MARIPosa COUNTY
BOARD OF SUPERVISOR.

AGENDA
ACTION FORM

DATE: December 21, 2004
AGENDA ITEM NO. 5a

DEPARTMENT: Planning
BY: Megan Tennermann, Asst. Planner
PHONE: (209) 742-1219

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt resolution granting Appeal No. 2004-208, adopting a Negative Declaration, and approving Land Division Application No. 2003-289 as amended on December 14, 2004, with the recommended findings and conditions; Rex Fouch, applicant and appellant.

Action is based upon Board’s direction on December 14, 2004.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Appeal hearing conducted on December 14, 2004; on that date, Board directed staff to prepare resolution for approval.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ 
Additional Funding Needed: $ 
Source: 
Internal Transfer 
Unanticipated Revenue ____ 4/5’s vote
Transfer Between Funds ____ 4/5’s vote
Contingency ____ 4/5’s vote
( ) General ( ) Other

Attachments:
A. Draft Board Resolution with Findings and Conditions of Approval/ B. Negative Declaration

CLERK’S USE ONLY:
Res. No. 54-542 Ord. No. _____
Vote – Ayes: 5 Noes: ___
Absent: ___
Approved ___
Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________________________

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
____ Requested Action Recommended
____ No Opinion
Comments:

CAO: __________________________
STATE OF CALIFORNIA
COUNTY OF MARIPosa
BOARD OF SUPERVISORS

Resolution
No. 2004-542


WHEREAS an application for land division was received on the 15th day of December 2003 from Rex Fouch for the division of two parcels located at 3349 and 3357 Elizabeth Lane, at the end of Elizabeth Lane off Trower Road (agent, Ken Melton); and

WHEREAS the two parcels are known as Assessors Parcel Numbers 011-310-070 and 011-310-071; and

WHEREAS this was considered to be Map/Proposal 1; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS the application requirements were completed by the applicant and the application and Map/Proposal 1 was considered to be complete as of the 29th day of January 2004; and

WHEREAS based upon comments received during the comment period, it was determined that the Upper Trower Road to Elizabeth Lane access to the project site exceeded the dead-end road length requirements of both the Mariposa County Road Improvement and Circulation Policy and the State Fire Safe Standards. The dead-end road length requirements of the Mariposa County Road Improvement and Circulation Policy are 4,800 feet. The dead-end road length requirements of the State Fire Safe Standards are 2,640 feet. From the Highway 140/Upper Trower Road intersection to the project site, the distance is 7,900 feet. From the Upper Trower Road/Elizabeth Lane intersection to the project site, the distance is 6,000 feet; and

WHEREAS in early February, 2004 following staff discussion of the dead-end road length issues with the applicant, the applicant stated that the project should not be subject to dead-end road standards, as there was an existing unnamed road within an easement connecting Elizabeth Lane to Highway 140, with the intersection of Elizabeth Lane and the unnamed road occurring at the project site (herein after referred to as “unnamed road”); and

WHEREAS the applicant verbally modified the project description to include the “unnamed road” as an emergency egress route only, to address the dead-end road length issues raised during the comment period; and
WHEREAS this was considered to be Map/Proposal 2; and

WHEREAS on the 15th day of March 2004, the applicant provided a copy of Document No. 946351, Mariposa County Official Records, entitled Stipulation and Easement Agreement; and Order Thereon, that describes a 20-foot easement for purposes of access for several specified parcels and specified property owners. This easement is for the “unnamed road”; and

WHEREAS the agreement specifies one of the application subject parcels, APN 011-310-070, and specifies the previous property owner Nona I. Gobles; and

WHEREAS this document lists agreements, including an agreement that the owners of the properties described shall not, by the grant, expand or extend their respective historical usage of the roadway crossing the Dixon property, otherwise known as APN 011-320-004; and

WHEREAS on the 9th day of March 2004 the California Department of Transportation (Caltrans) responded to Planning staff inquiry regarding the easement for the “unnamed road” described, stating that they had no record of an encroachment permit for this easement and that the applicant will need to upgrade the easement to a public road connection; and

WHEREAS there are some highway encroachments for historic roads in the county which don’t have an encroachment permit, and the applicant stated that he understands this access route is part of an old stage coach road to Hornitos; and

