

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2005-31

**A resolution conditionally approving Land Division Application No. 2005-54, White Oak Ridge, LLC, applicant. Assessor Parcel Number 008-100-015**

WHEREAS an application for land division was received on March 16, 2005 from White Oak Ridge LLC for a property located at an unassigned address in Bear Valley, on the east side of Highway 49 North across the highway from the Pendola Gardens Road intersection, also known as Assessor Parcel Number 008-100-015; 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 23<sup>rd</sup> of September, 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,

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. 2005-54; 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.

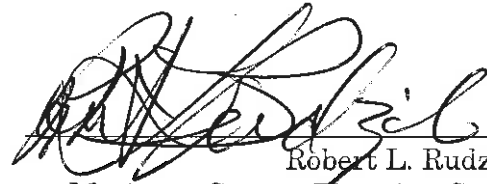
ON MOTION BY Commissioner Ross, seconded by Commissioner Ludington, this resolution is duly passed and adopted this September 23, 2005 by the following vote:

AYES: Commissioners De Santis, Ludington, Ross, Rudzik, and Skyrud

NOES: None

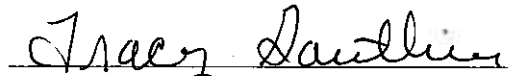
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

***Exhibit 1--Project Findings for LDA No. 2005-54***

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 of approximately 40 to 85 acres each and a Remainder of approximately 315 acres, 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 majority of the proposed project is located within the Mountain General zone, with a portion of the project site in the Mountain Preserve zone. The subdivision density is designed in accordance with the Mountain General zone, accommodating the Mountain Preserve zone as necessary.

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, 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 undeveloped and will 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 mitigated negative declaration as required by AB 3158 and a County Clerk fee of (\$25).

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 project site is not in an area governed by a Specific Plan. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. The minimum parcel size proposed by the project for Parcels A, C, and D is consistent with standards contained in the General Plan and the Zoning Ordinance for the Mountain General land use and zoning classifications. The portions of the project site that are located within the Mountain Preserve land use and zoning classification are arranged so that they meet at a point; based on this configuration, there is no way to design the project so that one Mountain Preserve parcel is created that meets the minimum parcel size for that zone. The project has been designed in such a way that the portions of the project that are subject to split zoning (proposed Parcel B and the Remainder) have a minimum of forty acres in the Mountain General zone, thereby meeting the minimum Mountain General parcel size. There is very limited potential for further development or subdivision of the split-zoned parcels, due to the very steep topography of the Mountain Preserve portions of the site. Additionally, further development or subdivision of the split zoned parcels is not an automatic right, but is subject to the same process as all discretionary projects; any proposals for further subdivision will be required to meet the minimum basic subdivision requirements. The existing General Plan created the split zoning on this parcel, and so therefore this project is consistent with the Mariposa County General Plan. The Board of Supervisors has recognized split zoning as a problem, and their draft General Plan will ensure that all parcels within the County are subject to only one land use and zoning classification.

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--Project Conditions for LDA No. 2005-54**

**Project Name: White Oak Ridge, LLC**  
**Project Approval Date: September 23, 2005**

**File Number: LDA No. 2005-54**

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

<b>Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures</b>		
	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. The road easement from State Highway 49 North to the cul-de-sac on Parcels C, D, and the Remainder shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road to encompass the required cul-de-sac improvements. 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."  §16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.	Public Works	
2. An encroachment permit shall be obtained from the California Department of Transportation prior to any work being done on or adjacent to State Highway 49 North. All encroachment improvements shall be completed as required by CalTrans. Evidence that the encroachment permit has been completed to the satisfaction of CalTrans shall be submitted to the County Surveyor by the applicant prior to recordation of the parcel map.	Public Works	

<p>Chapter 11, County Improvement Standards</p>		
<p>3. The road within the easement from State Highway 49 North to the cul-de-sac on Parcels C, D, and the Remainder shall be improved to a Rural Class I A SRA 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 the recordation of the parcel map. The County Engineer has indicated that he will require engineered improvement plans prepared by a Registered Civil Engineer for the portions of the road that cross the seasonal drainages onsite. The County Engineer may also require engineered improvement plans for any other grading or road improvement work required as a condition of approval for this project. 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>	<p>Public Works</p>	
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located on Parcels C, D, and the Remainder. The cul-de-sac shall be improved to meet county 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 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 as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. At the time of 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>Public Works</p>	
<p>5. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcel A and Parcel C. The declaration shall state the following:</p> <p>“Approved access for residential development of Parcel A and Parcel C as shown on the Parcel Map for White Oak Ridge LLC, recorded in Book ____ of Parcel Maps at Page ____, Mariposa County Records, is</p>	<p>CalTrans/ Public Works</p>	

<p>from <u>(insert approved road name).</u>"          The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>		
<p>6. 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 final map and shall:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels in the subdivision served by the access roads.</li> <li>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.</li> <li>e. Provide a mechanism for new parcels to be added to the association.</li> </ul> <p>Public Works Recommendation</p>	<p>Public Works</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, a consultation meeting with the Public Works Department, the California Department of Forestry and Fire Protection, the California Department of Transportation, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. 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 construction of any road improvements required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	

