

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2008-005

A resolution conditionally approving Land Division Application No. 2006-356; Thomas Archibald, applicant. Assessors Parcel Number 014-160-052.

WHEREAS an application for land division was received on December 20, 2006 from Thomas Archibald for a property located at 4877 Morningstar Lane, adjacent to the intersection of Morningstar Lane and Allred Road, approximately 1.3 miles from Carlton Road, also known as Assessor Parcel Number 014-160-052; and

WHEREAS revisions to the tentative parcel map were required, and revised maps were received on the project on March 23, 2007; and

WHEREAS the project proposes the division of an approximately 10.678 acre parcel into two parcels of approximately 5.678 and 5.0 acres each; and

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

WHEREAS primary access to the project site is reviewed from Carlton Road via Morningstar Lane; and

WHEREAS a portion of Allred Road fronts the project site and is county maintained road; and

WHEREAS the applicant proposed specific frontage improvements to Allred Road to bring this section of the road to the Rural Class I standard and these improvements enable the county to find that the roads providing primary access to the project site have adequate capacity for existing traffic plus the traffic created by the project; and

WHEREAS a duly noticed public hearing was scheduled for the 8th day of February 2008; and

WHEREAS a Staff Report and environmental determination 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 Staff Report, the

project description, the environmental determination, 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 find that the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-356.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1, and with the provisions and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Rudzik seconded by Commissioner Francisco, this resolution is duly passed and adopted this 8th day of February 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, and DeSantis

NOES: None

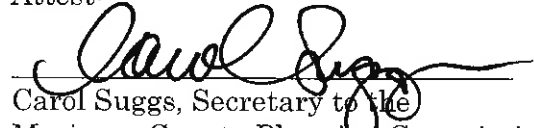
EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application No. 2006-356

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 two parcels of greater than five acres each, and considering the existing development and development areas on each parcel, the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the percolation and soils analysis tests for Parcel B are met. The proposed project is located within the Mountain Home zone and the Residential Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and Residential 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 project review and site inspection of existing conditions on-site found that there was no evidence that the project, which is very limited in scope, would have any potential impacts on the environment. There is no evidence that the project would impact biological or cultural resources. There are no concerns expressed by the Department of Fish and Game on this project. The proposed project is a subdividing of one parcel into two parcels that does not require the construction of any new roads, and only minor widening work of a short segment of Allred Road is required. One of the existing parcels (Parcel A) is developed with a habitable residence and all appurtenant improvements. The other parcel (Parcel B) is developed and has been occupied in the past; however the existing residential and storage structures on-site are no longer in a condition which can be occupied based upon neglect. Parcel B is served by an existing driveway which will be used for future redevelopment of Parcel B. The project to create one new parcel will not create significant traffic (a total of 8 ADT are theoretically created by the project). The project will not significantly impact existing roads. No drainages will be impacted by the project. No oak woodlands will be impacted by the project. The project results in the drawing of a new line and one "new" parcel which can be redeveloped. The project is in compliance with all County subdivision ordinances and the County General Plan.

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 and continued 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 a sewage disposal system on the parcel to be redeveloped. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project includes improvements to bring a portion of Allred Road up to "adequate capacity" standards. 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: This project has been processed in accordance with the 2006 Mariposa County General Plan. The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

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

EVIDENCE: This project has been processed in accordance with the 2006 Mariposa County General Plan. The minimum parcel size/density proposed by the project is consistent with standards contained in the 2006 General Plan (Residential land use) and the Zoning Ordinance (Mountain Home zone). 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. Although there are multiple access routes to the project site, primary access to the site is reviewed from Carlton Road via Morningstar Lane and Allred Road, as it is the shortest distance to a designated "minor collector". Morningstar Lane has sufficient width for existing traffic plus traffic created by the subdivision (paved travel lanes are 20 feet plus). Based upon the applicant's proposal, the portion of Allred Road which serves the project will be improved to the appropriate classification (Chart A, Road Improvement and Circulation Policy) to serve the existing average daily traffic (ADT) plus the project ADT. Consequently, it is found that access to the project site has adequate capacity as required by the 2006 General Plan for a residential subdivision.

