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MARIPOSA COUNTY RESOLUTION NO. 81- 25

A RESOLUTION ADOPTING FINDINGS OF FACT ON THE APPEAL OF APPROVAL OF THE GORDON RANCH ESTATES MAJOR SUBDIVISION.

The Board of Supervisors of Mariposa County, a political subdivision of the State of California hereby resolves as follows:

WHEREAS the Planning Commission of Mariposa County, after hearings duly noticed and held pursuant to State law and County ordinance, approved the project known as the Gordon Ranch Estates Major Subdivision pursuant to conditions and findings of fact adopted November 6, 1980 in Planning Commission Resolution 80-41; and

WHEREAS an appeal having been filed by one, FRANK LONG, Appellant, a hearing was held on December 2, 1980, and by continuance, on December 15, 1980 and January 13, 1981, at the request of said Appellant, and after due notice as required by law; and

WHEREAS evidence and testimony were received and documents, records and files presented, all parties having an opportunity to present their positions and evidence before the Board of Supervisors, and a record was made of the proceedings;

NOW THEREFORE IT IS HEREBY ORDERED AND RESOLVED by the Board of Supervisors of Mariposa County that the following findings of fact are adopted:

1. The proposed project is in conformance with the existing Mariposa County General Plan and the Working Draft of the Mariposa County General Plan update, July 31, 1980, and subsequent revisions to said update as approved by the Mariposa County Board of Supervisors, as further set forth herein.

1 2. To the extent the appeal is based upon objections
2 to the existing General Plan and its implementation, the
3 Working Draft of the General Plan Update properly corrects
4 these ambiguities and deficiencies and the revision process
5 is underway pursuant to an extension granted to Mariposa
6 County by the State of California Office of Planning and
7 Research, effective January 8, 1981.

8 This finding applies specifically to those objections
9 listed as "The basis for appeal", including, but not limited
10 to items number 1,2, 3, 6 and 7 on the letter of October 16,
11 1980 by Appellant. It is further found with reference to
12 these specific objections that:

13 OBJECTION 1: It has not been demonstrated by
14 Appellant that zoning is improper, although re-
15 vision is desired;

16 OBJECTION 2: The revision of areas now zoned
17 in the Unclassified Zone is underway and is con-
18 sidered in the Working Draft.

19 OBJECTION 3: There is substantial evidence of
20 frequent and continuous revision, including the
21 major revision underway at the present time; am-
22 biguity exists in the General Plan on the require-
23 ments of annual review, which is the subject of
24 current revision to conform to State law and policy.

25 OBJECTION 6: The existing General Plan fails
26 to define or describe the general term "needs",
27 a problem addressed in current revisions and drafts,
28 nor does it provide a mechanism for reviewing this

1 concept nor the criteria or standards to be
2 utilized other than the land use description
3 for the area in which the project is proposed;
4 substantial evidence of conformity to that
5 land use description by this project has been
6 presented.

7 OBJECTION 7: The vague and ambiguous nature of the
8 5 to 40 acre minimum parcel size is the subject
9 of current revision; the language does not pre-
10 vent parcel sizes proposed in this project.

11 3. Appellant has failed to properly appeal the environ-
12 mental determination of the Planning Commission as required by
13 law and County ordinance. This finding applies specifically
14 to, but is not limited to, items number 5, 1a and 2a. It
15 is further found, with respect to these specific objections
16 that substantial evidence was presented and in the possession
17 of the Planning Commission on each specific objection, in-
18 cluding, but not limited to the letter of Harry Harris, Game
19 Warden, other EIR documents on subdivisions in the area, and
20 the approvals of the County Fire Warden.

21 4. The findings of the Planning Commission in
22 Resolution 80-41, together with the conditions imposed therein
23 are proper, appropriate and supported by the evidence, and the
24 Appellant has failed to demonstrate adequate justification for
25 a reversal of the Planning Commission approval of this major
26 subdivision; said findings are therefore adopted herein by
27 reference and attached hereto as Attachment A.

