

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2007-039

**A resolution approving Request for Amended Conditions No. 2007-143; Conrad and Cindy Fournier, applicants. Assessor Parcel Number 012-100-014.**

WHEREAS an application requesting to amend the conditions of approval for Major Subdivision Application No. 2004-214 was received on August 14, 2007 from Conrad and Cindy Fournier for a property located at an unassigned address on Yaqui Gulch Road, Assessor Parcel Number 012-100-014; and

WHEREAS the project specifically proposed to amend Condition of Approval No. 29, changing the text of the measure which mitigates the potentially significant impact on oak woodlands from project implementation; and

WHEREAS the applicant stated that he wished make the mitigation language consistent with that adopted for more recent projects; and

WHEREAS a duly noticed public hearing was scheduled for the 21<sup>st</sup> day of September 2007; and

WHEREAS the Planning Department determined that the previous environmental determination made for Major Subdivision Application No. 2004-214 was not changed by the request for amended conditions; and

WHEREAS therefore the Planning Department recommended that the Planning Commission find the Request for Amended Conditions exempt from the provisions of the California Environmental Quality Act in accordance with Section 15162 of CEQA Guidelines; and that the amended condition mitigates the project's potentially significant impact to oak woodlands to a less than significant level, and

WHEREAS a Staff Report was 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 find that this project is exempt from the provisions of CEQA; and

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission does hereby approve Amended Conditions Application No. 2007-143, and finds that amended condition no. 29, as shown in Exhibit 1, mitigates the project's potentially significant impact to oak woodlands to a less than significant level.

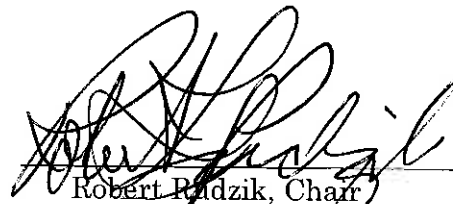
ON MOTION BY Commissioner Ross, seconded by Commissioner DeSantis, this resolution is duly passed and adopted on September 21, 2007 by the following vote:

AYES: Ross, Francisco, Rudzik, Skyrud, DeSantis

NOES:

EXCUSED:

ABSTAIN:

  
\_\_\_\_\_  
Robert Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

*Exhibit 1—Conditions of Approval*  
*Major Subdivision Application No. 2004-214*  
*As Amended by Request for Amended Conditions No. 2007-143*

## Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The road easement from Yaqui Gulch Road to the cul-de-sac on Parcel A and the Remainder shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road to encompass the required cul-de-sac improvements. 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 easement shall be created for the use and benefit of the subject properties. An offer of dedication for public utilities shall be made. The offer shall be non-revocable and specifically state on the parcel map that the dedications are for "public utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. The road easement from the northerly onsite easement to the cul-de-sac on Parcels B, C, and D shall be made 60 feet wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided at the end of the onsite easement road to encompass the required cul-de-sac improvements. 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 easement shall be created for the use and benefit of the subject properties. An offer of dedication for public utilities shall be made. The offer shall be non-revocable and specifically state on the parcel map that the dedications are for "public utility purposes."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>3. A variable width dedication of a minimum of 30 feet from the centerline of Yaqui Gulch Road shall be offered to the County of</p>	Public Works	

<p>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.</p> <p>§16.12.150, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy</p>		
<p>4. The road within the easement from Yaqui Gulch Road to the cul-de-sac on Parcel A and the Remainder shall be improved to a Rural Class IA SRA 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 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 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. Prior to commencement of construction work on the required road improvements, the County Engineer shall approve any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>	Public Works	
<p>5. The road within the easement from the northerly onsite easement to the cul-de-sac on Parcels B, C, and D shall be improved to a Rural Class IA SRA 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 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 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. Prior to commencement of construction work on the required road improvements, the County Engineer shall approve any section of the road which exceeds 12% grade, and may require that the onsite road be paved. Grades for the onsite easement road shall not exceed 16% for any section of the road.</p> <p>§16.12.170, County Subdivision Ordinance.</p>		
<p>6. A cul-de-sac shall be constructed at the terminus of both on-site easement roads as shown on the tentative parcel map. The cul-de-sacs shall be improved to meet county standards and shall meet these standards at the time of parcel map recordation. The required cul-de-sac improvements shall be completed in accordance with the Road</p>	Public Works	