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. The project will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project, have not objected to the proposal and will be involved with review of future encroachment improvements. Necessary offers of dedication for the public roads which exist on this parcel are required for the project.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
Land Division Application No. 2006-356

Project Name: Land Division for Thomas Archibald

File Number: LDA No. 2006-356

Project Approval Date: February 8, 2008

The following conditions of approval were adopted 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 List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
PROJECT DESCRIPTION		
<p>Land Division Application No. 2006-356 proposes to divide an approximately 10.67 acre parcel into 2 parcels of approximately 5 and 5.67 acres each.</p> <p>The applicant proposes to make frontage improvements to Allred Road to address the “adequate capacity” requirements for residential subdivisions of the Mariposa County General Plan. The applicant proposes to improve a portion of Allred Road, between the intersection of Allred Road and Morningstar Lane and the southwestern corner of Parcel B, to a Rural Class I road. The portion of the road to be improved is shown on a drawing attached to the applicant’s proposal (dated January 14, 2008).</p> <p>These frontage improvements will be done in accordance with standards established in the County Improvements Standards. An encroachment permit will be obtained for the work. All proposed improvements will be completed and “signed off” (approved) by the Public Works Department prior to filing of the parcel map.</p>		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. A dedication of a minimum of 30 feet from the centerline of Allred Road on-site shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing</p>	Public Works	

<p>slopes.</p> <p><i>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Allred Road.</i></p> <p>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p>		
<p>2. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Allred Road pursuant to the project description (frontage / encroachment improvements) described above. All encroachment improvements shall be completed as required by Public Works prior to the filing of the parcel map.</p> <p>The encroachment improvements shall be completed within the existing county right-of-way or the new on-site dedication, unless the applicant is able to obtain additional right-of-way from the adjacent property owner (west of Allred road) prior to commencement of the frontage / encroachment improvement construction work.</p> <p>Chapter 11, County Improvement Standards / Project Description</p>	Public Works	
<p>3. Prior to the commencement of any encroachment improvements described in the project description, a consultation meeting with the Public Works Department, the applicant, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be set up by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. Public Works shall verify that this condition has been met prior to construction of any encroachment improvements approved for this project and prior to the scheduling of any on-site inspection of the encroachment improvements.</p> <p>Public Works Recommendation</p>	Public Works	
<p>4. Prior to commencement of any encroachment improvements described in the project description, and prior to the consultation meeting described above, the applicant shall contact the telephone company in order to coordinate the location of telephone facilities, including conduit, along Allred Road in the area of the widening / frontage improvement work. The applicant shall present a letter from the telephone company or other evidence to the Public Works Department stating or evidencing that this requirement has been met.</p> <p>Public Works Recommendation</p>	Public Works	
<p>5. Immediately upon completion of the encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed.</p>	Public Works	

<p>§15.28.120, Mariposa County Buildings and Construction Code</p> <p>6. All grading and road encroachment improvement work approved for this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvement required as a conditional of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>Mariposa County Improvement Standards</p>	<p>Public Works</p>	
<p>7. The applicant shall contact the Homeowner's or Road Maintenance Association (or equivalent) for Morningstar Lane and shall request permission for the two project parcels to annex into the existing association for road maintenance purposes for Morningstar Lane.</p> <p>If permission is granted, the applicant shall file a "notice of annexation to the 'Morningstar Lane Road Maintenance Association'" (or substitute appropriate association name). The notice shall specify that the project parcels are subject to all conditions and by laws of the association, including road maintenance and improvement assessment fees, established by the association for Morningstar Lane. This notice shall be filed concurrently with and referenced on the parcel map.</p> <p>If the applicant is denied permission for annexation, the applicant shall submit evidence to the County Surveyor which indicates that the required contact and request was made and denied.</p> <p>Public Works Recommendation</p>	<p>Public Works</p>	
<p>8. 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>§16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	
<p>CONDITIONS OF APPROVAL / MARIPOSA PLANNING</p>		
<p>9. Project approval is valid for a period of three years from February 8, 2008. This approval shall expire on February 8, 2011, unless a time extension is approved by the Planning Commission. An application for a time extension must be submitted by the applicant prior to the expiration date.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>10. Morningstar Lane on-site shall be made sixty (60) feet wide and non-exclusive (30 feet from the centerline of the road). The offer of dedication shall include all dedication required to encompass the existing slopes. The easement shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedications are for "public road and utility purposes."</p> <p><i>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer of</i></p>	<p>Public Works</p>	

