

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-15

A resolution approving Request for Amended Conditions No. 2004-9, amending conditions of approval for Land Division Application No. 2002-508, Fredrick Rathbun, applicant. Assessor Parcel Number 015-120-039

WHEREAS an application seeking to amend conditions of approval for Land Division Application #2002-508 was received on January 21, 2004 from Fredrick Rathbun for a property located at 5471 Clouds Rest, on Sierra Pines Drive near Dawn Lake in Bootjack, also known as Assessor Parcel Number 015-120-039; 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 May 7, 2004; 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 adopt 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 #2004-9, amending the conditions of approval for Land Division Application #2002-508 as shown in Exhibit 2 attached to this resolution.

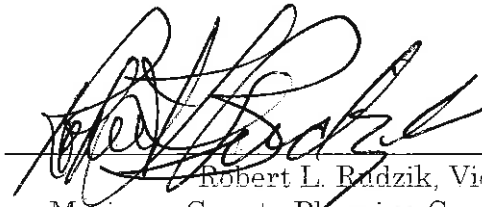
ON MOTION BY Commissioner Skyrud, seconded by Commissioner Ludington, this resolution is duly passed and adopted this May 7, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Skyrud, and Turpin

NOES: None

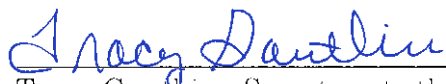
EXCUSED: Commissioner Crain

ABSTAIN: None



Robert L. Rudzik, Vice Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

REQUEST FOR AMENDED CONDITIONS #2004-9 FOR LAND DIVISION APPLICATION #2002-508 RECOMMENDED FINDINGS

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are recommended:

1. Based on site inspection and the size and the number of parcels proposed 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.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zoning.
3. 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. 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 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 (\$1,250) for a negative declaration as required by AB 3158 and a County Clerk fee of (\$25).
4. This land division and its subsequent use for low-density residential purposes will not cause serious health problems. Future residential uses will be required to comply with all Building Code regulations and Health Department standards for the proper installation of wells and sewage disposal systems. The proper implementation of these improvements will ensure that serious health problems will not occur on the site.
5. Upon Completion of the General Plan Zoning Amendment process, the proposed map will be 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 configuration. The project site is not in an area governed by a Specific Plan.
7. The project will not conflict with any public easement.
8. This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and 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.

Project Condition and Mitigation Monitoring Plan – Exhibit 2

Project Name: Fredrick Rathbun
Project Approval Date: May 7, 2004

File Number: Request for Amended Conditions #2004-9

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)

The following conditions of approval and mitigation measures were approved for Land Division Application #2002-508, with minor changes as noted. Deletions to the text approved by the Planning Commission are noted in ~~striketrough~~ font; additions to the text approved by the Planning Commission are noted as double-underlined italics. All conditions for the original project have been included; except for Conditions 2 and 18, the applicant has requested that staff's original language be reinstated. Condition 2 was re-written by the applicant, and Condition 18 was requested by CDF and written by staff.

Conditions of Approval:

1. Easement B ~~The driveway from Sierra Pines Drive to the driveway encroachment for Parcel B shall be improved to a Rural Class I 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. The Parcel Map shall describe an on-site easement for this new road as a 30' wide access and public-utility easement offered for dedication to Mariposa County.~~
2. Sierra Pines Drive ~~shall be improved to a Rural Class II SRA standard from Clouds Rest Road to the new on-site easement across Parcel A~~ from Clouds Rest to the end of the paved portion shall have all potholes repaired. Sierra Pines Drive from the end of the paved portion to Easement B shall be improved to a Rural Class I SRA standard. 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.
3. The applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of both Sierra Pines Drive and Easement B ~~the on-site easement (Parcel A)~~. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. In order to ensure that the subject properties do not bear an undue burden in maintaining the off-site portion of the access road, the zone of benefit shall be waived if the applicant demonstrates that 51% of the property owners served by the easement roads (Sierra Pines Drive and Easement B) calculated by the number of parcels or by assessed value, protest the formation of the zone of benefit. If the applicant cannot secure the signatures of 51% of the property owners served by the road, the applicant shall submit evidence satisfactory to the Planning Director that all property owners served by the easement roads have been notified of the petition for the road maintenance zone of benefit and that 51% of

those property owners calculated by the number of parcels and the assessed value, refused to sign the petition.