28 5. On the basis of the foregoing findings and the

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evidence and testimony submitted, the Board of Supervisors of Mariposa County hereby finds that the Gordon Ranch Estates Major Subdivision was properly approved and the appeal is hereby denied, effective upon the date of adoption of this Resolution.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors, this 10th day of February, 1981, by the following vote:

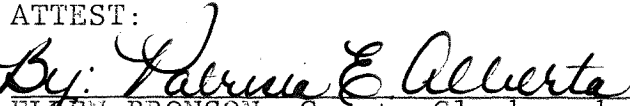
AYES: Taber, Clark, Erickson


NOES: None

ABSENT: Dalton

ABSTAINED: Moffitt


ERIC J. ERICKSON, Vice Chairman
Board of Supervisors

ATTEST:

EILEEN BRONSON, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

RICHARD K. DENHALTER, County Counsel

1 MARIPOSA COUNTY PLANNING COMMISSION

2 STATE OF CALIFORNIA

3 RESOLUTION NO. 80-41

4 A resolution adopting findings of fact for the Gordon Ranch Estates,
5 Major Subdivision.

6 WHEREAS, the Planning Commission is charged with the responsibility
7 to review, adopt and impose conditions of approval and findings of fact; and,

8 WHEREAS, the Major Subdivision of Gordon Ranch Estates has been
9 reviewed and acted on according to State law and County Ordinance.

10 BE IT RESOLVED, that the Planning Commission does hereby approve
11 said Subdivision with the following findings of fact/conditions of approval:

12 1. The proposed project is located within the Agricultural/Mountain
13 Home Land Use Designation of the General Plan, which provides that a 5 acre
14 minimum parcel may be created so long as it meets specific constraints. Said
15 constraints have been met, and the project, therefore, would be in conformance
16 with the overall intent and policies of the General Plan, in addition to the
17 Land Use and Open Space Elements, the Circulation Element, the Safety Element,
18 and the Noise Element.

19 2. The easement roads, both within the Subdivision and those pro-
20 viding access to a County Road, shall be improved as follows:

21 A. All easement roads within the Subdivision shall be improved
22 to a Class IVB Standard.

23 B. The easement road exiting to the north out of Lot 14, and
24 adjacent to Lots 6 and 7, shall be improved to a Class IVB
25 standard from Yaqui Gulch Road to the subdivision.

26 Upon completion of the road, the applicant shall request that the
27 roads be accepted into the County Road System for maintenance.

28 If the project applicant establishes some means of ensuring that the

1 easement roads are maintained in the condition under which they were approved,
2 the Class IVB roads required above shall be reduced to a Class IIID standard.

3 Said means for maintenance shall meet the following criteria.

4 A. Be in effect for a period not less than 30 years.

5 B. Provide for annual maintenance.

6 C. Shall include 100% of the property owners within the subject
7 subdivision.

8 3. The application of asphalt concrete to the Class IVB road, or the
9 application of the oil to the Class IIID road, may be deferred until after the
10 final map has been recorded to allow for proper weather conditions. The appli-
11 cant is to enter into a subdivision agreement to make such deferred improvements
12 and other such matters as may be required by the County Engineer, Board of
13 Supervisors, or County Counsel. Such an agreement shall require, but may not
14 be limited to, the deposit of a cash improvement bond. Such bond may also
15 take into account inflation factors as permitted by law.

16 4. Grading, erosion control, and drainage plans are to be developed
17 and implemented for the construction of roads in the Subdivision.

18 5. All road easements shall be 60 ft. wide, non-exclusive. Non-
19 revocable offers of dedication are required for all road easements. Such
20 offers shall specifically state that they are for "public road and utility
21 purposes".

22 6. Road improvements for drainage facilities are to be in accordance
23 with the County Engineer's requirements. Drainage easements will be required
24 as necessary.

25 7. Easement roads are to intersect at a 90° angle.

26 8. All easement roads which terminate within the Subdivision shall
27 have a cul-de-sac with a 45 foot radius.

28 9. Percolation tests are to be performed on each lot in the Subdi-

1 vision. If the tests fail to meet minimum County Standards for any lot, said
2 lot shall merge with adjacent lot or lots.

3 10. A soils report as required by Section 16.20.220 of the Mariposa
4 County Code shall be supplied to the County Engineer.

5 11. A Conditional Negative Declaration was accepted for the project
6 which noted capital improvement impacts to the Mariposa County School District.
7 The Board of Trustees for the District has adopted a resolution stating the
8 impact and providing for mitigation. Prior to the recordation of the Final
9 Map, the project proponents must either show evidence of mitigation, or
10 evidence that the School District has determined that the project will not have
11 an impact on the school system.

