

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2012-001 A resolution conditionally approving Land Division No. 2011-087, Islas. Assessor Parcel Number 001-100-010.

WHEREAS an application for Land Division No. 2011-087 was received on May 12, 2011 from agent Ronald Weldum, P.E., for a property located at 10196 Arbolada Drive, La Grange, in the Lake Don Pedro area of Mariposa County, also known as Assessor Parcel Number 001-100-010; and

WHEREAS Land Division Application No. 2011-087 proposes to divide a 73.78-acre parcel into four parcels: Parcel 1 – 19.16 acres; Parcel 2 – 5.05 acres; Parcel 3 – 31.94 acres; Parcel 4 – 17.63 acres; 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 17th of February, 2012; 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 applicants.

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 No. 2011-087; 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 Francisco, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this February 17, 2012 by the following vote:

AYES: MARSDEN, FRANCISCO, RUDZIK

NOES: NONE

EXCUSED: ROSS, TUCKER

ABSTAIN: NONE



Les Marsden, Chair
Mariposa County Planning Commission

Attest:


Judy Mueller, Secretary to the
Mariposa County Planning Commission

Attachments:

Exhibit 1: Project findings as approved by Planning Commission

Exhibit 2: Project conditions as approved by Planning Commission

PROJECT FINDINGS FOR LDA 2011-087

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into four parcels of 19.16 acres, 5.05 acres, 31.94 acres, and 17.63 acres, the site is physically suited for low-density homes and appurtenant improvements such as engineered septic systems. The proposed project is located within the Rural Residential zone and the Residential Land Use. The subdivision density is designed in accordance with the Rural Residential zone and the Residential land use classification.

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, the project has the potential to significantly impact the valley elderberry longhorn beetle, but mitigations incorporated into the project will bring that impact to less than significant. The project is subject to the California Department of Fish and Game filing fees for a mitigated negative declaration, as required by AB 3158 and Senate Bill 1535, and County Clerk fees.

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 (if used) and sewage disposal systems. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. All future residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general (Mariposa County General Plan, 2006) 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

opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and future residents of the County." The land division satisfies the following Housing Element Objectives, including: *"Provide Adequate Sites and Services"*. There is no specific plan governing this property. In addition, Arbolada Drive has adequate capacity for the additional traffic generated by the three new parcels proposed by this project.

5. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

EVIDENCE: The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Residential Land use of the General Plan and the Rural Residential zone of the Zoning Ordinance. The land division's design is outside of the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration. This is due to the limited area on the proposed parcels that is suitable for building sites; the majority of the property is comprised of steep slopes and deep ravines and drainages and is not suitable for any other subdivision configuration, and the Planning Commission finds a variance to this standard appropriate. The limited building sites on the new parcels are located very near Arbolada Drive, the access to the project site, and therefore further minimize impacts of construction activities associated with development. The location of the building sites and the large size of the parcels will enable the parcels to be developed without the need for a variance to development standards, including setback standards. The project site is not in an area governed by any special, specific, community, or area plan at this time.

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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

PROJECT CONDITIONS FOR LDA 2011-087

Land Division Application No. 2011-087 - Islas

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.

Sign-Off Checklist for Conditions of Approval		
CONDITION OF APPROVAL / TUOLUMNE COUNTY COMMUNITY RESOURCES AGENCY	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. Applicants shall ensure that the Arbolada Drive edge right-of-way is delineated and monumented pursuant to Tuolumne County Subdivision Map 4-08 for Lake Don Pedro Unit #3. If monuments are in place delineating the County boundary within Arbolada Drive then those monuments shall be preserved. A letter from Tuolumne County Community Resources Agency shall be submitted to the Mariposa County Surveyor stating that the delineation and monumenting established by this condition have been completed prior to the recordation of the parcel map.</p> <p>(TUOLUMNE COUNTY COMMUNITY RESOURCES AGENCY RECOMMENDATION)</p>	<p>TUOLUMNE COUNTY COMMUNITY RESOURCES AGENCY</p>	
CONDITION OF APPROVAL / MARIPOSA COUNTY PUBLIC WORKS DEPARTMENT		
<p>2. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the filing of the parcel map, shall be submitted to the County Surveyor.</p> <p>(COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395)</p>	<p>MARIPOSA COUNTY PUBLIC WORKS DEPT.</p>	
CONDITIONS OF APPROVAL / MARIPOSA COUNTY PLANNING DEPARTMENT		
<p>3. Project approval is valid for a period of three years from February 17, 2012. This approval shall expire on February 17, 2015.</p>	<p>MARIPOSA PLANNING</p>	

(MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430)		
<p>4. The Property Owner shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p> <p>(COUNTY ORDINANCE NO. 1017)</p>	MARIPOSA PLANNING	
<p>5. Prior to the filing 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 (\$2,101.50 as of 1/1/12) and the County Clerk fee (\$50.00 as of 1/1/10) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, February 24, 2012), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, February 24, 2012, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code).</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,151.50 (effective 1/1/12), 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</p>	MARIPOSA PLANNING	