If the zone of benefit is waived, then a road maintenance association shall be formed to provide for the maintenance of Sierra Pines Drive and Easement B ~~the on-site easement (Parcel A)~~. As an alternative to the road maintenance association, the project parcels and Easement B ~~the on-site easement road (Parcel A)~~ may be included in the existing Sierra Pines Drive road maintenance association.

If a road maintenance association is formed, 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 Planning Director and County Counsel prior to recordation of the parcel map and shall:

- 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.

If the zone of benefit is waived, a declaration or covenant of non-protest for road maintenance of Sierra Pines Drive and Easement B ~~the on-site easement (Parcel A)~~ shall be recorded concurrently with the parcel map and shall be referenced on the parcel map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration shall also state that the owner or future owners of the parcels agree to pay their fair share of the costs for formation of the zone of benefit. The declaration or covenant shall be made on a form approved by the Public Works Director and County Counsel and shall be approved by the Planning Director prior to recordation.

4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Clouds Rest Road 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. 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.
5. Upon completion of the required road improvement, 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.

6. Easement B ~~The on-site easement (Parcel A)~~ shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and shall be approved by the Board of Supervisors. The name of the road within the project site shall be shown on the map.
7. A road name sign for Easement B ~~the on-site easement (Parcel A)~~ shall be placed at the intersection of Easement B and Sierra Pines Drive. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.
8. All required signs, with the exception of street name signs, shall be installed on metal, break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.
9. All structures shall meet the Defensible Space Standards and PRC 4291 standards at the time of Parcel Map recordation. A letter shall be submitted to the County Surveyor from CDF stating this condition has been met.
10. Addressing for current driveways, residences, and other structures shall meet PRC 4290 standards prior to map recordation. Addresses shall be posted at driveway entrances and shall be visible and legible from 100 feet in both directions. Addresses shall be a minimum 3-inch letter height, 3/8-inch stroke, reflectorized, contrasting with the background color of the sign. A letter shall be submitted to the County Surveyor from CDF stating this condition has been met.
11. ~~Parcel A's and B's~~ address shall be modified as a result of the new road name for Easement B. The applicant shall provide evidence to the County Surveyor that this condition has been met, prior to map recordation.
12. Prior to map recordation,
 - A. a non-exclusive easement shall be shown on the Parcel Map from Parcel B to the well on Parcel A. The easement shall encompass the water lines and water tank. The easement around the water lines shall be a minimum of 10 feet in width. The easement around the well and water tank shall provide at least 25 feet of clearance from each structure. The easement shall be created to allow routine maintenance and/or replacement activities on the well, water tank, and water lines.

OR

 - B. an individual well shall be developed to serve Parcel B.
13. If option 12A is chosen, then a document addressing shared maintenance of the responsibilities for the joint well and water tank shall be recorded concurrently with the map and referenced on the map. The maintenance document shall be approved by the Planning Director prior to map recordation.
14. Prior to recordation of the Parcel Map, the sewage disposal system should be flagged in the field, and the Health Department notified to ensure it meets setbacks. The Health Department may also require that the proposed property lines be flagged in the field. If the sewage disposal systems do not meet setbacks, property lines may need to be adjusted. A letter from the Health Department

shall be submitted to the County Surveyor, which states that all required setbacks are met for the existing sewage disposal systems.

15. 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) 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.
16. Verification of taxes paid shall be submitted to the County Surveyor prior to the Parcel Map recordation.
17. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval of this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department and the applicant and road contractor shall occur on-site. 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.
18. Prior to issuance of any permit for development, 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.

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-966-0306 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 North Mariposa CA 95338	Same as site

Certificate of Completion:

Condition and Mitigation Measure Monitoring Plan for Fredrick Rathbun
Request for Amended Conditions #2004-9 Exhibit 2, Page- 5 -

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.