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

Resolution

No. 2005-21 **A resolution conditionally approving Land Division Application No. 2005-22
Ronald and Donna Mackie, applicants. Assessor Parcel Number 017-220-030**

WHEREAS an application for land division was received on February 9, 2005, from Ronald and Donna Mackie for property located at 1617 Highway 49 South, Assessor Parcel Number 017-220-030, and

WHEREAS on February 17, 2005, a letter was sent to applicants stating the tentative parcel map submitted was incomplete and did not comply with the requirements for said map as listed in the Land Division Application checklist, and

WHEREAS on March 14, 2005, a revised map was received at the Mariposa County Planning Department and this map was determined to be complete, and

WHEREAS the application for land division is to subdivide 12.58 parcels into two parcels: Parcel 1 is 5.38 acres and Parcel 2 is 7.2 acres. Parcel #2 has a house, well, septic system, and two outbuildings on it; Parcel #1 is undeveloped. The subject property is zoned Mountain Home, five-acre minimum parcel size; and has a General Plan designation of Mountain Home. Access to the proposed parcels will be provided from an existing 60' easement created as a result of a deed recorded in Mariposa County Records, Volume 90, Page 261, with this easement connecting to Worman Road which connects with State Highway 49 South, 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 June 17, 2005; and

WHEREAS the Planning Commission did hold a public hearing on June 17, 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 find the project is eligible for 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 #2005-22; 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.

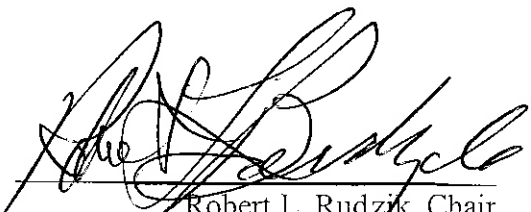
ON MOTION BY Commissioner S. Skyrud, seconded by Commissioner N. Ross, this resolution is duly passed and adopted this 17th of June, 2005, by the following vote:

AYES: P. DeSantos, N. Ross, R. Rudzik, S. Skyrud,

NOES:

EXCUSED: D. Ludington

ABSTAIN:


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:


Shari Allen
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS
FOR
LAND DIVISION APPLICATION #2005-22

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, the size and number of parcels, comments from affected agencies, and the required road improvements the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met.

2. **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 five acres in size. The parcels will have access onto a State Highway. There are no major physical constraints on the proposed parcels that would limit the building of single-family dwellings. 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 requires improvement of one onsite easement, 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 ordinance.

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 possible 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 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 has an existing deeded 60' easement for ingress and egress. This easement leads to a State Highway. The existing easement will be on the subject property and will be improved to County standards. The project will not conflict with any known public easements.

EXHIBIT 2
CONDITIONS OF APPROVAL AND MONITORING PROGRAM
FOR
LAND DIVISION APPLICATION #2005-22

CONDITIONS OF APPROVAL FOR LAND DIVISION APPLICATION #2005-22	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
<p>1. The easement from that road labeled 'Bootjack-Ahwahnee Road' on the tentative Parcel Map up to Parcel 1 is 60 [sixty] feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property and adjoining and adjacent properties. (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.) Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the Parcel Map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer. The Parcel Map shall include a statement accepting the offer for dedication for the Road and Public Utility. (SECTION 16.12.160.B, COUNTY SUBDIVISION ORDINANCE; SECTION II.A.3, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p style="text-align: center;">PUBLIC WORKS</p>	
<p>2. The <u>existing</u> access easement <u>starting</u> from the <u>southern end of the turnaround located on</u> from the intersection of Worman Road with that road labeled 'Bootjack-Ahwahnee Road' on the tentative Parcel Map and then to Parcel 1 shall be improved to a Rural Class I SRA "A" standard and shall meet this standard at the time of Parcel Map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards and shall be approved by the County Engineer 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 (SECTION 16.12.170, COUNTY SUBDIVISION ORDINANCE; CHART A AND SECTION II.D.2.A, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p style="text-align: center;">PUBLIC WORKS</p>	

