

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-17

**A resolution conditionally approving Land Division Application
No. 2004-2, Clinton and Connie Pearce, applicants. Assessor
Parcel Number 017-080-037.**

WHEREAS an application for land division was received on January 9, 2004 from Clinton and Connie Pearce for a property located at an unassigned address, 1800 feet south of the intersection of Buckeye Road and Ben Hur Road, on the east side of Ben Hur Road, also known as Assessor Parcel Number 017-080-037; 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 May 7, 2004; 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 approve a Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application #2004-2; 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 Rudzik, seconded by Commissioner Turpin, this resolution is duly passed and adopted this May 7, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain, Skyrud, and Turpin

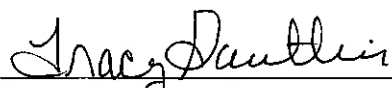
NOES: None

EXCUSED: None

ABSTAIN: None


Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

LAND DIVISION APPLICATION NO. 2004-2 RECOMMENDED FINDINGS

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are recommended:

1. 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.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone, with the remainder located in the Agricultural Exclusive zone. The subdivision density is designed in accordance with the Mountain Home zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. 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).
4. This land division and its subsequent use for low-density residential purposes will not 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.
5. Upon Completion of the Land Division process, the proposed map will be consistent with the 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 is consistent with the Mariposa County Board of Supervisors Resolution #82-75 (attached), in that it divides the property along the zoning line. Parcels A through D are located entirely in the Mountain Home zone and designed to Mountain Home

standards; the Remainder is located entirely in the Agriculture Exclusive zone and is a legal non-conforming use within that zone. 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.

6. 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.
7. The project will not conflict with any public easement.
8. 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.

Project Condition and Mitigation Monitoring Plan – Exhibit 2

Project Name: Pearce File Number: LDA #2004-2
Project Approval Date: May 7, 2004

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfill the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. The easement from Ben Hur Road through the Remainder shall be made a minimum of 60 feet wide and non-exclusive. A cul-de-sac easement with a minimum radius of 45 feet shall be provided to encompass the required cul-de-sac improvements at the terminus of the onsite easement road. 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).	Public Works	
2. A dedication of a minimum of 35 feet from the centerline of Ben Hur Road 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 (Section 16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).	Public Works	
3. The easement from Ben Hur Road to the property line between Parcels A and B shall be improved to a Rural Class II B 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 prior to the 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 required, engineered improvement plans shall be approved by the County Engineer and the approved alignment of the proposed road shall be staked in the field prior to commencement of construction work on the required road improvements. This data shall include: (a) depictions of grading needed to comply with the minimum road improvement requirements of PRC 4290 and Mariposa County standards (slope, width, turning radius); (b)	Public Works	

Condition and Mitigation Measure Monitoring Plan for Pearce

LDA #2004-2

Exhibit 2, Page- 2 -

<p>a preliminary drainage and erosion control plan (all cuts and fills shall have erosion control practices approved by the NRCS/RCD, to quicken re-vegetation efforts); and (c) an engineered re-vegetation plan. (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy)</p>		
<p>4. The easement from the property line between Parcels A and B to the end of the easement on the Remainder property shall be improved to a Rural Class I 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 prior to the 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 required, engineered improvement plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>	Public Works	
<p>5. A cul-de-sac shall be constructed for the onsite easement road as determined by the County Engineer and/or CDF, with the more restrictive standard applying. The cul-de-sac shall be improved to meet county standards prior to the recordation of the parcel map. 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 approved and inspected 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>	Public Works	
<p>6. 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 set up 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>	Public Works	
<p>7. All required signs, with the exception of 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.</p>	Public Works	
<p>8. A stop sign shall be placed at the intersection of the on site easement and Ben Hur Road. The stop sign 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.</p>	Public Works	
<p>9. If the onsite easement is accepted by the County for public access but not for</p>	Public Works	

<p>maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement and Ben Hur 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. (Section III.A.4, Road Improvement and Circulation Policy).</p>		
<p>10. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Ben Hur 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. (Section 16.12.175, County Subdivision Ordinance).</p>	Public Works	
<p>11. The applicant shall file a completed petition on a form to be approved by the County Engineer (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the onsite easement road from Ben Hur Road through the Remainder. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future. (Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)</p>	Public Works	
CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>12. The onsite easement shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map (County Resolution No. 92-541).</p>	Mariposa Planning	
<p>13. 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 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 Planning who will file this fee and other required documents with the County Clerk</p>	Mariposa Planning	
CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)		
<p>14. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>SRA Fire Safe Regulations</i>. A document shall be recorded and referenced on the Parcel Map that states:</p>	California Department of Forestry	

<p>“Future residential development shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable <i>SRA Fire Safe Regulations</i> and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.” Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.</p>		
<p>CONDITION OF APPROVAL / HEALTH DEPARTMENT</p>		
<p>15. Soil profile holes shall be excavated on all parcels to the standards of the County Health Department and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Sanitarian approves the parcel for septic disposal based on the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel 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/final 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 map as follows: "Approved percolation tests and soils analysis tests have been performed on Parcels ___ as shown on the Parcel Map for ___, 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 approved percolation tests, additional percolation tests and design recommendations may be required." (Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>Mariposa County Health</p>	
<p>CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT</p>		
<p>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.</p>	<p>NRCS/RCD</p>	

Condition and Mitigation Measure Monitoring Plan for Pearce

LDA #2004-2

Exhibit 2, Page- 5 -

REMAINDER CONDITIONS:		
17. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map: "A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code." (Section 16.04.030, County Subdivision Ordinance)	Mariposa Planning	
MITIGATION MEASURES:		
None		
Recommendations of Offers of Dedication		
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.	Public Works	
The Planning Commission recommends that the Public Works Director accept the offer of dedication of 35 feet for public access, maintenance and utilities for Ben Hur Road.	Public Works	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-966-0306 mtennermann@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road Mariposa CA 95338	Same as site
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	Jerry Prognier	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	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.