

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

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. 2004-23

**A resolution conditionally approving Land Division Application #2003-246, Mark and Dorothy Lamb, applicants. Assessor Parcel Number 002-110-002**

WHEREAS an application for a minor land division was received on October 17, 2003 from Mark Lamb for a property located at near Coulterville at 5425 Dogtown Road, also known as Assessor Parcel Number 002-110-002; 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 June 18, 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 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 #2003-246; and

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

ON MOTION BY Commissioner Turpin, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this June 18, 2004 by the following vote:

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

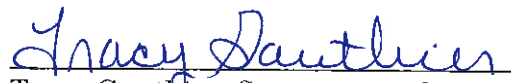
NOES: None

EXCUSED: None

ABSTAIN: None

  
Susan Taber Crain, Chair  
Mariposa County Planning Commission

Attest:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

## **Project Findings – Exhibit 1**

### **LDA #2003-246 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. The proposed turnout next to the bridge was necessary to mitigate the project's impact to the provision of emergency access. 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: Lamb Land Division File Number: LDA #2003-246**  
**Project Approval Date: June 4, 2004**

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>		
	<b>Monitoring Dept.</b>	<b>Verified Implemented</b>
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. A dedication of 30-feet from the centerline of Dogtown Road for both sides of said road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer (Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).	Public Works	
2. A shared encroachment easement shall be shown on Parcel 2 at the location of the existing driveway for the benefit and use of the existing homes on parcels 2 and 3. The encroachment shall be made 60 feet by 60 feet and non-exclusive. The easement shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes." Prior to recordation of the map, the location and width of the easement shall be approved by the County Engineer (Public Works Department Recommendation).	Public Works	
3. If the applicant chooses to place a road from the shared encroachment on Parcel 2 that serves two or more homes, rather than have separate driveway connections that originate from the shared encroachment, then the following requirements apply:  (a) Easement: A private easement that extends from Dogtown Road to the point at which a driveway for one of the homes diverts from the road, shall be created to provide access to parcels 2 and 3. This private easement shall be made 60-foot wide and non-exclusive unless a narrower width (no less than 40-feet) is permitted by the County Engineer. The easement shall be designated for access for the use and benefit of the subject properties. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall	Public Works	

<p>specifically state on the parcel map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easement shall be approved by the County Engineer; and</p> <p>(b) Road Improvement: The easement as described in (a) above shall be improved to a Rural Class 1 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 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; and</p> <p>(c) a road maintenance association shall be formed (see condition #4).</p>		
<p>4. A road maintenance association shall be formed to provide for the maintenance of the road in easement described in Condition 3. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> <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 road.</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>	Public Works	
<p>5. Encroachment permits shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Dogtown Road, including the common encroachment that will serve Parcels 2 and 3 and the individual encroachments for Parcels 1 and 4. In addition, all grading and road improvement work required as a condition</p>	Public Works	

<p>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 (Chapter 11, County Improvement Standards).</p>		
<p>6. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, and 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>7. All grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer <u>prior</u> to commencement of construction work on the required road improvements.</p>	<p>Public Works</p>	
<p>8. For any road requiring a road name, a road name sign shall be placed at the intersection of said road and Dogtown Road prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.          (Section 16.12.175, County Subdivision Ordinance).</p>	<p>Public Works</p>	
<p>9. Prior to recordation of the parcel map, the map shall be revised to show the proposed parcel lines to project to the centerline of Dogtown Road.</p>	<p>Public Works</p>	
<p>10. Prior to map recordation, the parcel map shall include an easement of an adequate width in the area of the existing north-south road at the westerly side of proposed Parcel 1, to encompass the existing road within proposed Parcel 1, whose purpose is for public access and public utilities.</p>	<p>Public Works</p>	
<p>11. The "Verification of Taxes Paid Form" shall be submitted to the County Surveyor prior to recording the Parcel Map.</p>	<p>Public Works</p>	

