

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-37

**A resolution conditionally approving Land Division Application
2006-35 Terry & Anne Falaschi, applicants. Assessor Parcel
Number 003-220-014**

WHEREAS an application for Land Division Application 2006-35 was received on February 6, 2006 from Terry & Anne Falaschi for a property located at 5449 Dogtown Road, also known as Assessor Parcel Number 003-220-014; and

WHEREAS; Land Division Application #2006-35 proposes the division of a 45.42 acre parcel into 3 parcels, Parcel A is 6.13 acres, Parcel B is 7.20 acres and Parcel C is 32.09 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 July 21, 2006; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt a Negative Declaration.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2006-35.

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 Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this by the following vote:

AYES: Commissioners Ross, Skyrud, DeSantis, Rudzik

NOES:

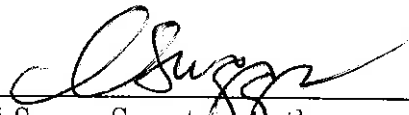
EXCUSED:

ABSTAIN:



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
Land Division Application 2006-35

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

EVIDENCE: The parcels to be created are five or more acres in size. The parcels have access to a County maintained road. The topography of the subject property is acceptable for the construction of residences. 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 are met. The proposed project is located within the Mountain Home zone, five-acre minimum parcel size. 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, it would have a less than significant effect on the environment. According to the Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are no special, rare, or endangered animal or plant species or wildlife resources located on the project site and the surrounding area that would be affected by approval of this project. The land is currently and will continue to be used primarily for residential purposes. 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 location and implementation of these improvements will ensure that serious health problems will not occur on the site.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

EVIDENCE: The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." The project site is not in an area governed by a Specific Plan.

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 fronts upon an existing county road. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MITIGATION MEASURES
FOR
Land Division Application 2006-35

Project Name: Terry and Anne Falaschi
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File Number: LDA No. 2006-

The following conditions of approval and/or mitigation measures were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions/mitigation measures have been complied with and implemented.

Sign-Off Checklist for Conditions of Approval

Project Description

Land Division Application #2006-35 proposes the division of a 45.42 acre parcel into 3 parcels, Parcel A is 6.13 acres, Parcel B is 7.20 acres and Parcel C is 32.09 acres.

Applicant proposes to make improvements to Dogtown Road to lessen traffic impacts to Dogtown Road. The applicants propose to:

1. Construct a staging area adjacent to Dogtown Road built to CDF standards at a location indicated by CDF. This staging area will be completed prior to parcel map recordation.

These improvements will be done through the encroachment permit process in accordance to standards established in the county improvements standards and the SRA fire safe regulations. All proposed improvements will be finished prior to recordation of the parcel map.

CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT

MONITORING
DEPARTMENT

VERIFIED
IMPLEMENTED

1. The onsite easement shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be

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| <p>provided to encompass the required cul-de-sac improvements at the southern boundary of Parcel C; the cul-de-sac easement shall provide adequate frontage along Parcel C to construct a driveway as determined by Public Works. Additional easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the Parcel map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p> | <p>PUBLIC WORKS</p> | |
| <p>2. A variable width dedication of a minimum of 30 feet from the centerline of Dogtown Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the <i>parcel</i> 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</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Dogtown Road.</p> <p>(Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).</p> | <p>Public Works</p> | |
| <p>3. The easement from Dogtown Road to Parcel C shall be improved to a Rural Class 1 SRA 'A' standard and shall meet this standard at the time of parcel map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer at the time of recordation of the parcel map. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road</p> | <p>PUBLIC WORKS</p> | |

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| <p>improvements</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.]</p> | | |
| <p>4. A cul-de-sac shall be constructed at the terminus of the on-site easement road at the southern parcel boundary of Parcel C. The cul-de-sac improvements shall physically touch Parcel C for a distance to provide adequate access to Parcel C as determined by Public Works. The cul-de-sac shall be constructed to meet county standards and shall meet this standard at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.A.2, COUNTY IMPROVEMENT STANDARDS, SECTION 11.4(9) & SECTION 11.4 (10)]</p> | <p>PUBLIC WORKS</p> | |
| <p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Dogtown Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> | <p>PUBLIC WORKS</p> | |

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| <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.C.5 & COUNTY IMPROVEMENT STANDARDS SECTION 11]</p> | | |
| <p>6. Access to parcel B shall be limited to proposed onsite easement; No encroachment permits to Dogtown Road for this parcel will be granted. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcel B. The declaration shall state the following:</p> <p>"Approved access for residential development of Parcel B as shown on the Parcel Map for _____ recorded at Book _____ of Parcel Maps at Page _____, MCOR is from the proposed onsite easement road. No encroachment permits to Dogtown Road for this parcel will be granted"</p> <p>The County Engineer will confirm that this condition has been complied with prior to map recordation.</p> | <p>PUBLIC WORKS</p> | |
| <p>7. 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 California Dept. of Forestry and Fire Prevention, the applicant, the agent, and a 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. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>[COUNTY IMPROVEMENT STANDARDS, SECTION 3 & SECTION 11.3(C)]</p> | <p>PUBLIC WORKS</p> | |
| <p>8. 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 NRCS/RCD</p> | <p>PUBLIC WORKS</p> | |

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| <p>for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.</p> <p>[COUNTY IMPROVEMENT STANDARDS, SECTION 12]</p> | | |
| <p>9. All required 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. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p> | <p>PUBLIC WORKS</p> | |
| <p>10. A STOP sign shall be placed at the intersection of the on site easement road and Dogtown Road. The design and placement of this STOP sign shall be approved by the County engineer prior to installation. [Road Improvement and Circulation Policy Section III.A., County Improvement Standards Section 11.5(D)]</p> | <p>PUBLIC WORKS</p> | |
| <p>11. If the onsite easement road is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Dogtown Road 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.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p> | <p>PUBLIC WORKS</p> | |
| <p>12. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Dogtown Road 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.</p> <p>[County Subdivision Ordinance Section 16.12.175; County Improvement Standards Section 11.5(D)]</p> | <p>PUBLIC WORKS</p> | |
| <p>13. A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement. Maintenance shall include, but not be limited to, drainage and erosion control</p> | <p>PUBLIC WORKS</p> | |

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| <p>devices, fuel modification, and upkeep of road surfaces. The Road Maintenance Association provisions shall be developed by the applicant so those parcels served by the easement roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <p>a. Be in effect for a period of not less than thirty (30) years unless said maintenance is taken over by the County, a special district, or other governmental entity.</p> <p>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</p> <p>c. Include 100% of the parcels in the subdivision served by the access road.</p> <p>d. Provide a mechanism for the road maintenance association to collect delinquent payments or assessments for the maintenance described above by filing a lien on the delinquent properties with the power of sale.</p> <p>e. Provide a mechanism for new parcels to be added to the association.</p> | | |
| <p>14. 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. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p> | <p>Public Works</p> | |
| <p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p> | <p><i>MONITORING DEPARTMENT</i></p> | <p><i>VERIFIED IMPLEMENTED</i></p> |
| <p>15. Project approval is valid for a period of three years from July 21, 2006. This approval shall expire on July 21, 2009.</p> | <p>MARIPOSA PLANNING</p> | |