
**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2005-11

**A resolution conditionally approving Land Division
Application No. 2004-227, Erik and Janice Pontoppidan,
applicants. Assessor Parcel Number 008-240-002**

WHEREAS an application for land division was received on December 9, 2004, from Erik and Janice Pontoppidan for property located at 5796 Colorado Road, Assessor Parcel Number 008-240-022, and

WHEREAS the application for land division is to subdivide a 10.89 acre parcel into two parcels: Parcel A being 5 acres and Parcel B being 5.89 acres, subject property being zoned Mountain Home: five acre minimum parcel size; and having a General Plan designation of Mountain Home, with access to the proposed parcels being from Colorado Road and Lakeside Road, and

WHEREAS the County Zoning Code and Subdivision Ordinance provides for the subdividing of land into five acre parcels in the Mountain Home Zone, 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 from CEQA in that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and 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, 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 February 18, 2005; and

WHEREAS the project was continued to the next scheduled Planning Commission hearing of March 18, 2005, so as to give Planning staff time to obtain comments from affected and responsible agencies, and

WHEREAS the Planning Commission did hold a public hearing on March 18, 2005 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, and

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 #2004-227; 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.

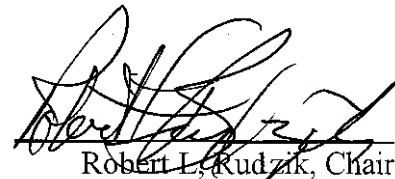
ON MOTION BY Commissioner S. Crain, seconded by Commissioner D. Ludington, this resolution is duly passed and adopted this March 18, 2005 by the following vote:

AYES: Susan Crain, Denise Ludington, Robert Rudzik

NOES: Norm Ross, Skip Skyrud

EXCUSED:

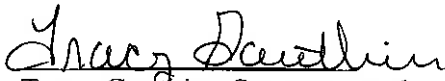
ABSTAIN:



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 #2004-227

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 wells.

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 site has minimal slope, ranging from 0-15%. There is an existing dwelling on one of the proposed parcels and outbuildings on both proposed parcels. 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 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 existing easements and a County road. 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 #2004-227

The Commission's modifications to the recommended conditions and/or mitigation measures are indicated by deletions in ~~strike through~~ text and amendments are in *italics and underlined*.

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented, and fulfills the County of Mariposa's Monitoring requirements.

CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. A dedication of thirty (30) feet from the centerline of Colorado 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).</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Colorado Road.</p>	PUBLIC WORKS	
<p>2. Lakeside Road from Colorado Road to the eastern terminus of proposed Parcel A, or the location of an onsite driveway serving proposed Parcel A, shall be improved to a Rural Class IIB 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</p>	PUBLIC WORKS	

<p>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 (SECTION 16.12.170, COUNTY SUBDIVISION ORDINANCE; CHART A AND SECTION II.D.2.A, ROAD IMPROVEMENT AND CIRCULATION POLICY).</p>		
<p>CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227 (CONTINUED)</p>	<p>MONITORING DEPARTMENT</p>	<p>VERIFIED IMPLEMENTED</p>
<p>3. An encroachment permit shall be applied for from the Mariposa County Public Works Department prior to any work being done on or adjacent to Colorado Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements (CHAPTER 11, COUNTY IMPROVEMENT STANDARDS).</p>	<p>PUBLIC WORKS</p>	
<p>4. The existing encroachment on proposed Parcel B to Colorado Road shall be abandoned and removed, as required by the Public Works Department. All required work shall be conducted in accordance with County standards, and completed prior to Parcel Map recordation as approved and inspected by the County Engineer. (PUBLIC WORKS RECOMMENDATION)</p>	<p>PUBLIC WORKS</p>	
<p>5. 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 [if applicable], and road contractor, shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the</p>	<p>PUBLIC WORKS</p>	

<p>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. (PUBLIC WORKS AND PLANNING DEPARTMENT RECOMMENDATION)</p>		
<p align="center">CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227 (CONTINUED)</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</p>
<p>6. 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 align="center">PUBLIC WORKS, PLANNING & NRCS/RCD</p>	
<p>7. All cut and fill areas required for the improvement of Lakeside Road outside of the existing road easement shall be included within new easements and shall be delineated as such on the Parcel Map. Any new easements shall be offered for dedication and shall be non-revocable and specifically state on the Parcel Map that the dedication is for "public road and public utility purposes." The location, width, and description of the easements shall be approved by the County Engineer. All road construction, along with related cuts and fills, shall be included within the existing rights-of-way, or new rights-of-way created.</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities for Lakeside Road but reject the offer for maintenance.</p>	<p align="center">PUBLIC WORKS</p>	

<p align="center">CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227 (CONTINUED)</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</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 Lakeside Road and Colorado Road. 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. A road maintenance association shall be formed to provide for the maintenance of Lakeside Road or as an alternative, the applicant may join an existing road maintenance association. 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> <ul style="list-style-type: none"> 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. b. Provide for annual maintenance and the immediate correction of emergency and hazard situations. c. Include 100% of the parcels in the subdivision served by the access road. 	<p>PUBLIC WORKS</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. (PUBLIC WORKS RECOMMENDATION)</p>		
<p align="center">CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227 (CONTINUED)</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</p>
<p>11. A declaration or covenant of non-protest for road maintenance of Lakeside Road 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. (PUBLIC WORKS RECOMMENDATION)</p>	<p align="center">PUBLIC WORKS</p>	
<p>12. 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>13. 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>14. Soil profile holes shall be excavated on Parcel <u>B A</u> 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</p>	<p align="center">HEALTH/ PUBLIC WORKS</p>	

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.

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 Parcel ~~B~~ A as shown on the Parcel Map for Erik & Janice Pontoppidan, 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)

CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2004-227 (CONTINUED)	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p><u>15. There shall be a one foot non-access easement along the subject property's frontage along Colorado Road, said non-access easement going from property's northeast corner southerly along the property's east property line to a point where the 30' private road easement, as recorded in Mariposa County Records Document No. 2005839, encroaches upon Colorado Road. This non-access easement shall be shown on the Parcel Map. (PUBLIC WORKS RECOMMENDATION)</u></p>	<p><u>PUBLIC WORKS</u></p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Jon J. Johnson	209-742-1217 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