A & Parcel B and continuing south along the common property line of Parcel C & Parcel D to a terminus at the Remainder South to Parcel D) shall meet Rural Class II standards ~~prior to the~~ at the time of recordation of the parcel map. 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.

14. A turnaround, or hammerhead T shall be constructed at the common corner of Parcels A, B, C, & D. shared parcel line of parcels A and B at the terminus of the on-site easement road. The turnaround shall be improved to meet county standards and CDF standards ~~prior to the~~ at the time of recordation of the parcel map. The required turnaround 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~~ at the time of recordation of the parcel map. If a hammerhead T turnaround is provided, a letter from CDF stating this condition has been met shall be provided to the county surveyor prior to the recordation of the parcel map.

15. ~~A turnaround easement to accommodate turnaround improvements or adequate easement to accommodate a "Hammerhead T" to be located at the shared parcel line of Parcels C and D shall be provided to encompass the required turnaround improvements. The easement shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes.~~

20. 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 until all of the subdivision conditions for the remainder, as established by the Planning Commission, have been met, including but not limited to proof of adequate and legal access to the remainder as determined by the County Engineer in consultation with the California Department of Forestry and Fire Prevention. ~~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.”

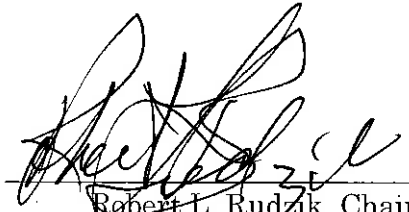
ON MOTION BY Commissioner D. Ludington, seconded by Commissioner S. Skyrud, this resolution is duly passed and adopted this April 22, 2005 by the following vote:

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

NOES:

EXCUSED:

ABSTAIN:



Robert L. Rudzik, Chair

Mariposa County Planning Commission

Attest:

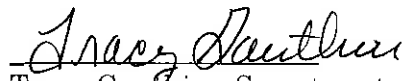

Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
AMENDED CONDITIONS #2005-12 FOR
LAND DIVISION APPLICATION #2002-517

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 Subdivision Ordinance, Section 16.16.040.B.3, the Planning Commission must find that the project meets certain general requirements, namely that: (a) the site is physically suitable for the project; (b) the project will not cause a substantial environmental impact; (c) the project will not cause serious public health problems; (d) the project is consistent with county plans; and (e) the project will not conflict with public easements.

1. Based on the given size and the number of parcels proposed and site inspections, the site has been found physically suited for the construction of low density home sites and appurtenant improvements such as septic systems, provided that the appropriate requirements are met in compliance with applicable Health Code requirements for residential septic systems and Mariposa County Health Department Recommendations for this land division.
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 septic systems). The subdivision density is designed in accordance with the Mountain Home zoning.
3. Amended Conditions #2005-12 can be found eligible for a Notice of Exemption from the California Environmental Quality Act as per Section 15305 of the CEQA Guidelines, consisting of minor alterations in land use limitations.

~~The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. Although the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, shows no special, rare, or endangered animal or plant species located on the project site or the surrounding area, the CDFG has determined 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 (\$1275) for a negative declaration as required by AB 3158. County Planning Staff also identified the presence of habitat for the Valley Elderberry Longhorn Beetle, and is recommending mitigation to minimize impacts.~~

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 septic systems.
5. The proposed map is consistent with the Mariposa County General Plan. 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. 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 size. The project site is not in an area governed by a specific plan.
7. As conditioned, 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 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.

EXHIBIT 2
AMENDED CONDITIONS OF APPROVAL OF
LAND DIVISION APPLICATION #2002-517
AS CHANGED BY AMENDED CONDITIONS #2005-12

The Commission's modifications to the recommended conditions and/or mitigation measures are indicated by deletions in ~~striketrough~~ text and amendments are in italics and underlined.

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies.

The complete list of amended and approved conditions of approval for LDA No. 2002-517 is as follows:

1. The proposed access road from the State Highway 49 South encroachment and then along the north property line of the subject property and then south along the common property line of Parcel A & Parcel B and continuing south along the common property line of Parcel C & Parcel D to a terminus at the Remainder South to Parcel D) shall meet Rural Class II standards ~~prior to the~~ at the time of recordation of the parcel map. 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.
2. Prior to the recordation of the parcel map, an encroachment permit for the expanded use of the existing driveway shall be acquired from CalTrans. A letter from CalTrans stating that this condition has been met shall be provided to the County Surveyor prior to the recordation of the parcel map.
3. The on-site easement shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department. The name of the road within the project site shall be shown on the parcel map.
4. Road name signs for the easement road shall be placed at the intersections of State Highway 49 and the on-site easement prior to the recordation of the parcel map. The design, placement and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards and approved by the County Engineer prior to the recordation of the parcel map, and if located in the state highway right-of-way, the sign should be part of the Caltrans encroachment permit (see Condition 2).
5. The applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County for the formation of a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the on-site easement road, prior to the recordation of the parcel map. The applicant shall be

responsible for all costs associated with the filing of the petition including preparation and cost estimates.