<p>8. 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, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 7. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the final map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.</p> <p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES); Mitigation Measure 4.b.2</p>	Public Works	
<p>9. 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, the applicant shall contact the California Department of Fish and Game (CDFG) to determine if a Section 1603 Streambed Alteration Notification is required. If required, the applicant shall obtain the notification or permit prior to the commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department prior to the onsite consultation meeting required by Condition of Approval No. 10. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that all permit requirements have been met to the satisfaction of the Department of Fish and Game.</p> <p>CDFG recommendation; Fish and Game Code section 1603</p>	Public Works	
<p>10. 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) or the Public Works Department. The applicant shall also contact the NRCS/RCD or Public Works for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD or Public Works stating that the re-vegetation and erosion control provisions have been completed.</p>	Public Works	



<p>11. All signs required by the conditions of approval for this project 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> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>12. A stop sign shall be placed onsite at the intersection of the onsite easement road and Highway 49 North. If this sign is placed in the CalTrans right-of-way for the highway, an encroachment permit shall be issued by CalTrans for the sign prior to installation. The stop sign shall be installed on a metal breakaway type post prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>13. A sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed onsite at the intersection of the onsite easement and Highway 49 North prior to map recordation. If this sign is placed in the CalTrans right-of-way for the highway, an encroachment permit shall be issued by CalTrans for the sign prior to installation. 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>(Section III.A.4, Road Improvement and Circulation Policy)</p>	<p>Public Works</p>	
<p>14. A road name sign for the onsite easement road shall be placed at the intersection of the easement road and Highway 49 North prior to map recordation. If this sign is placed in the CalTrans right-of-way for the highway, an encroachment permit shall be issued by CalTrans for the sign prior to installation. 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>§16.12.175, County Subdivision Ordinance</p>	<p>Public Works</p>	
<p>15. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the final map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p><b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b></p>		
<p>16. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road 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</p>	<p>Mariposa Planning</p>	

<p>parcel map.</p> <p>County Resolution 92-541</p>		
<p>17. Project approval is valid for a period of three years from September 23, 2005. This approval shall expire on September 23, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>18. Prior to recordation of the final 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 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 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>	<p>Mariposa Planning</p>	
<p>19. The Property Owner (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>Mariposa Planning</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>20. Prior to recordation of the parcel map, Lot Line Adjustment No. 2005-43 shall be completed and Certificates of Compliance shall be recorded on the parcels subject to that application.</p>	<p>Mariposa          Planning</p>	

**CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT**

<p>21. Soil profile holes shall be excavated on Parcels A, B, C, and D to the standards of the County Health Department and in the presence of the County Registered Environmental Health Specialist (R.E.H.S.), his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Registered Environmental Health Specialist approves the parcel for septic disposal based on the soil profile holes, a letter from the County R.E.H.S. 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 R.E.H.S. 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 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 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 performed on Parcels A, B, C, and D as shown on the Parcel Map for White Oak Ridge, LLC, 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>§ 16.12.330, County Subdivision Ordinance</p>	<p>Environmenta          l Health</p>	
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**CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE**

<b>PROTECTION</b>		
<p>22. Prior to recordation of the final map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p>	<p>CDF</p>	
<b>CEQA MITIGATION MEASURES</b>		
<p>22. An open space easement shall be designated on the parcel map for the cultural site identified in the cultural resource survey prepared for the site. The easement shall be clearly shown on the parcel map and shall be established a minimum of five (5) feet from all portions of the site, unless the consulting archaeologist determines that a lesser easement is adequate to protect the site from potential impacts. The easement, including its location, shall be approved by the Planning Director. Declarations shall be recorded prior to or concurrently with the parcel map which state:</p> <p style="padding-left: 40px;">“Grading, driveways, roads, and structures shall be prohibited within the open space easement on Parcel ___ as shown on the Parcel Map for White Oak Ridge LLC, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records.”</p> <p style="padding-left: 40px;">“If archaeological materials are uncovered during future ground disturbance of construction on any parcel or the remainder as shown on the Parcel Map for White Oak Ridge LLC, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records, Mariposa County authorities and/or a qualified archaeologist shall be notified immediately.”</p> <p>Mitigation Measure B.5.a.1</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 easement shall be temporarily fenced with snow fence or similar plastic fencing to provide physical protection for the cultural resources onsite, if the construction is within 100 feet of the required open space easement. This fencing must be in place prior to the Public Works consultation meeting as required by Condition No. 7 of the land division.</p> <p>Mitigation Measure B.5.a.2</p>	<p>Public Works</p>	
<b>RECOMMENDATION ON OFFERS OF DEDICATION</b>		
<p>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 of the onsite easement road.</p>	<p>Public Works</p>	

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Mariposa Planning Recommendation		
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