

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-29

A resolution conditionally approving Land Division Application No. 2004-185, Bill Hilton, applicant. Assessor Parcel Number 012-050-063.

WHEREAS an application for land division was received on September 21, 2004 from Bill Hilton for a property located at 4966 Gold Leaf Drive, approximately 400 feet south of the intersection of Gold Leaf Drive and State Highway 49 North, on the south side of Highway 49 North directly across from the intersection of Highway 49 North and Mykleoaks Drive, also known as Assessor Parcel Number 012-050-063; and

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

WHEREAS the Health Department expressed concerns regarding the sewage disposal capabilities of the project site and the Public Works Department and the California Department of Transportation expressed concerns regarding the traffic impacts of the project; and

WHEREAS the project was placed on hold so that the applicant could complete a traffic study for Highway 49 North and appropriate percolation and soils analysis testing; and

WHEREAS the project was modified to include a shared septic system and a shared well to be installed on the project site; and

WHEREAS a duly noticed public hearing was scheduled for the 16th day of June 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 an 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 Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application #2004-185; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms, conditions, and mitigation measures set forth in Exhibit 2.

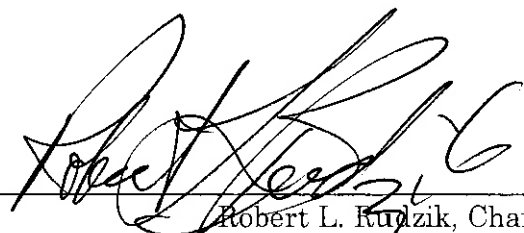
ON MOTION BY Commissioner Ludington, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this June 16, 2006 by the following vote:

AYES: Commissioners DeSantis, Ludington, Ross, Rudzik, and Skyrud

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval

Hilton Land Division Application No. 2004-185

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

EVIDENCE: Based on site inspection, the site is physically suited for medium-density industrial structures and appurtenant improvements such as community water and septic systems, provided that the conditions of approval regarding the access roads and the percolation and water testing are met.

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 undeveloped and will be used primarily for industrial 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 mitigated 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 medium-density industrial purposes are not likely to cause serious health problems. Future industrial uses will be required to comply with all Building Code regulations and Health Department standards for wells and wastewater disposal. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. Additionally, all future industrial 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 and specific plans as specified in Government Code Section 65451; the requested waiver to minimum parcel size standards is appropriate for this project.

EVIDENCE: This project is located within the Mountain General land use and zoning classification, which has a 40-acre minimum parcel size. The project is also located within Planned Development Zone 87-1, which originally included a proposal to subdivide the land subject to this application and the adjacent land to the south of the project site into parcels with an average size of 1.7 acres. Section 3.602.A of the Mariposa County General Plan Land Use Element states that the "[M]inimum lot size may be waived by the Planning Commission or Board of Supervisors where the

created or modified parcel is intended to be utilized for non-residential purposes.” The property is covered and restricted by the provisions of the Mariposa Industrial Park Plan, and may not be developed with residential uses, with the exception of minimal accommodations for security personnel. The project site is not covered by a specific area plan; it is consistent with the provisions of the Mariposa Industrial Park Plan (see attachment 1) as a non-residential subdivision with residential uses precluded.

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 property is not covered 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 will not conflict with any public easement. The project has been designed in such a way that public easements are not affected. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

Exhibit 2—Conditions of Approval

Hilton Land Division Application No. 2004-185

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 have been complied with and implemented.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. The onsite road easement from the parcel boundary to the cul-de-sac on Parcels 2, 3, and 4 shall be made 60 feet wide and non-exclusive. The road easement shall be centered along the alignment of the centerline of the improved access road. 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 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."</p> <p>§16.20.130, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy.</p>	Public Works	
<p>2. The roads within the easement from State Highway 49 North to the cul-de-sac on Parcels 2, 3, and 4 shall be improved to a Rural Class IV standard and shall meet this standard at the time of parcel map recordation. This shall include any necessary improvements to the existing road known as Gold Leaf Drive. 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</p>	Public Works	

<p>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>§16.12.170, County Subdivision Ordinance.</p>		
<p>3. A cul-de-sac shall be constructed at the terminus of the on-site easement road, located at the intersection of Parcels 2, 3, and 4. The cul-de-sac 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 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 parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>Section 11.4(B)(9) County Improvement Standards</p>	<p>Public Works</p>	
<p>4. An encroachment permit shall be obtained from the California Department of Transportation prior to any work being done on or adjacent to State Highway 49 North. All encroachment improvements shall be completed prior to recordation of the parcel map. A letter or other documentation from CalTrans shall be submitted to the County Surveyor verifying that this condition has been met.</p> <p>Chapter 11, County Improvement Standards</p>	<p>Public Works</p>	
<p>5. The applicant shall form a Property Owners' Association and Road Maintenance Association to provide for the maintenance of the onsite and offsite road improvements, including but not limited to the CalTrans encroachment, the required turnaround, drainage and erosion control devices, fuel modification, and upkeep of road surfaces. This Property Owners' Association shall also provide for the maintenance of the shared well and septic systems. The 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, the Planning Department, and the Health Department 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</p>	<p>Public Works</p>	

<p>correction of emergency and hazard situations for the roads and for the water and wastewater systems.</p> <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>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 a representative of the Public Works Department, a representative of CalTrans, a representative of 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>	<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, 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. 6. 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>Public Works</p>	