<b>Condition of Approval / Mariposa Planning</b>		
<p>12. Prior to map recordation, any required roads shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the <b>parcel</b> map (County Resolution No. 92-541).</p>	<p>Mariposa Planning</p>	
<p>13. Prior to recordation of the Parcel Map, an address shall be obtained from the County Assessor's Office for each existing onsite and off-site residence that takes access from the newly named road. The applicant shall provide to the County Assessor's Office any information necessary to assign a new address, such as the location of existing driveway encroachments.</p>	<p>Mariposa Planning</p>	
<p>14. 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. The County Clerk requires that one check be submitted to cover both of these Fish and 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.</p>	<p>Mariposa Planning</p>	
<b>Condition of Approval / California Department of Forestry (CDF)</b>		
<p>15. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>SRA Fire Safe Regulations</i>. A document shall be recorded and referenced on the Parcel Map that states:</p>	<p>Public Works</p>	
<p>"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 <i>SRA Fire Safe Regulations</i> and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291."</p>		
<p><del>16. Turnouts constructed within the existing public access easements or right-of-way to the minimum standards of CDF (unless waived by CDF) are required on each side of the bridges located on Dogtown Road. Prior to any work being performed, the applicant must comply with conditions 6 and 7 as specified above. Such improvement shall be completed prior to map recordation as confirmed in a letter from CDF to the County Engineer.</del></p>	<p>Public Works</p>	
<b>Condition of Approval / Health Department</b>		
<p>17. Soil profile holes shall be excavated on Parcel 4 to the standards of the County Health Department and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Sanitarian approves the parcel for septic disposal based on</p>	<p>Mariposa County Health</p>	



<p>the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the parcel map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been 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 approved percolation tests, additional percolation tests and design recommendations may be required."</p>		
<b>Condition of Approval / Natural Resource Conservation Service (NRCS)</b>		
<p>18. 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 (NRCS). The applicant shall also contact the NRCS for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS stating that the re-vegetation and erosion control provisions have been completed.</p>	NRCS	
<b>REMAINDER CONDITIONS:</b>		
<p>19. If the remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder.</p>	NA Public Works	
<p>20. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p> <p style="padding-left: 40px;">"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</p>	Mariposa Planning	

<p>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.”</p>		
<p>21. 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.” (Section 16.04.030, County Subdivision Ordinance)</p>	<p>Public Works</p>	
<p>22. Upon completion of all conditions applied to the remainder, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, a legal description prepared by a land surveyor or other qualified individual will be required.</p>	<p>Mariposa Planning</p>	
<p>23. Soil profile hole shall be excavated on the Remainder to the standards of the County Health Department and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Sanitarian approves the parcel for septic disposal based on the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor. If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the certificates of compliance. A letter from the County Sanitarian shall be submitted to the Planning Director 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 certificate of compliance and referenced on the parcel map as follows:</p> <p>"Approved percolation tests and soils analysis tests have been performed on the Remainder Parcel 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</p>	<p>Mariposa County Health</p>	

proposed for a portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."		
<b>MITIGATION MEASURES:</b>	NA	
24. A fuel management zone of 100-feet wide along the perimeter of the project shall be delineated on the parcel map. A statement shall be recorded for in Official Records concurrently with the parcel map and referenced on the parcel map as follows:  "A fuel management zone of 100-feet wide exists along the project boundary. The construction of residential structures or accessory structures (except for fences, utilities, a well house) shall not occur in this area unless otherwise approved by the California Department of Forestry. This fuel management zone shall be in perpetuity and has the potential to restrict the use of the land within it. If a building is placed outside the fuel management zone, fuel reduction measures are still required."	Public Works	
25. <u>Construct a turnout to minimum California Department of Forestry (CDF) standards unless otherwise approved by CDF on the southwest side of the second bridge on Dogtown Road from Greeley Hill Road. Prior to any work being performed, the applicant must comply with conditions 5, 6 and 7 as specified above. Such improvement shall be completed prior to map recordation as confirmed in a letter from CDF to the County Engineer. This turnout shall meet this standard at the time of parcel map recordation as confirmed by the County Engineer.</u>	Public Works	
<b>RECOMMENDATION ON OFFERS OF DEDICATION</b>		
The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Dogtown Road.	Public Works	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Bill King	209-966-0305 bking@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
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 N. Mariposa CA 95338	Same as site

Certificate of Completion:

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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*.

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Environmental Coordinator

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Date

***Explanation of Headings:***

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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.