12 12. Environmental Impact Reports prepared on Major Subdivision have
13 factually demonstrated that mobile homes which are not placed on the property
14 tax roles demand markedly more in services than they provide in income. To
15 mitigate this impact, as required by the California Environmental Quality Act,
16 the following shall be made as Conditions, Covenants and Restrictions, before
17 recordation of the final map.

18 A. All structures, including mobile homes and excluding those
19 buildings not designed for human habitation (steel garden sheds,
20 well houses, etc.) in the Subdivision are to be on permanent
21 foundations.

22 B. All mobile homes located on lots in the subject subdivision
23 shall meet all Federal and State requirements as to construc-
24 tion standards for mobile homes that are in full force and
25 effect at the date of installation.

26 C. The floor level of mobile homes will be no more than 18"
27 above finished grade.

28 D. All owners or future owners of lots in the subject subdivision

1 who site mobilehomes on said lots shall take such measures,
2 at the time of a building permit, to ensure that said mobile-
3 homes are placed on the assessment roll of Mariposa County.

4 13. The proof of water requirement as specified by Section 16.20.230
5 (c) of the Mariposa County Code is hereby waived subject to the following
6 actions:

- 7 A. Every lot in the subject subdivision shall have a well pro-
8 vided at the time of transfer of title.
- 9 B. The Public Report prepared for the Subdivision shall state
10 that domestic water will be provided by the project applicant
11 or any assignees who later acquire interest in the subdivision
12 on any undeveloped lot. The Public Report will further
13 state that the applicant, or any assignees, shall provide
14 a well on each parcel of at least five (5) gallons per
15 minute when the well water is to be supplied directly to any
16 proposed residence. When the GPM falls below five, appro-
17 priate storage facilities, which are approved by the County
18 Sanitarian, shall be provided, and in no case shall any
19 parcel have a well which produces less than one and one half
20 ($1\frac{1}{2}$) gallons per minute. Minimum storage capacity shall be
21 1,000 gallons.
- 22 C. The Public Report prepared for the Subdivision shall state
23 that as a part of escrow instructions, domestic water is to
24 be supplied to any undeveloped lot. The Report shall further
25 state that unless domestic water can be supplied to each
26 parcel, escrow cannot be closed, and the project proponent
27 shall retain ownership.
- 28 D. The applicant shall provide evidence that the Department of

1 Real Estate will include the statements required in A and B
2 above in the Public Report for the Subdivision.

3 14. Fuel modification, as required by the California Department of
4 Forestry, shall be accomplished prior to recordation in accordance with the
5 attached Appendix "A".

6 15. Pursuant to Section 16.16.060 of the County Code, a waiver is
7 hereby granted to the 600 feet cul-de-sac length requirement, subject to the
8 requirements for fuel modification as stipulated on the attached Appendix "A".
9 Said waiver is granted based upon the topography and the type of vegetation
10 found on site.

11 PASSED AND ADOPTED THIS 6TH DAY OF NOVEMBER, 1980, by the following
12 vote:

13 AYES: Grammer, Brouillette, Simpson, Sharn, Kendrick, Jacobs.

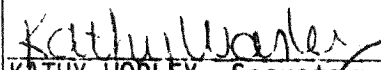
14 NOES: None.

15 NOT VOTING: None.

16 ABSENT: Martini, Stovall.

17 
18 BARRON BROUILLETTE, Chairman
19 Mariposa County Planning Commission

20 ATTEST:

21 
22 KATHY WORLEY, Secretary
23 Mariposa County Planning Commission

APPENDIX "A"

FUELBREAK STANDARDS
Madera-Mariposa Ranger Unit

Fuelbreaks are strips of land, usually 200 feet in width depending on topography and fuel type, in which volume of vegetative fuel is reduced to an acceptable level and maintained in that condition.

Remove all dead vegetative matter and enough live crowns to avoid the direct spread of fire from one tree or bush to another. Sufficient pruning of remaining crowns should be done to avoid their ignition by a ground fire.

Vegetation under 4 inches in diameter should be removed; vegetation over 4 inches in diameter should be pruned to a height of 12 feet.

All slash piles, pruning, etc., from fuelbreak construction must be removed as soon as possible or by April 1st of the year following construction of the fuelbreak.