The Zone of Benefit document shall address the prevention of the introduction and/or spread of noxious weeds at the site or adjacent areas impacted by soil disturbance. These actions shall include the following practices:

a. Equipment shall be high-pressure water sprayed to remove soil from the wheels, tracks, and undercarriage of equipment prior to disturbing soil and before leaving the site.

b. Erosion control and mulching methods shall employ the use of weed free materials such as rice straw or other materials certified to be noxious weed free.

c. The property owners shall be required to monitor the cleaning of the site and area of soil disturbance for two years to assure that the area is free of noxious weeds. If noxious weeds are introduced, it is the responsibility of the property owners to eradicate the introduced noxious weeds to prevent their spread.

6. Percolation tests and additional soils analysis tests shall be performed on Parcel A, C and D 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:

"Approved percolation tests and soils analysis tests have been performed on Parcels A, C, & D as shown on the Parcel Map for <name>, recorded in Book<number> of Parcel Maps at Page<number>, 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."

7. 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 Resources 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 control provisions have been completed.

8. A notice shall be recorded for each parcel and referenced on the parcel map stating:

"A minimum of a 2500 gallon water storage tank available for Fire Department use during emergencies shall be required prior to the issuance of building permits for structures other than wells and septic."

9. Open space easements shall be established 50 feet from the centerline of the on-site drainages traversing the project and the existing drainage easement on the parcels shall be shown on the parcel map. The location of the easements shall be approved by the Planning Director prior to recordation of the parcel map. A statement shall be

recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows: "No structures shall be constructed within the open space easement. No grading shall be allowed within the easement, except that which is necessary to construct and maintain the roads for access of the parcels. Well pipes to a residence and underground power lines may be constructed within the open space easement subject to approval by the Planning Director. No vegetation may be removed from the easement except as determined necessary for fire protection or other safety purposes as determined by the appropriate emergency services agency and the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement."

10. 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. The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) shall be paid within five (5) working days of the approval of the application, and the parcel map shall not be recorded until this fee is paid. The County Clerk requires that one check be submitted to cover both of these Fish & Game fees. Please submit a cashiers check or money order payable to Mariposa County, for the total fees of \$1,275.00. The County Clerk will not accept a personal check for these fees.
11. Verification of taxes paid shall be submitted to the County Surveyor prior to the recordation of the Parcel Map.
12. A declaration shall be recorded with the parcel/final map and shall be referenced on the parcel/final map:

"A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code."

13. The entire length of the existing on-site easement shall be offered to the County of Mariposa. The offer of dedication shall be a minimum of 60 feet wide, non-revocable and specifically state the dedication is for "public road and utility purposes." Additional easement width may be required to encompass the required road improvements, and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The location and width of the offers of dedication shall be approved by the County Engineer.
14. A turnaround or hammerhead T shall be constructed at the common corner of Parcels A, B, C, & D, shared parcel line of parcels A and B at the terminus of the on-site easement road. The turnaround shall be improved to meet county standards and CDF standards ~~prior to the~~ at the time of recordation of the parcel map. The required turnaround 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~~ at the time of recordation of the parcel map. If a hammerhead T turnaround is provided, a letter from CDF stating this condition has been met shall be provided to the county surveyor prior to the recordation of the parcel map.
15. ~~A turnaround easement to accommodate turnaround improvements or adequate easement to accommodate a "Hammerhead T" to be located at the shared parcel line of Parcels C and D shall be provided to encompass the required turnaround improvements. The easement shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes.~~

16. 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 Department of Forestry and Fire Prevention, and the applicant and road contractor shall occur. 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.
17. In accordance with CDF recommendation, Parcel B shall meet PRC 4291 and those portions of PRC 4290 as stated on Attachment D prior to recordation of the parcel map, and, Parcels A, C and D shall meet all portions of PRC 4291 and PRC 4290 Standards (Attachment E) at the time they are further developed or improvements are made.
18. A botanical survey shall be conducted by a qualified biologist in compliance with the USFWS Conservation Guidelines for Valley Longhorn Elderberry Beetles and the survey shall be provided to Mariposa Planning for review and approval prior to start of any improvements required by conditions of this approval. If habitat or beetles are found then all mitigation measures identified by the biologist included in the survey shall be completed prior to the construction of the improvements proposed by this subdivision as required by conditions referenced above. No permit to construct or excavate shall be conducted as required by this project approval until the survey is conducted, submitted and approved by the Mariposa Planning Director. Verification that this condition has been met shall be provided in the form of a letter to the applicant and to the file record by the Mariposa Planning Department at such time that the survey has been submitted and approved.
19. A declaration shall be recorded with the parcel/final map and shall be referenced on the parcel/final map:

“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code.”
20. 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 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.”
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21. 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.