WHEREAS on the 29th day of March 2004 the California Department of Forestry (CDF) responded to the amended project and recorded document, stating that unless the easement for the “unnamed road” has a legal encroachment onto Highway 140, CDF does not consider the easement to be legal; and

WHEREAS on June 2, 2004 Planning staff met with the applicant to review alternatives for addressing the dead-end road issue; and

WHEREAS based upon the dead-end road length standards established by both the County Road Improvement and Circulation Policy and the State Fire Safe Standards, the Planning Department notified the applicant on the 23rd day of June 2004 that the project as proposed did not meet the definition of a through road as contained in the Mariposa County Road Improvement and Circulation Policy and that staff would have to recommend denial; and

WHEREAS a duly noticed public hearing was scheduled for the 16th day of July, 2004; and

WHEREAS the Planning Commissions meeting for the 16th day of July, 2004 was continued and rescheduled for the 23rd day of July, 2004; and

WHEREAS a staff report recommending denial was prepared for the project public hearing scheduled for the Planning Commission meeting on the 23rd day of July, 2004; and

WHEREAS on the 20th day of July 2004 Planning staff met with the applicant and his agent and reviewed staff’s recommendations and the staff report for the project; and
WHEREAS on the 22nd day of July 2004 the applicant submitted a written request for postponement of the public hearing to “sometime in August” in order to work out a solution to the road issues as outlined in the staff report; and

WHEREAS on the 23rd day of July, 2004, the Planning Commission continued the public hearing until the 20th day of August, 2004; and

WHEREAS on the 12th day of August 2004 the applicant submitted letters to staff outlining his proposal to address the dead-end road issues and this included road improvements to the “unnamed road” within the 20-foot easement width; and

WHEREAS these letters also included an offer to contribute two thousand dollars ($2000) to an interest-bearing trust account established by Board Resolution No. 97-211 for the improvement of the Upper Trower Road encroachment onto Highway 140 as well as certain specified road improvements to Trower Road and Elizabeth Lane; and

WHEREAS the applicant submitted a revised Parcel Map Guarantee, Guarantee No.: M18813, Inter-County Title Company and Item 17 is shown an “Informational Note: By stipulated easement agreement and order recorded December 19, 1994 as instrument No. 946351, a right of way for road purposes 20 feet in width was created providing access to and from state highway 140 over the existing road.”

WHEREAS this was considered to be Map/Proposal 3; and

WHEREAS on the 12th day of August 2004 Planning staff received a memo from the Mariposa County Public Works Department stating that, although the access to the project exceeded the dead-end road length standards of the Mariposa County Road Improvement and Circulation Policy, the through road requirement is primarily a safety issue. If a waiver to the dead-end road length requirement was requested, Public Works deferred to the County Fire Department on the matter of determining the adequacy of the proposed road improvements to the “unnamed road”; and

WHEREAS on the 12th day of August 2004 Planning staff received a letter from the Mariposa County Fire Department stating that the proposed improvements for Map/Proposal 3 would allow the “unnamed road” to support adequate ingress and egress for the project; and

WHEREAS on the 20th day of August, 2004, the Planning Commission continued the public hearing until the 17th day of September, 2004 as requested by the applicant in order to give Planning staff time to review Map/Proposal 3 and agency comments and move forward to the Planning Commission with a staff recommendation for approval; and

WHEREAS a draft staff report recommending approval with conditions was prepared for the Planning Commission public hearing scheduled for the 17th day of September, 2004; and

WHEREAS on the 17th day of September 2004 the Commission again continued the public hearing until the 1st day of October, 2004 as requested by the applicant in order to work out conditions of approval that were acceptable to staff and to the applicant and agent for this project; and
WHEREAS a final Staff Report and Initial Study for the project public hearing for the 1st day of October 2004 was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures and the staff recommendation was to approve the amended project known as Map/Proposal 3 with conditions. Staff’s recommendation was based primarily upon the written input received from the County Fire Chief; and

WHEREAS the Planning Commission did hold a public hearing on the 1st day of October, 2004 and considered all of the information in the public record, including the Staff Report and Initial Study for Map/Proposal 3, testimony presented by the public concerning the application, the comments of the applicant and agent, and the comments of Mariposa County Public Works Staff, Mariposa County Fire staff, Mariposa County Planning Department staff, and staff from CDF; and

WHEREAS based upon testimony of the project agent at the public hearing on the 1st day of October 2004, the applicant was not willing to consider any additional project amendments, to address the concerns of the Planning Commission; and