<p>Improvement and Circulation Policy and the County Improvement Standards and shall be inspected and approved by the County Engineer prior to recordation of the final 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 final map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>		
<p>7. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Yaqui Gulch 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.</p> <p>Chapter 11, County Improvement Standards</p>	Public Works	
<p>8. Access to Parcels A, B, C, D, and the Remainder shall be limited to the proposed onsite easement, and no further encroachments shall be approved for Parcels A, B, C, D, and the Remainder from Yaqui Gulch Road. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to all parcels and the Remainder. The declaration shall state the following:</p> <p>"Approved access for residential development of Parcel A, Parcel B, Parcel C, Parcel D, and the Remainder as shown on the Parcel Map for Fournier, recorded in Book ___ of Parcel Maps at Page ____, Mariposa County Records is from <u>(insert approved road names)</u>. No further encroachment permits shall be issued to these parcels from Yaqui Gulch Road."</p> <p>The County Engineer will confirm that this condition has been met prior to map recordation.</p> <p>Public Works Recommendation</p>	Public Works	
<p>9. A road maintenance association shall be formed to provide for the maintenance of the roads in the onsite easements. Maintenance shall include, but not be limited to, drainage and erosion control 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 final 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>	Public Works	

<p>c. Include 100% of the parcels in the subdivision served by the access roads, including the Remainder.</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>Public Works Recommendation</p>		
<p>10. 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 a representative of the Public Works Department, a representative of CDF, a representative from the Health Department, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted onsite. 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 onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>	Public Works	
<p>11. 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, the applicant shall contact the Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required. If required, the applicant shall obtain the permit prior to commencement of construction activities. A copy of the approved permit or evidence that a permit is not required shall be submitted to the Public Works Department by the applicant prior to the onsite consultation meeting required by Condition of Approval No. 10. If a permit is required, all provisions and requirements of the permit shall be completed prior to recordation of the parcel map. The applicant shall submit to the Public Works Department evidence that the permit requirements have been met to the satisfaction of the RWQCB.</p> <p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)</p>	Public Works	
<p>12. 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</p>	Public Works	

<p>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 or the Public Works Department stating that the re-vegetation and erosion control provisions have been completed.</p> <p>Public Works Recommendation</p>		
<p>13. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.</p> <p>Public Works Recommendation</p>	Public Works	
<p>14. 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.</p> <p>Public Works Recommendation</p>	Public Works	
<p>15. A stop sign shall be placed onsite at the intersection of the onsite easement road and Yaqui Gulch 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> <p>Public Works Recommendation</p>	Public Works	
<p>16. A road name sign for the northerly onsite easement road shall be placed at the intersection of the onsite easement road and Yaqui Gulch Road prior to map recordation. A road name sign for the southeasterly easement road shall be placed at the intersection of the two onsite easement roads. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County Engineer prior to installation.</p> <p>§16.12.175, County Subdivision Ordinance</p>	Public Works	
<p>17. 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.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>		
<p>18. The onsite easement roads shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for each onsite easement road shall be submitted to the Planning Department and be approved by the Planning Director. The</p>	Mariposa Planning	

<p>name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>		
<p>19. Project approval is valid for a period of three years from August 4, 2006. This approval shall expire on August 4, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>20. 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.).</p> <p>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> <p>§16.12.390, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>21. 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</p>	<p>Mariposa Planning</p>	



project approval by the county.		
<p>22. Prior to the recordation of the parcel map for this project, the applicant shall have a cultural resources survey done for proposed Parcels A, B, C, and D by a qualified consultant, and shall provide a copy of the survey to the Planning Department. Any and all mitigation suggested by the consultant shall be incorporated into the project prior to recordation of the parcel map. If the Planning Director determines that incorporating such mitigation eliminates the potential development area on any of the proposed parcels, the applicant shall either merge the affected parcel with an adjacent parcel or shall amend the parcel configuration and return to the Planning Commission with a request to amend the map, accompanied by the required fees and full application for an amended parcel map.</p> <p>Mitigation Measure 5.a.1</p>	Mariposa Planning	
<b>CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT</b>		
<p>23. Prior to recordation of the parcel map for this project, the applicant shall adjust the property line between Parcels B and D as necessary to ensure that the minimum fifty foot setback is met for all portions of the required minimum sewage disposal area based on the percolation tests conducted on proposed Parcel D.</p> <p>Health Department Recommendation</p>	County Health	
<p>24. Prior to recordation of the parcel map for this project, the applicant shall demonstrate to the satisfaction of the Mariposa County Health Department that the qualified minimum sewage disposal area for Parcel B meets all required setbacks and that any road construction for the onsite easement roads and cul-de-sacs does not create cuts that would preclude installation of a septic system within the qualified disposal area. The location of the approved qualified septic disposal area shall be staked out by the consultant and shown on a map provided by the surveyor prior to the onsite consultation meeting required by Condition of Approval No. 10. The Mariposa County Health Department shall review and approve the qualified disposal area prior to recordation of the parcel map, and shall confirm with the County Surveyor that this requirement has been met.</p> <p>Health Department Recommendation</p>	County Health	
<p>25. The applicant shall provide representative engineering for a septic disposal system for Parcels A, B, C, and D to the Mariposa County Health Department prior to recordation of the parcel map.</p> <p>Health Department Recommendation</p>	County Health	
<p>26. All parcels of this land division shall be served by special design engineered septic systems. A declaration shall be recorded</p>	County Health	

