

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-34

A resolution conditionally approving Land Division Application No. 2005-61, Elwin and Virginia Floyd, applicants. Assessor Parcel Number 016-160-076.

WHEREAS an application for a land division was received on March 24, 2005 from Elwin and Virginia Floyd for a property located at an unassigned address on Old Highway, also known as Assessor Parcel Number 016-160-076 and

WHEREAS Land Division Application No. 2005-61 proposes to divide a 16.5 acre parcel into 3 parcels. Parcel 1 is 5.1 acres, Parcel 2 is 5.1 acres and Parcel 3 is 6.3 acres. The applicants are proposing residential development within the standards established by the Mariposa County General Plan. The subject property is zoned Mountain Home, with a minimum parcel size of 5 acres, and has a General Plan designation of Mountain Home; and

WHEREAS the County Zoning Code and Subdivision Ordinance provides for the subdividing of land into 5 acre parcels in the Mountain Home zone, 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 during the Initial Study environmental review there was determined that possible impacts to the environment were at a less than significant level, 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 a duly noticed public hearing was scheduled for October 7, 2005; 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

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt a Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LDA 2005-61; and

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

ON MOTION BY Commissioner Ross seconded by Commissioner Skyrud, this resolution is duly passed and adopted this 7th of October, 2005 by the following vote:

AYES: Commissioners Rudzik, De Santis, Ludington, Ross, 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 #2005-61

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 three parcels that are five acres or greater, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

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 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).

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 AND MITIGATION MEASURES
FOR
LAND DIVISION APPLICATION #2005-61

Project Name: Floyd, Elwin and Virginia File Number: LDA No. 2005-61

Project Approval Date: October 7, 2005

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
Project Description		
<p>Land Division Application No. 2005-61 proposes to divide a 16.5 acre parcel into 3 parcels. Parcel 1 is 5.1 acres, Parcel 2 is 5.1 acres and Parcel 3 is 6.3 acres.</p> <p>Applicant proposes to make offsite improvements to Old Highway to lessen traffic impacts to Old Highway. The applicant proposes to:</p> <ol style="list-style-type: none"> 1. Improve the staging area on Old Highway approximately 400 feet north of Thunder Road to the height and quality of Old Highway. 2. Cut back the cut bank and remove vegetation on Old Highway at mile .95 from Highway 140 to improve sight distance. <p>These improvements will be done in accordance to standards established in the county improvements standards and the SRA fire safe regulations. All proposed improvements will be finished prior to recordation of the parcel map.</p>		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. Thunder Road from Old Highway to Parcel 3 shall be improved to the minimum of a Rural Class II SRA "B" 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 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</p>	Public Works	

<p>improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>		
<p>2. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Old Highway, including work being proposed by the applicant. In addition, all grading and road improvement work required as a condition of approval of this project or proposed by the applicant 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 (Chapter 11, County Improvement Standards).</p>	Public Works	
<p>3. Prior to recordation of the Parcel Map, the applicant shall join the private road maintenance association created for land division application no. 2003-233. A declaration shall be recorded concurrently with the Parcel Map and referenced on the parcel map as follows:</p> <p>“ Parcel 1,2, and 3 as shown on the parcel map for _____ recorded in Book ____ of Parcel Maps at Page ____ MCR, shall be subject to the provision of the private road maintenance association created for parcel map 28-36, MCR.”</p> <p>The County Surveyor shall confirm that this condition has been met prior to parcel map recordation.</p>	Public Works	

<p>4. Access to parcels 1,2, and 3 shall be limited to Thunder Road; No encroachment permits to Old Highway for this parcel will be granted. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcel 1. The declaration shall state the following:</p> <p>"Approved access for residential development Parcels 1,2, and 3 is from Thunder Road."</p> <p>The County Engineer will confirm that this condition has been complied with prior to map recordation.</p>	<p>Public Works</p>	
<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 or proposed by the applicant 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 a road contractor 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.</p>	<p>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) or Public Works. 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>	<p>Public Works</p>	
<p>7. 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>Public Works</p>	
<p>CONDITIONS OF APPROVAL/ MARIPOSA HEALTH DEPARTMENT</p>		
<p>8. 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 ____ as shown on the Parcel Map for _____, 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 an approved percolation tests, additional percolation tests and design recommendations may be required.”</p>		
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>9. Project approval is valid for a period of three years from</p>	<p>Mariposa Planning</p>	

<p>October 7, 2005. This approval shall expire on October 7, 2008.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>		
<p>10. 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; 711.4(c) of the State Fish and Game code</p>	<p>Mariposa Planning</p>	
<p>11. The Property 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</p>	<p>Mariposa Planning</p>	

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.

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.

§16.36.030, Mariposa County Subdivision Code

CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION

12. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map that states:

“Future residential development shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”

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
DEPARTMENT
OF FOREST
AND FIRE
PROTECTION

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Wes McCullough	209-742-1218 wmccullough@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 North 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.