WHEREAS the Planning Commission of the County of Mariposa took action to deny Land Division Application #2003-289; and

WHEREAS the Planning Commission directed staff to bring back a resolution for denial with findings based upon the Commission’s discussion and deliberation; and

WHEREAS staff prepared a resolution for denial with findings and scheduled it for consideration and action at the Planning Commission’s meeting of the 22nd day of October, 2004; and

WHEREAS the Planning Commission considered the resolution for denial with findings on October 22, 2004; and

WHEREAS the Planning Commission denied Land Division Application No. 2003-289 based upon findings; and

WHEREAS this denial was adopted by unanimous vote as Planning Commission Resolution No. 2004-41; and

WHEREAS the applicant appealed the action of the Planning Commission on October 27, 2004; and

WHEREAS this appeal was based on Planning Commission Resolution No. 2004-41 and the Planning Commission hearing of October 1, 2004; and

WHEREAS on October 29, 2004, County Counsel found that the appeal had been filed in a timely fashion and contained sufficient grounds to be complete; and

WHEREAS a duly noticed public hearing of the appeal was scheduled for the Board of Supervisors hearing of December 14, 2004; and
WHEREAS a Staff Review and Board of Supervisors Packet for Appeal No. 2004-208 was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 2004-208 on the 14th day of December 2004 and considered all of the information in the public record, including the Staff Review and Board of Supervisors Packet and attachments, and testimony presented by the appellant and appellant’s agent; and

WHEREAS the Board of Supervisors discussed this project and raised their concerns regarding the dead-end road length with the appellant and the appellant’s agent; and

WHEREAS Supervisor Balmain stated that the Mariposa County Road Improvement and Circulation Policy includes language for extending the maximum length of dead-end roads under certain circumstances, and that the fire fuel load in the area of the subdivision is not high; and

WHEREAS Supervisors Pickard and Bibby raised concerns regarding the health and safety issues inherent in approving subdivisions located on dead-end roads beyond the County’s maximum dead-end road length, including access for emergency vehicles and escape routes for residents in the event of an emergency; and

WHEREAS based on this discussion, the appellant modified the project during the public hearing to widen the traveled surface of the unnamed road to eighteen feet in width along its entire length from the project site to the encroachment onto the right-of-way for State Highway 140; and

WHEREAS the appellant agreed that should the existing easement be insufficient for the road improvements as proposed during the public hearing, the appellant will be responsible for obtaining the additional easement width; and

WHEREAS the appellant further agreed that if he is unable to obtain the additional easement width required to perform the necessary road improvements, that the County is not obligated to obtain the additional easement width; and

WHEREAS this is considered to be Map/Proposal 4; and

WHEREAS Supervisor Parker reminded the appellant that if Caltrans determines that the proposed road improvements intersect the Caltrans right-of-way for State Highway 140, the appellant will be required to obtain a Caltrans encroachment permit; and

WHEREAS ON MOTION BY Supervisor Pickard, seconded by Supervisor Stetson, and passed by unanimous vote, this amendment was accepted by the Board of Supervisors and made a formal part of the project proposal; and

WHEREAS based on this amendment to the project proposal and the road improvements as specified in Exhibit 2 of this resolution, the California Department of Forestry and Fire Protection stated that the applicant’s minimum standards for road width were adequate with respect to the unnamed road and satisfied the intent of Public Resource Code 4290; and
WHEREAS based on this statement from the California Department of Forestry and Fire Protection, the Board of Supervisors concluded that Map/Proposal 4 included adequate measures for protection of public health and safety; and

WHEREAS ON MOTION BY Supervisor Pickard, seconded by Supervisor Bibby, and passed by unanimous vote, the Board of Supervisors directed staff to provide a resolution with findings for and conditions of approval of the land division project for their meeting of December 21, 2004, based upon the Board’s discussion and deliberation; and

WHEREAS staff prepared a resolution for approval with findings and conditions and scheduled it for consideration and action at the Board of Supervisors meeting of the 21st day of December, 2004.

NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby grant Appeal No. 2004-208, Rex Fouch, applicant and appellant, approving a Negative Declaration and approving Land Division Application No. 2003-289 with the recommended findings and conditions of approval.