<p>Planning to file this fee and other required documents with the County Clerk.</p> <p>Note: The filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>(§16.12.390, MARIPOSA COUNTY SUBDIVISION CODE; 711.4(C), STATE FISH AND GAME CODE)</p>		
<p>6. The parcel map shall include the name and address of all legal owners of record.</p> <p>(§16.12.090, MARIPOSA Co. SUBDIVISION CODE; SUBDIVISION MAP ACT)</p>	<p>MARIPOSA PLANNING</p>	
<p>7. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	<p>MARIPOSA PLANNING</p>	
<p>CONDITIONS OF APPROVAL / MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>8. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel map. The statement shall be as follows:</p> <p>“This notice is not intended to affect record title interest. Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcels 1, 3, and 4 as shown on the Parcel Map for _____, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding state or local regulation changes that could affect the installation of an on-site sewage disposal system on this parcel.</p> <p>Additionally, a notice shall be filed concurrently with the parcel map and referenced on the parcel map or shall be included on an additional map sheet which indicates its relationship to the parcel</p>	<p>HEALTH DEPARTMENT</p>	

map. The notice shall state:

"This notice is not intended to affect record title interest. The property described as Parcel 1, 3 and 4 as shown on the Parcel Map for _____, is required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities other than a private well. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department. The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, "A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities other than a private well.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel."

(SECTION 16.12.330, COUNTY SUBDIVISION ORDINANCE; HEALTH DEPARTMENT RECOMMENDATION)

<p>9. Prior to recordation of the parcel map, the applicants shall prove to the satisfaction of the Health Department that Parcels 1, 3, and 4 have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none">a. an approved connection from an approved public water provider; orb. a proposed connection to a shared well which has been pre-approved by the Health Department; orc. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; ord. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit , which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; ore. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in Section d, above. <p>Additionally, if the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the parcel map and referenced on the parcel map or shall include the disclosure statement on an additional map sheet which indicates its relationship to the parcel map. The statement shall be the following:</p> <p>"This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on Parcels 1, 3, and 4 as shown on the Parcel Map for _____. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found</p>	<p>HEALTH DEPARTMENT</p>	

<p>on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.”</p> <p>(SECTION 5.3.02.E.4, MARIPOSA COUNTY GENERAL PLAN)</p>		
<p>10. If the abandoned well located on Parcel 3 is not going to be used, it shall be properly abandoned under permit from the County Health Department. The procedure and requirements for the abandonment shall be established by the Health Department through the permit process. If the well is going to be put back into use, it must be secured with a tight-fitting lid and the area around the well secured and maintained in a manner that prevents tampering with the well as approved by the Health Department. Prior to recordation of the parcel map, the Health Department shall confirm to the County Surveyor that one of the options established by this condition has been met.</p> <p>(SECTION 13.16.040, MARIPOSA COUNTY CODE)</p>	<p>HEALTH DEPARTMENT</p>	
<p style="text-align: center;">CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION</p>		
<p>11. Applicants shall comply with all applicable SRA Fire Safe Regulations prior to recordation of the parcel map. A letter from the California Department of Forestry and Fire Protection (CalFire) confirming this condition has been satisfied shall be submitted to the County Surveyor.</p> <p>(Title 14, California Code of Regulations, Public Resources Code 4290)</p>	<p>CAL FIRE</p>	
<p style="text-align: center;">CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) MITIGATION MEASURES</p>		
<p>12. Open space setbacks shall be established 20 feet from the drip line of the four elderberry shrubs on Parcels 3 and 4 identified by the biologist in a report dated May 2011. No buildings, septic systems, or grading shall be permitted in this setback. During any construction or grading within 100 feet of the elderberry plants, temporary fences and/or protective barriers shall be placed around the elderberry plants. The project biologist shall approve the location of the setbacks prior to recordation of the parcel map. A statement shall be recorded in the Official Records concurrently with the parcel map and shall be referenced</p>		

<p>on the parcel map. The statement shall read as follows:</p> <p>“This notice is not intended to affect record title interest. This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973. No new structures, roads, or driveways shall be constructed within the open space setbacks on Parcels 3 and 4 as shown on the Parcel Map for _____. No grading shall be allowed within the setback. The Elderberry plants shall not be removed from the setback. This open space setback shall be in place and effective until such a time as the elderberry plant or plants die of natural causes (which may include a wildland fire), or are delisted, and shall restrict the use of the land within the setback. Violators are subject to prosecution.”</p> <p>(CEQA MITIGATION MEASURE)</p>		
<p>13. Prior to any construction work required for completion of conditions of approval of this parcel map, the protected elderberry plants shall be flagged and temporarily fenced with three-foot-high fencing and at least a one hundred foot buffer around them. Any contractors who work on the project shall be briefed by the applicants or their agent on the requirements to avoid disturbance in the fenced area both through direct contact and erosion work at nearby sites and shall be made aware of the possible penalties (the most severe being prosecution) for not complying with these provisions.</p> <p>(CEQA MITIGATION MEASURE)</p>		

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Karen Peneschi	209-742-1219 kpeneschi@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Tuolumne County Community Resources Agency	Alex Guilbert	209-533-5930 aguilbert@co.tuolumne.ca.us		
Mariposa Co. Public Works Dept.	Cheryl Jay	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
Mariposa Co. 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	Mike Hubert	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry and Fire Protection	Mark Pimental	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.