

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-29

A resolution conditionally approving Land Division Application No. 2004-5, Alfonse Castaldi, applicant. Assessor Parcel Number 015-350-064.

WHEREAS an application for land division was received on January 20, 2004 from Alfonse Castaldi for a property located at an unassigned address, approximately one-half mile east of Ponderosa Court, also known as Assessor Parcel Number 015-350-064; 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 July 23, 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 #2004-5; 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 Ludington, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this July 23, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Skyrud, and Turpin

NOES: None

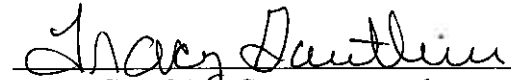
EXCUSED: Commissioner Crain

ABSTAIN: None



Robert L. Rudzik, Vice Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1

RECOMMENDED PROJECT FINDINGS

for

LDA #2004-5

This land division application has been processed and reviewed in accordance with standards set forth in the Subdivision Map Act and Title 16, County Subdivision Ordinance. When the required conditions are met, the project will be in compliance with the Subdivision Map Act and the County Subdivision Ordinance. Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040.B.3, and based on the evidence presented in the staff report and comments provided at the public hearings, the following Findings are recommended:

1. **FINDING:** The site is physically suitable for the type and density of development.

EVIDENCE: 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. Furthermore, 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 zone. The existing and proposed access to and within the project together with the proposed road improvements are consistent with adopted codes, policies and laws. Easements are of the proper type in the appropriate locations and roads meeting minimum improvement requirements of the county and state will be provided.

2. **FINDING:** The design of the subdivision or the proposed improvements are 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 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 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).

3. **FINDING:** The design of the subdivision or the proposed improvements are not likely to cause serious public health problems.

EVIDENCE: 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.

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 easement, 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. Public access roads are proposed and will meet minimum improvement requirements. Public utility easements are provided for in the proposed road easements. A water line exists underneath a portion of the through road. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

Exhibit 2
CONDITIONS AND MITIGATION MONITORING PROGRAM
for
Land Division Application No. 2004-5

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 draft text of these conditions and mitigation measures was included in the staff report presented to the Planning Commission; additions to the text are noted in *italics and double-underline font* and deletions are shown in ~~strikethrough text~~.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The easement for all project roads shall be made 60-foot wide and non-exclusive. (A cul-de-sac easement with a radius of 45 feet shall be provided 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 <i>parcel</i> map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p>	Public Works	
<p>2. The through road (from Ponderosa Court to the cul-de-sac located off-site on the Oakander Parcel Map) shall be improved to a Rural Class IIB standard, and the proposed on-site cul-de-sac road and extension to Parcels A and B shall be improved to a Rural Class IB standard, and all roads shall meet these standards (including pavement requirements as determined by the County Engineer) 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. (Section 16.12.170,</p>	Public Works	

<p>County Subdivision Ordinance; Chart A and Section II.D.2.a, RICP).</p> <p>3. <u>If the parcel map for project approved by Land Division Application No. 2002-516; Oakander, has not yet been recorded, then the following requirements shall apply:</u> The through road (from the east end of the project boundary to Pilot Peak Drive) shall be restored to a Rural Class I SRA standard for a paved surface or paved turnouts shall be constructed every 300-feet (same requirement as Condition #1 of the Oakander LDA #2002-516), and it 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. (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, RICP).</p>		
<p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county standards prior to the recordation of the parcel map. 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 meet these standards (including pavement requirements as determined by the County Engineer in consultation with the California Department of Forestry) at the time of parcel map recordation as confirmed by the County Engineer. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p>	Public Works	
<p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Ponderosa Court and Pilot Peak Road. In addition, 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 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. All cut and fill areas required for the construction of the proposed access road shall be within the road easement and shall be delineated as such on the parcel map. The location, width, and description of the easements shall be approved by the County Engineer.</p>		
<p>7. All required signs including street name signs, shall be installed on metal, break-away type posts prior to map recordation. The design and</p>	Public Works	

<p>placement of signs shall be approved by the County Engineer prior to installation.</p>		
<p>8. A stop sign shall be placed at the intersection of the cul-de-sac easement road and <u>Parker Drive</u>, and at the intersection of <u>Parker Drive and Ponderosa Court</u>. These stop signs shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.</p>		
<p>9. A road name sign for the cul-de-sac easement road shall be placed at the intersection of the cul-de-sac road and the through road prior to map recordation. A road name sign for the through road shall be placed at the intersection of the through road and Ponderosa Court 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>10. <u>If project roads are accepted by the County for public access but not for maintenance,</u>), then signs stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed prior to map recordation. 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. (Section III.A.4, Road Improvement and Circulation Policy).</p>	<p>Public Works</p>	
<p>11. The applicant shall file a completed petition on a form to be approved by the County Engineer (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 Parker Drive from Ponderosa Court to and including all those portions of said road within the Parker, Castaldi and Oakander Parcel Maps. 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 access road, the zone of benefit shall be waived if the applicant demonstrates that 51% of the property owners served by the unnamed road calculated by the number of parcels or by assessed value, protest the formation of the zone of benefit.</p> <p>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 County Engineer 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.</p> <p>If the zone of benefit is waived, then a road maintenance association shall be formed to provide for the maintenance of</p>	<p>Public Works</p>	