BE IT FINALLY RESOLVED THAT this action to approve Appeal No. 2004-208 is based on the findings as set out in Exhibit 1 and the conditions of approval as set out in Exhibit 2, attached to this resolution and made a part thereof.

THIS RESOLUTION is duly passed and adopted this 21st day of December, 2004 by the following vote:

AYES: Supervisors Balmain, Bibby, Parker, Pickard, and Stetson

NOES: None

EXCUSED: None

ABSTAIN: None

[Signature]
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

Attest:

[Signature]
MARGIE WILLIAMS
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:

[Signature]
THOMAS P. GUARINO
County Counsel
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. 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 as modified by the applicant in the Board of Supervisors hearing of December 14, 2004, the project 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 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 implementation of these improvements will ensure that serious health problems will not occur on the site. The proposed road improvements as modified by the applicant in the Board of Supervisors hearing on December 14, 2004 will benefit public health and safety by reducing potentially significant access impacts to a level that is less than significant.

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. Public access roads are proposed and will meet minimum improvement requirements, as agreed by the California Department of Transportation, the California Department of Forestry and Fire Protection, the County Fire Department and the County Public Works Department. Public utility easements are provided for in the proposed road easements. Affected utility companies have reviewed the proposed project and have not objected to the proposal.
Exhibit 2
CONDITIONS OF APPROVAL
For LDA # 2003-289 and Appeal #2004-208

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 with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

| Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures |
|-------------------------------------------------|-----------------|-----------------|
| PROJECT PROPOSAL/CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT | Monitoring Dept. | Verified Implemented |
| 1. The emergency egress road (from its intersection with Elizabeth Lane to its intersection with Highway 140; shown as Easement Four) shall be widened and improved to eighteen feet in width. Should the existing easement be insufficient for these improvements, the applicant is responsible for obtaining the additional easement width necessary for an eighteen foot wide road. The applicant agrees that the County is not obligated to obtain additional easement width for this project. The portions of the emergency egress road and Elizabeth Lane defined as Easement One shall be improved to a Rural Class I Standard, and the portion of Elizabeth Lane defined as Easement Two shall be improved to a Rural Class IIA standard, and all roads shall meet these standards (including surface 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. **(Specifics of project proposal: Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, RICP).** | Public Works/ County Fire | |
| 2. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Trower Road (Easement Three). 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 | Public Works | |
the County Engineer prior to commencement of construction work on the required road improvements (Chapter 11, County Improvement Standards).

3. All required signs, including street name signs, shall be installed on metal, break-away type posts prior to map recordation. The design and placement of signs shall be approved by the County Engineer prior to installation.

4. Stop signs and other required signs shall be placed as required by the Public Works Department. 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.

5. A road name sign for the emergency egress road shall be placed at the intersection of the emergency egress road and Elizabeth Lane 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).

6. If project roads are accepted by the County for public access but not for maintenance, 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).

7. A road maintenance association shall be formed to provide for the maintenance of the unnamed road from the west boundary of the project site to Highway 140, and for the maintenance of Elizabeth Lane from its intersection with the unnamed road to its intersection with Trower Road. 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:

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<td>a.</td>
<td>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.</td>
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<td>b.</td>
<td>Provide for annual maintenance and the immediate correction of emergency and hazard situations.</td>
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<td>c.</td>
<td>Include 100% of the parcels in the subdivision served by the access road.</td>
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<td>d.</td>
<td>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.</td>
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e. Provide a mechanism for new parcels to be added to the Association.

If a Road Maintenance Association exists for either the unnamed road or Elizabeth Lane, the applicant shall have the option of adding his parcels to the existing mechanism in order to satisfy this condition.

8. Fuel modification shall be performed within the emergency egress easement. The method and type of fuel modification shall be done in accordance with the applicant's agreement with the County Fire Department and approved by the County Fire Chief. 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.

9. 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.

10. 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 the 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.

### CONDITION OF APPROVAL / MARIPOSA PLANNING

11. 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 cashier's 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.

12. The emergency egress road (otherwise referred to as the unnamed road) shall be named in accordance with the criteria of County Resolution No. 92-541. This road name shall be shown on the parcel map.

### CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

13. Prior to Parcel Map recordation, the applicant shall have complied with Public Resource Codes 4290. A document shall be recorded and referenced on the Parcel Map that states:

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Revised: March 17, 2004
“Future residential development shall be required to conform with Public Resource Code 4290. 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 4290.”