<p>State Water Quality Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES)</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 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</p>	
<p>9. All cut and fill areas required for the construction of the proposed access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the parcel map. The location, width, and description of the easements shall be approved by the County Engineer.</p>	<p>Public Works</p>	
<p>10. 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. Public Works Recommendation</p>	<p>Public Works</p>	
<p>11. A stop sign shall be placed onsite at the intersection of the onsite easement road and Gold Leaf Drive. 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. Public Works Recommendation</p>	<p>Public Works</p>	
<p>12. A road name sign for the onsite easement road shall be placed at the intersection of the onsite easement road and Gold Leaf Drive 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. §16.12.175, County Subdivision Ordinance</p>	<p>Public Works</p>	
<p>13. 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. §16.12.395, Mariposa County Subdivision Code</p>	<p>Public Works</p>	

CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>14. The onsite easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application for the onsite easement road shall be submitted to the Planning Department and be approved by the Board of Supervisors prior to recordation of the parcel map for this project. The name of the road within the project site shall be shown on the parcel map.</p> <p>County Resolution 92-541</p>	<p>Mariposa Planning</p>	
<p>15. Project approval is valid for a period of three years from June 16, 2006. This approval shall expire on June 16, 2009.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	<p>Mariposa Planning</p>	
<p>16. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p>	<p>Mariposa Planning</p>	
<p>17. 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>18. 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</p>	<p>Mariposa Planning</p>	

<p>Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.</p>		
<p>19. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>"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."</p> <p>§16.04.030, County Subdivision Ordinance</p>	<p>Mariposa Planning</p>	
<p>20. 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 Hilton, 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>Mariposa Planning</p>	
<p>CONDITIONS OF APPROVAL/ HEALTH DEPARTMENT</p>		
<p>21. Prior to recordation of the parcel map, the applicant shall prepare a plan to install an onsite sewage disposal system on Parcel 3 and/or Parcel 4 to serve as a community sewage disposal system for all the proposed parcels. The plan shall show all necessary easements for transport lines and disposal, and these easements shall be shown on the recorded parcel map. The plan shall be prepared and stamped by a person licensed to design onsite sewage disposal systems, and shall be reviewed and approved by the Health Department prior to recordation of the parcel map. This onsite</p>	<p>County Health</p>	

<p>sewage disposal system shall be installed on the approved parcel, and this installation shall be inspected and approved by the Health Department prior to recordation of the parcel map. The Health Department shall provide a letter to the County Surveyor stating that this condition has been met.</p> <p>A statement shall be prepared by the applicant, to be recorded concurrently with the parcel map, to be made appurtenant to Parcels 1, 2, 3, 4, and the Remainder, and to be referenced on the parcel map, which shall read as follows:</p> <p>“A community sewage disposal system has been designed and installed to serve Parcels 1, 2, 3, 4, and the Remainder as shown on the Parcel Map for Hilton, recorded in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records. All necessary easements for transport lines and disposal of sewage are shown on the Parcel Map. No stand-alone septic systems shall be installed on any parcel referenced above unless previously reviewed and approved by the Health Department. Connection to the community sewage disposal system shall be the responsibility of the developer.”</p> <p>Health Department Recommendation</p>		
<p>22. Prior to recordation of the parcel map, the applicant shall provide evidence to the Mariposa County Health Department that a well or wells of proven capacity have been installed on the project site. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall be an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor. The minimum pump testing duration of the well or wells on each lot shall be the following: 3 hours for a well producing 10 gallons per minute (gpm) or more; 24 hours for a well producing 5 gpm to less than 10 gpm; and 3 days for a well producing less than 5 gpm. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems, and an analysis for coliform bacteria. All necessary easements for water transport shall be shown on the recorded parcel map.</p> <p>Health Department Recommendation</p>	<p>County Health</p>	
<p>23. Prior to any grading activity occurring on the project site, the applicant shall demonstrate to the satisfaction of the Mariposa County Air Pollution Control District that they are meeting the requirements of the asbestos air toxic control measures regarding</p>	<p>County Health</p>	

<p>construction and grading.</p> <p>California Code of Regulations Title 17, Section 93105; Health Department Recommendation</p>		
<p>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION</p>		
<p>24. 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>CEQA MITIGATION MEASURES</p>		
<p>25. Prior to the recordation of a final map for the project, 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 located within fifty feet of the centerline of the proposed access easement 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 road construction or for other purposes 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. 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 no trees are removed for purposes of road construction, the applicant may waive this requirement.</p> <p>Mitigation Measure 4.e.1</p>	<p>Mariposa Planning</p>	
<p>26. For all trees not identified for removal for road construction or other purposes as detailed in Mitigation Measure 4.e.1, there shall be no grading, leveling, soil compaction from the use of heavy equipment, or digging within the root zone of oaks identified in the Oak Tree Identification document. During construction of onsite easement roads, all such oaks located in the area of construction activity but not to be removed shall have erected around the root zone—which is 1 ½ times the drip line of the oak tree crown or 15' whichever is greater—environmentally sensitive area fencing. This fencing shall remain installed, visible, and in good condition until all road construction, grading activities and other soil disturbance activities are completed. At the time of inspection of the completed road improvements by the Public Works Department, the Public Works inspector shall approve the removal of the fencing.</p>	<p>Public Works</p>	

Mitigation Measure 4.e.2		
REMAINDER CONDITIONS		
27. 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.	Mariposa Planning	
RECOMMENDATION ON OFFERS OF DEDICATION		
<p>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.</p> <p>Mariposa Planning Recommendation</p>	Public Works	