
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2005-04

**A resolution conditionally approving
Land Division Application No. 2004-166
Patricia A. Murdock, applicant
Assessor Parcel Number 014-230-055**

WHEREAS an application for land division was received on August 24, 2004 from Patricia A. Murdock for property located at an unassigned address, known as Assessor Parcel Number 014-230-055; and

WHEREAS the application for land division is to subdivide an 11.02 acre parcel into two parcels: Parcel A being 6.02 acres and Parcel B being 5.00 acres. Access to the parcels is provided by an existing unnamed access easement from Highway 49 South. Both proposed parcels are undeveloped, and

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

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

WHEREAS a finding has been made pursuant to Section 15061(b)3 of the California Environmental Quality Act that the project is exempt under CEQA in that CEQA applies only to projects which have the potential for causing a significant effect on the environmental, and

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

WHEREAS a duly noticed public hearing was scheduled for the January 21, 2005; 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 Notice of Exemption 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 Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application #2004-166; and

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

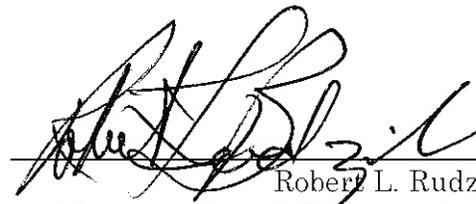
ON MOTION BY Commissioner S. Crain, seconded by Commissioner S. S kyrud, this resolution is duly passed and adopted this January 21, 2005 by the following vote:

AYES: Commissioners S. Crain, N. Ross, R. Rudzik, S. S kyrud

NOES:

EXCUSED: Commissioner D. Ludington

ABSTAIN:



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION #2004-166

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.

Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040.B.3, the Planning Commission must find that the project meets certain general requirements, namely that: (a) the site is physically suitable for the project; (b) the project will not cause a substantial environmental impact; (c) the project will not cause serious public health problems; (d) the project is consistent with county plans; and (e) the project will not conflict with public easements.

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

EVIDENCE: 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 and well.

2. **FINDING:** The site is physically suitable for the proposed density of development.

EVIDENCE: The site is physically suited for the density allowed in this zone. The parcels to be created are at least five acres in size. The proposed project's General Plan designation and zoning is Mountain Home; single family dwellings on five acre parcels are a permitted use. The subdivision density is designed in accordance with the density regulations identified for these designations.

3. **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: Staff reviewed the project in reference to the California Department of Fish and Game's Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County. This review did not reveal any areas of concern. The proposed project is a subdividing of land that does not require the construction of any new roads, does not impact any known biological resources, will not create any significant traffic or impact existing roads, will not require any significant improvements, and is in compliance with County subdivision ordinances.

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

EVIDENCE: The project site has a General Plan and zoning designation of Mountain Home. The County General Plan Land Use Element states the Mountain Home designation is best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and service areas. The project site is located just east of the Mariposa Town Planning Area. The proposed parcels have adequate building areas for the placement of residences. Residential uses are permitted uses in the MH designation.

The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

6. **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.

7. **FINDING:** The design of the subdivision or type of improvements will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project fronts upon an existing access road. This unnamed access has a legal ingress and egress encroachment upon State Highway 49. No new encroachments on State Highway 49 are proposed. No new easements are necessary or required for the project, and the project will not conflict with any known public easement.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MONITORING PROGRAM
FOR
LAND DIVISION APPLICATION #2004-166

<u>CONDITIONS OF APPROVAL FOR</u> <u>LAND DIVISION APPLICATION #2004-166</u>	<u>MONITORING</u> <u>DEPARTMENT</u>	<u>VERIFIED</u> <u>IMPLEMENTED</u>
<p>1. The easement on the unnamed road accessing Parcels A & B shall be made 60' [sixty] wide and non-exclusive. A cul-de-sac easement with a radius of 60' [sixty] shall be provided to encompass the required cul-de-sac improvements. <i>(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.)</i> 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>(COUNTY SUBDIVISION ORDINANCE SECTION 16.12.160.B; ROAD STANDARD CROSS-SECTIONS, ROAD IMPROVEMENT AND CIRCULATION POLICY).</p> <p><i>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</i></p>	PUBLIC WORKS	
<p>2. The existing easement from State Highway 49 South to the northerly end of Parcel A 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 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 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>(COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170; ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.2.A).</p>	PUBLIC WORKS	

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

EVIDENCE: The project site has a General Plan and zoning designation of Mountain Home. The County General Plan Land Use Element states the Mountain Home designation is best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and service areas. The project site is located just east of the Mariposa Town Planning Area. The proposed parcels have adequate building areas for the placement of residences. Residential uses are permitted uses in the MH designation.

The land division is the initial step in the process to help accomplish the General Plan's Housing Element overall goal to "...provide an adequate supply of sound, affordable housing units in a safe and satisfying environment for the present and future residents of the County..." The land division satisfies the following Housing Element Policy: "to ensure that there are adequate sites and facilities available to support future housing needs." There is no specific plan governing this property.

6. **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.

7. **FINDING:** The design of the subdivision or type of improvements will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project fronts upon an existing access road. This unnamed access has a legal ingress and egress encroachment upon State Highway 49. No new encroachments on State Highway 49 are proposed. No new easements are necessary or required for the project, and the project will not conflict with any known public easement.