<p align="center">CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</p>
<p>3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to the road called Bootjack-Ahwahnee Road and any work done on Worman 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 align="center">PUBLIC WORKS</p>	
<p>4. 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 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 road improvements. (PUBLIC WORKS & PLANNING RECOMMENDATION)</p>	<p align="center">PUBLIC WORKS</p>	
<p>5. 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 improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. (COUNTY IMPROVEMENT STANDARDS SECTION 11.3).</p>	<p align="center">PUBLIC WORKS</p>	

<p align="center">CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</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/ NRCS</p>	
<p>7. The onsite easement that travels on and through Parcels 1 & 2 and the road labeled as Bootjack-Ahwahnee Road on the tentative Parcel Map shall have the name of Bootjack-Ahwahnee Road. one name. This road name 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. (MARIPOSA COUNTY RESOLUTION NO. 92-541)</p>	<p align="center">PLANNING</p>	
<p>8. Road name signs for the onsite easement and its continuation into the road labeled as Bootjack-Ahwahnee Road on the tentative Parcel Map, and which is subject to change as detailed by Condition of Approval #7, shall be placed on the subject property at the intersection of this easement and Worman Road and any other location as so proscribed by the County Public Works Department. 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. (COUNTY SUBDIVISION ORDINANCE COUNTY SECTION 16.12.175; IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p align="center">PUBLIC WORKS</p>	
<p>9. 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. (SECTION III.A.4, ROAD IMPROVEMENT AND CIRCULATION POLICY, COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p align="center">PUBLIC WORKS</p>	
<p>10. If the onsite easement road 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 <u>a location determined by the County Engineer</u> the intersection of the newly named road as detailed in Condition of Approval #9 and Worman Road prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County engineer prior to installation. (ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A.4; COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D))</p>	<p align="center">PUBLIC WORKS</p>	

<p style="text-align: center;">CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</p>	<p style="text-align: center;">MONITORING DEPARTMENT</p>	<p style="text-align: center;">VERIFIED IMPLEMENTED</p>
<p>11. A road maintenance association shall be formed to provide for the maintenance of the access road, starting at the <u>southern end of the turnaround [said turnaround being located south of the intersection of Worman Road and Bootjack-Awhwahnee Road and which is currently known by the County Public Works Department]</u>point where that road labeled as Bootjack-Ahwahnee Road on the tentative Parcel Map intersects with Worman Road, and then continuing to Parcel 1. 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. 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. e. Provide a mechanism for new parcels to be added to the association. <p>(SECTION II.I, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p style="text-align: center;">PUBLIC WORKS & PLANNING</p>	
<p>12. A declaration or covenant of non-protest for road maintenance of the access road as proscribed in Condition of Approval No. 13 shall be recorded concurrently with the Parcel Map and shall be referenced on the Parcel Map. The declaration of 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 Parcel Map recordation. (PUBLIC WORKS RECOMMENDATION)</p>		

<p align="center">CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</p>
<p>13. A cul-de-sac shall be constructed at the terminus of the on-site easement road or at any reasonable point adjoining Parcel 1, with said location to be determined by and approved by the California Department of Forestry and Fire Prevention and the Mariposa County Public Works Department. 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 parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met. [SECTION 11.4(B)(9) COUNTY IMPROVEMENT STANDARDS AND CALIFORNIA FIRE SAFE REGULATIONS PUBLIC RESOURCES CODE 4290 & 4291]</p>	<p align="center">PUBLIC WORKS & CDF&FP</p>	
<p>14. All cut and fill areas required for the construction of the proposed access road shall be included within the easement offered for dedication. (PUBLIC WORKS RECOMMENDATION)</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. There shall be located an open space buffer and building setback of fifty [50] feet from the centerline of the stream that traverses Parcel No. 1 and on the watercourse on Parcel No. 2, as these water resources are shown on the Tentative Parcel Map. A statement shall be recorded in Mariposa County Official Records concurrently with the Parcel Map and referenced on the Parcel Map as follows:</p> <p>"There is an open space buffer and building setback of fifty [50] feet from the centerline of the stream that traverses Parcel No. 1 and on the watercourse on Parcel No. 2, as these water resources are shown on the Parcel Map for <name> recorded in Book <#> of Parcel Maps at Page <#>, Mariposa County Records. No structures shall be constructed within the open space easements. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the easement. No removal of vegetation shall be allowed within the open space easement except as may be necessary to meet fuel reduction requirements for clearance around structures as required by California Fire Safe Regulations Public Resource Code 4291.</p>	<p align="center">PLANNING</p>	