<p>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 County Engineer prior to recordation of the parcel map and shall:</p> <ol style="list-style-type: none"> 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. e. Provide a mechanism for new parcels to be added to the Association. 		
<p>12. 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 the cul-de-sac road. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future.</p> <p>(Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)</p>	Public Works	
<p>13. If a Zone of Benefit is not formed, then a declaration or covenant of non-protest for road maintenance of the on-site roads 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 or covenant shall be approved by the Public</p>	Public Works	

Works Director prior to recordation.		
14. Fuel modification shall be performed within all road easements and the emergency egress easement. The method and type of fuel modification shall be done in accordance with the Mariposa County Road Improvement and Circulation Policy and shall be approved by the County Engineer. All burning of slash or brush piles shall be done in accordance with CDF and Mariposa County Air Pollution Control District burning procedures and requirements.	Public Works	
15. Water lines and hydrants shall be installed in compliance with the Ponderosa Basin Mutual Water Companies specifications and standards and shall comply with such standards at the time of map recordation as confirmed by the County Engineer. The applicant shall also provide the County Engineer with a "can and will serve" letter from Ponderosa Basin Mutual Water Company.	Public Works	
16. 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.	Public Works	
17. 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, road contractor, and 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.	Public Works	
CONDITION OF APPROVAL / MARIPOSA PLANNING		
18. 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.). 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.	Mariposa Planning	
19. In accordance with the criteria of County Resolution No. 92-541, the through road shall be named Parker Drive. This road name shall be	Mariposa Planning	

shown on the parcel map.		
CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)		
20. The road that extends to the northwest of the cul-de-sac and will serve Parcels A and B shall be constructed in compliance with the minimum requirements of the California Department of Forestry and shall meet these standards as confirmed by the California Department of Forestry at the time of parcel map recordation.	California Department of Forestry	
21. 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: "Future residential development shall be required to conform with all applicable <i>SRA Fire Safe Regulations</i> (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."	California Department of Forestry	
CONDITION OF APPROVAL / MARIPOSA COUNTY FIRE DEPARTMENT		
22. A water hydrant in a location acceptable to the Mariposa County Fire Chief, serviced by and plumbed to the Ponderosa Basin Water Company utility line, shall be provided adjacent to the cul-de-sac of the on-site road, and shall meet these standards at the time of map recordation as confirmed by the County Engineer.	Public Works	
CONDITION OF APPROVAL / HEALTH DEPARTMENT		
23. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C and D in accordance with Health Department rules and regulations. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Sanitarian prior to recordation of the parcel map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel/final map as follows: "Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C and D 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."	Mariposa County Health	

CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT		
24. 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). The applicant shall also contact the NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the application. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.	NRCS/RCD	
REMAINDER CONDITIONS:	NA	
25. The remainder shall be shown on the parcel map and that Parker Drive and the cul-de-sac road be monumented.		
26. Prior to recordation of the parcel map a declaration shall be recorded concurrently with and referenced on the parcel map stating: "There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."		
27. Prior to recordation of the parcel map a declaration shall be recorded with the parcel map and shall be referenced on the parcel 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)		
28. 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.		
29. Percolation tests and soils analysis tests shall be performed on the Remainder 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 certificate of compliance. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been		

<p>performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the certificate and referenced on the parcel/final 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 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>MITIGATION MEASURES:</p>	<p>NA</p>	
<p>30. Where required by the County Engineer, engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for all road, emergency egress route, and turnaround improvements required as a condition of approval for this project. The required plans shall include engineered drainage plans, a geotechnical testing plan, an engineered sediment and erosion control plan, and an engineered revegetation plan. Cut banks in excess of 10 feet in height shall minimally have erosion control fabric installed, to quicken revegetation efforts. The plans shall be approved by the County Engineer <u>prior</u> to commencement of construction work on the required road improvements.</p> <p>(Public Works and Mariposa Planning Recommendation; Mitigation Measure)</p>	<p>Public Works</p>	
<p>Recommendations of offers of Dedication:</p>		
<p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	<p>Public Works</p>	

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
County Fire	Blaine	209-966-4330	5082 Bullion Street	P.O. Box 162

Project Conditions and Mitigation Monitoring Program for Castaldi Land Division

Project : LDA no. 2004-5

Exhibit 2, Page- 9 –

	Shultz		Mariposa CA 95338	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.