<p align="center"><u>CONDITIONS OF APPROVAL FOR</u> <u>LAND DIVISION APPLICATION #2004-166</u></p>	<p align="center"><u>MONITORING</u> <u>DEPARTMENT</u></p>	<p align="center"><u>VERIFIED</u> <u>IMPLEMENTED</u></p>
<p>3. A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved 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 approved and inspected by the County Engineer prior to recordation of the parcel map. 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)</p>	<p align="center">PUBLIC WORKS</p>	
<p>4. An encroachment permit shall be obtained from the California Department of Transportation [Caltrans] prior to any work being done on or adjacent to the unnamed easement road and its encroachment upon State Highway 49 South. In addition, this encroachment shall be brought up to current Caltrans standards for private and commercial driveways per the Highway Design Manual. (CALTRANS REQUIREMENT)</p>	<p align="center">PUBLIC WORKS</p>	
<p>5. If the current existing easement that encroaches on State Highway 49 South, and which presently provides access to the subject parcels, is relocated then this relocation shall obtain approval from both the California Department of Transportation and the California Transportation Commission. This approval shall be in the form of legitimate and verified documentation from these two agencies. [CALTRANS REQUIREMENT]</p>	<p align="center">PUBLIC WORKS, PLANNING</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 the Public Works Department, the applicant, the agent, road contractor, and if necessary, the California Department of Transportation and the California Department of Forestry and Fire Prevention, 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</p>	<p align="center">PUBLIC WORKS</p>	

road improvements. (PUBLIC WORKS AND PLANNING DEPARTMENT RECOMMENDATION)		
<u>CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-166</u>	<u>MONITORING DEPARTMENT</u>	<u>VERIFIED IMPLEMENTED</u>
<p>7. 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. (COUNTY IMPROVEMENT STANDARDS, SECTION 12, PLANNING AND NRCS/RCD RECOMMENDATION)</p>	<p>PUBLIC WORKS, PLANNING & NRCS/RCD</p>	
<p>8. All required signs, including any street name sign(s), 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. (SECTION III.A.4, ROAD IMPROVEMENT AND CIRCULATION POLICY, COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p>PUBLIC WORKS</p>	
<p>9. A stop sign shall be placed at the intersection of the [insert road name pursuant to Condition of Approval #16], presently being the on-site easement, and State Highway 49 South. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of all signage and the Stop Bar shall be approved by the County engineer prior to installation. (SECTION III.A.4, ROAD IMPROVEMENT AND CIRCULATION POLICY, COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p>PUBLIC WORKS</p>	
<p>10. If the [insert road name pursuant to Condition of Approval #16], presently being the on-site easement accessing Parcels A & B, 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 this easement and State Highway 49 South 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. (ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A.4; COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)).</p>	<p>PUBLIC WORKS</p>	
<p>11. A road name sign for [insert road name pursuant to Condition of Approval #16], presently being the on-site easement, shall be placed at the intersection of the existing unnamed easement and State Highway 49 South 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. (COUNTY SUBDIVISION ORDINANCE COUNTY SECTION 16.12.175; IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p>PUBLIC WORKS</p>	

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<p>12. A road maintenance association shall be formed to provide for the maintenance of [insert road name] accessing Parcels A & B. 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 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>(PUBLIC WORKS RECOMMENDATION)</p>	<p align="center">PUBLIC WORKS</p>	
<p>13. A declaration or covenant of non-protest for road maintenance of [insert road name] accessing Parcels A & B shall be recorded concurrently with the Parcel map and shall be referenced on the Parcel map. The declaration or covenant shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road. The declaration or covenant shall be approved by the Public Works Director prior to recordation.</p> <p>(PUBLIC WORKS RECOMMENDATION)</p>	<p align="center">PUBLIC WORKS</p>	

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<p>14. The following statement shall be recorded in the County Official Records concurrently with the Parcel map and shall be clearly referenced on the Parcel map:</p> <div style="border: 1px dashed black; padding: 5px; margin: 10px 0;"> <p>"If the easement known as [name to be determined by Condition of Approval #16] is extended to, or provides access to, any off-site parcels, a zone of benefit within Countywide County Service Area No. 1 for maintenance of the easement may be required."</p> </div> <p>(SECTION II.I, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p align="center">PUBLIC WORKS</p>	
<p>15. 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 align="center">PUBLIC WORKS</p>	
<p>16. The existing unnamed access road that encroaches upon State Highway 49 South and is to serve Parcels A & B shall be named in accordance with Mariposa County Resolution No. 92-541, with said easement [road] name being achieved through the filing of a Mariposa County Road Name Application. The name of the road shall be shown on the Parcel Map. (MARIPOSA COUNTY RESOLUTION NO. 92-541)</p>	<p align="center">PLANNING</p>	
<p>17. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>State Fire Safe Regulations</i>. 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. (CALIFORNIA FIRE SAFE REGULATIONS PUBLIC RESOURCES CODE 4290 & 4291)</p>	<p align="center">PUBLIC WORKS, PLANNING</p>	
<p>18. Percolation tests and soils analysis tests shall be performed on Parcels A & B 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 Environmental Health Specialist prior to recordation of the parcel map. A letter from the County Health Department shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <div style="border: 1px dashed black; padding: 5px; margin: 10px 0;"> <p>"Approved percolation tests and soils analysis tests have been performed on Parcels A & B as shown on the Parcel Map for Patricia Murdock, 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 showing the location of the approved percolation tests is on file at the County Health Department. If an on-site septic disposal system is proposed for a portion of a</p> </div>	<p align="center">HEALTH/ PUBLIC WORKS</p>	

parcel that has not had an approved percolation test, additional percolation tests and design recommendations may be required."		
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(SECTION 16.12.330, COUNTY SUBDIVISION ORDINANCE; HEALTH DEPARTMENT RECOMMENDATION)

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Jon J. Johnson	209-742-1219 jjohnson@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 Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site