<p>A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space easement subject to approval by California Department of Fish and Game. This easement shall be in perpetuity and shall restrict the use of the land within the easement.</p>		
<p>(PLANNING DEPT. RECOMMENDATION)</p>		
<p>CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</p>	<p>MONITORING DEPARTMENT</p>	<p>VERIFIED IMPLEMENTED</p>
<p>17. Percolation tests and soils analysis tests shall be performed on Parcel 1 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 Registered Environmental Health Specialist [R.E.H.S.] prior to recordation of the Parcel Map. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel. A statement shall be recorded in Official Records concurrently with the Parcel Map and referenced on the Parcel Map as follows:</p> <div data-bbox="228 940 1057 1283" style="border: 1px solid black; padding: 5px;"> <p>"Approved percolation tests and soils analysis tests have been performed on Parcel 1 as shown on the Parcel Map for <name> 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 an approved percolation tests, additional percolation tests and design recommendations may be required."</p> </div>	<p>PUBLIC WORKS/ HEALTH</p>	
<p>(SECTION 16.12.330, COUNTY SUBDIVISION ORDINANCE; HEALTH DEPARTMENT RECOMMENDATION)</p>		
<p>18. Prior to Parcel Map recordation, the applicant shall have complied with all applicable State Fire Safe Regulations Public Resources Code Section 4290 & 4291, including but not limited to:</p> <ol style="list-style-type: none"> 1) Improving the access roadway to the subject parcels to at least a roadway having two nine-foot travel lanes with supporting shoulders with an all-weather surface. 2) Construction of a cul-de-sac turnaround on the access roadway with location to be determined by CDF and County Public Works. 3) Defensible Space setback along the roadway and driveways and property lines. 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 or Engineer. (CALIFORNIA FIRE SAFE REGULATIONS PUBLIC RESOURCES CODE 4290 & 4291) 	<p>PUBLIC WORKS</p>	

<p align="center">CONDITIONS OF APPROVAL [CONTINUED] FOR LAND DIVISION APPLICATION #2005-22</p>	<p align="center">MONITORING DEPARTMENT</p>	<p align="center">VERIFIED IMPLEMENTED</p>
<p>19. Within 21 days of the approval of this land division by the Planning Commission of Mariposa County, the developer/project applicant shall sign an Indemnification Agreement and agree to defend, indemnify, and hold harmless the County and its agents, officers, officials, and employees (the Indemnified Parties) from any claim, action, or proceeding against the Indemnified Parties to attack, set aside, void, or annul the Requested Entitlements and/or certification of CEQA review approved by County or its officers, officials, agents or employees concerning the Requested Entitlements and other proceedings, or to impose personal liability against such officers, officials, agents or employees resulting from their involvement in any and all proceedings or actions taken by County in connection with the processing of the Requested Entitlements, specifically including but not limited to any claim for damages, attorney fees, costs of court, or expenses of litigation claimed by or awarded to any party from County in such litigation (the Indemnity Obligations). [COUNTY ORDINANCE NO. 1017]</p>	<p align="center">PLANNING</p>	
<p>20. 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 solid black; padding: 5px; margin: 10px 0;"> <p>Construction on the southern half of Parcel No. 1 [as recorded in Book <#> of Parcel Maps at Page <#> for <name>, Mariposa County Records] that is across the stream that has a open space buffer and building setback of fifty [50] feet as described in Condition of Approval #16 48 shall be required to comply with the standards and regulations of the Mariposa County Public Works Department, the Mariposa County Fire Department, the Mariposa County Environmental Health Department, the California Department of Forestry and Fire Prevention, the California Department of Fish and Game, and any other applicable standards and regulations as required. This compliance is likely to require the construction of a crossing across the stream that meets the weight load standards for fire prevention and emergency access, a Streambed Alteration Agreement from the California Department of Fish and Game, and specific septic system design requirements.</p> </div> <p>PLANNING DEPARTMENT RECOMMENDATION</p>	<p align="center">PLANNING</p>	