<p><i>dedication for public maintenance for Morningstar Lane.</i></p> <p>§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections and Section II.A.3, Road Improvement and Circulation Policy; Planning Department Recommendation</p>		
<p>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 applicant may opt to have the Notice of Exemption (NOE) filed with the County Clerk. IF the applicant opts to file, then the applicant shall submit the Department of Fish and Game filing fee for the NOE to Mariposa Planning by Thursday, February 14, 2008. If the applicant opts to file, then the applicant shall submit cash or a money order made payable to the Mariposa County Clerks Office to Mariposa Planning for \$50.00 (the County Clerk will not accept personal checks for this fee).</p> <p>§16.12.390, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>12. Subdivision Map Act Section 66434.2 applies to the filing of the parcel map for this project.</p> <p>Planning Department Recommendation</p>	<p>Mariposa Planning</p>	
<p>13. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"Pursuant to the 'adequate capacity' requirements of the Mariposa County General Plan, the approved access to Parcels A and B as shown on the Parcel Map for _____, filed in Book _____ of Parcel Maps at Page _____, Mariposa County Records, is from Carlton Road, via Morningstar Lane."</p> <p>Planning Staff Recommendation</p>	<p>Mariposa Planning</p>	
<p>14. The Property Owner (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</p>	<p>Mariposa Planning</p>	

<p>the county.</p> <p>§16.36.030, Mariposa County Subdivision Ordinance</p>		
<p>CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT</p>		
<p>15. Percolation tests and soils analysis tests shall be performed on Parcel B in accordance with Health Department rules and regulations and Health Department Policy 03-01. The results of these tests shall be submitted to the Mariposa County Health Department and be approved by the County Environmental Health Specialist prior to filing parcel map. If special designed (Engineered) septic system meeting the criteria in Health Department Policy 03-01 is required the engineering must be submitted to the County Health Department and approved by the County Environmental Health Specialist. A letter from the County Environmental Health Specialist shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. A statement shall be filed in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p style="padding-left: 40px;">“Approved percolation test and soils analysis test have been performed on Parcel B as shown on the Parcel Map for _____, filed 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. If engineering is required to meet the criteria set forth in Health Department Policy 03-01 and a septic system is proposed for an area other than the approved area the soils conditions must be equal to or better than those in the approved area or the new area shall not be approved for use.”</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>Environmental Health</p>	
<p>16. Prior to filing of the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcel B has 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; or b. a proposed connection to a shared well which has been pre-approved by the Health Department; or c. 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; or d. 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 	<p>Environmental Health</p>	

<p>tank, (b) a static water supply in the well; or</p> <p>e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.</p> <p>Additionally, if the properties are to be served in the future by a well or wells, the applicant shall file a disclosure statement concurrently with the map and referenced on the map stating the following:</p> <p>"Water supplies for residential lands are derived from private wells on Parcels A and B as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records. 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 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>(Mariposa County General Plan, Section 5.3.02.E(4))</p>		
<p>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		
<p>17. Prior to filing of the parcel map, all applicable State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p> <p>(California Public Resource Code)</p>	<p>Cal Fire</p>	
<p>(end)</p>		