<p>concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A, B, C, and D. This declaration shall state the following:</p> <p>"All parcels as shown on the Parcel Map for Fournier, recorded in Book ___ of Parcel Maps at Page ___. Mariposa County Official Records, are required to be served by special design engineered onsite sewage disposal systems. The systems have been designed and a copy of the approved engineering is on file with the Mariposa County Health Department. If an onsite sewage disposal system is proposed for an area other than the pre-approved area, additional testing will be required. The newly selected area must have at least as acceptable of a soil quality and quantity as the pre-approved area."</p> <p>Health Department Recommendation</p>		
<p>27. In the event that the qualified septic disposal area cannot meet the minimum required setbacks from proposed property lines, the property lines shall be adjusted or parcels merged to ensure that the minimum setbacks are available. In the event that road construction on the project eliminates some or all of the qualified disposal area for one or more parcels the parcels shall be tested in another area. Minimum testing requirements are percolation testing with at least four percolation tests, and soil profiles. In the event that soils testing does not demonstrate a new area meeting the requirements of Health Department Policy 03-01, then the parcel shall be merged with an adjoining parcel prior to recordation of the parcel map.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p><b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b></p>		
<p>28. Prior to recordation 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>CDF</p>	
<p><b>MITIGATION MEASURES</b></p>		
<p>29. The applicant has the option to:</p> <p>a. Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5" or greater at breast height.</p> <p>OR</p> <p>b. Prior to recordation of the parcel map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 10, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus both on-site and off-site which are</p>	<p>Mariposa Planning</p>	

<p>located within fifty feet of the centerline of the on-site easement road and fifty feet of the centerline of the on-site/off-site easement road that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director's consideration. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval. This mitigation measure is not intended to reduce the ability of the applicant to conduct necessary brushing work for fire safety.</p> <p>Mitigation Measure 4.e.1</p>		
<b>REMAINDER CONDITIONS</b>		
<p>30. If the remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder. This shall occur prior to recordation of the certificate of compliance for the remainder.</p>	Public Works	
<p>31. At the time of the recordation of the Certificate of Compliance for the remainder, the on-site access road from Yaqui Gulch Road to the remainder shall meet a minimum of a Rural Class IA SRA standard. The required road improvements shall be completed in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards. A letter from the Public Works Department stating this condition has been met shall be submitted to the Planning Department prior to the recordation of the Certificate of Compliance. All costs for Public Works road inspections shall be the responsibility of the applicants.</p>	Public Works	

<p>32. The turnaround located at Parcel A and the Remainder as shown on the parcel map shall be improved to meet county standards and shall meet this standard at the time of the recordation of the certificate of compliance for the Remainder. The required turnaround 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</p> <p>(Road Improvement and Circulation Policy, Public Works and Planning Recommendation, CDF Requirement).</p>	<p>Public Works</p>	
<p>33. Upon completion of the required road improvements for the Remainder, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resources Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also contact NRCS/RCD or Public Works for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the Planning Department from NRCS/RCD or the Public Works Department stating that the re-vegetation control provisions have been completed prior to the recordation of the Certificate of Compliance for the Remainder.</p>	<p>Public Works</p>	
<p>34. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>"A Certificate of Compliance for the Remainder as shown on the Parcel Map for Fournier recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, 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."</p> <p>§16.04.030, County Subdivision Ordinance</p>	<p>Planning</p>	
<p>35. A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p> <p>"There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for Fournier, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Records, until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The Remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed."</p>	<p>Planning</p>	

**RECOMMENDATION ON OFFERS OF DEDICATION**

Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities, but reject the offer for public maintenance of the onsite easement road.	Public Works	
Mariposa Planning Recommendation		