### PROJECT PROPOSAL/CONDITION OF APPROVAL / MARIPOSA COUNTY FIRE DEPARTMENT

14. A culvert shall be installed at the seasonal creek crossing on the emergency egress road, approximately 100 feet west of the intersection of the emergency egress road and Highway 140. The installation shall be inspected and approved by the County Fire Department prior to recordation of the parcel map. *(Specifics of project proposal)*

### CONDITION OF APPROVAL / HEALTH DEPARTMENT

15. Percolation tests and soils analysis tests shall be performed on Parcels 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 B, C and D as shown on the Parcel Map for Rex Fouch, 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.”

### CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT

16. 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.

### CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF TRANSPORTATION

17. If required by the California Department of Transportation, an encroachment permit shall be obtained prior to any work being done within the Caltrans right-of-way for State Highway 140. In addition, all grading and road improvement work within...
the Caltrans right-of-way required as a condition of approval of this project shall comply with requirements set by Caltrans.

**REMAINDER CONDITIONS:** None

**MITIGATION MEASURES:** None

**Recommendations of Offers of Dedication:** None

### Agency Contact List

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<tr>
<th>AGENCY</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>EMAIL</th>
<th>SITE ADDRESS</th>
<th>MAILING ADDRESS</th>
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<tbody>
<tr>
<td>Mariposa Planning</td>
<td>Megan Tennermann</td>
<td>209-966-0306</td>
<td><a href="mailto:mtennermann@mariposacounty.org">mtennermann@mariposacounty.org</a></td>
<td>5100 Bullion Street Mariposa CA 95338</td>
<td>P.O. Box 2039 Mariposa CA 95338</td>
</tr>
<tr>
<td>Public Works</td>
<td>Jerry Freeman</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road Mariposa CA 95338</td>
<td>Same as site</td>
</tr>
<tr>
<td>Health Department</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td></td>
<td>5100 Bullion Street Mariposa CA 95338</td>
<td>P.O. Box 5 Mariposa CA 95338</td>
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<tr>
<td>Mariposa County Resource</td>
<td>Jerry Progner</td>
<td>209-966-3431</td>
<td></td>
<td>5009 Fairgrounds Rd Mariposa CA 95338</td>
<td>P.O. Box 746 Mariposa CA 95338</td>
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<tr>
<td>Conservation District</td>
<td></td>
<td></td>
<td></td>
<td>5082 Bullion Street Mariposa CA 95338</td>
<td>P.O. Box 162 Mariposa CA 95338</td>
</tr>
<tr>
<td>County Fire</td>
<td>Blaine Shultz</td>
<td>209-966-4330</td>
<td></td>
<td>1976 Martin Luther King Jr. Blvd Stockton CA 95205</td>
<td>P.O. Box 2048 Stockton CA 95201-2048</td>
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<tr>
<td>Cal. Dept. of Transportation</td>
<td>Dee Maddox</td>
<td>209-942-6004</td>
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<tr>
<td>Cal. Dept of Forestry</td>
<td>Dennis Townsend</td>
<td>209-966-3622</td>
<td></td>
<td>5366 Highway 49 North Mariposa CA 95338</td>
<td>Same as site</td>
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### 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.

Revised: March 17, 2004
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: RESOLUTION GRANTING APPEAL NO. 2004-208 AND APPROVING LAND DIVISION APPLICATION NO. 2003-289 AS AMENDED BY APPLICANT, REX FOUC

Resolution Nos. 04-542

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 21, 2004

ACTION AND VOTE:

Kris Schenk, Planning Director;
Adopt a Resolution Granting Appeal No. 2004-208, Adopting a Negative Declaration, and Approving Land Division Application No. 2003-289 as Amended on December 14, 2004 with the Recommended Findings and Conditions; Rex Fouch, Applicant and Appellant

BOARD ACTION: Discussion was held with Kris Schenk and Megan Tennermann relative to the formal resolution. It was noted that the action by the Board on December 14, 2004, should be reflected as based on the “Board’s” discussion versus the “Commission’s” discussion and deliberation. It was noted that item number 8 on the Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures should be worded as agreed to by the applicant. Megan advised that the County Engineer was present when the agreement was reached relative to the fuel modifications. Kris Schenk advised that this was based on the August 12

cc: Dana Hertfelder, Public Works Director
Tom Guarino, County Counsel
File