

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-10

A resolution conditionally approving Land Division Application #2004-16 John and Ruth Wittkopf applicant. Assessor Parcel Number 9-130-029.

WHEREAS an application for land division was received on February 2, 2004 from John and Ruth Wittkopf for a property located at 6971 Scott Road, between Bear Clover Lane and Double Eagle Road; The site is also known as Assessor Parcel Number (APN): 9-130-029; and

To divide a 26.4-acre parcel into two parcels (Parcel A: 16.4-acres; and Parcel B: 10-acres) in the Jerseydale Area. Access to the site is proposed from Scott Road.

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

WHEREAS a duly noticed public hearing was scheduled for the April 2, 2004 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 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 Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application #2004-16; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2, along with the recommendation on the offers of dedication as described on Exhibit 2:

ON MOTION BY Commissioner Rudzik, seconded by Commissioner Ludington, this resolution is duly passed and adopted this April, 2, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain, Skyrud, and Turpin

NOES: None

EXCUSED: None

ABSTAIN: None



Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

**LAND DIVISION APPLICATION NO. 2004-16
RECOMMENDED FINDINGS**

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are recommended:

1. 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 provided that the conditions of approval regarding the septic systems and approved locations are met.
2. The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the conditions of approval imposed. 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 CDFG has determined 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 negative declaration as required by AB 3158 and a County Clerk fee of (\$25).
4. 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. Upon Completion of the General Plan Zoning Amendment process, the proposed map will be consistent with the Mariposa County General Plan. 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. 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. The project will not conflict with any public easement.
8. 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.

Project Condition and Mitigation Monitoring Plan – Exhibit 2

Project Name: Wittkopf Land Division
Project Approval Date: April 2, 2004

File Number: LDA 2004-16

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 and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures		
	Monitoring Dept.	Verified
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
1. The easement from Scott Road to Parcel B shall be made a minimum 60-foot wide and non-exclusive. The easement shall be designated for private access for the use and benefit of Parcel A and Parcel B of the subject land division. 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 <i>parcel</i> 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 (Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy).	Public Works	
2. A dedication in an amount required by the County Engineer of a minimum of 30-feet from the centerline of Scott Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the <i>parcel</i> 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).	Public Works	
3. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Scott 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).	Public Works	
4. Prior to the commencement of any road improvements, road construction or	Public	

<p>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 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.</p>	Works	
<p><u>5. A sign stating "PRIVATE ROAD" shall be installed on the easement adjacent to the intersection of the easement and Scott Road. The location of the sign shall be approved by the Public Works Director, and the design and specifications shall be in accordance with the County Improvement Standards</u></p>		
<p><u>6. The easement from Scott Road to proposed Parcel B shall be improved to a California Department of Forestry (CDF) standard and shall meet this standard at the time of parcel map recordation. The required improvements shall be approved by the County Engineer upon consultation with CDF 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 improvements.</u></p>		
<p>7. Verification of taxes paid shall be submitted to the County Surveyor prior to the Parcel Map Recordation.</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>8. 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>	Mariposa Planning	
<p>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)</p>		
<p>9. Prior to Parcel Map recordation, the applicant shall have complied with all applicable <i>SRA Fire Safe Regulations</i>. A document shall be recorded and referenced on the Parcel Map that states:</p>	California Department of Forestry	

<p>“Future residential development shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable <i>SRA Fire Safe Regulations</i> and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291.”</p> <p>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.</p>		
<p>10. A fuel management zone of 100-foot wide along all property lines for Parcel B shall be delineated on the parcel map. A statement shall be recorded for in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>"A fuel management zone of 100-foot wide exists along all parcel boundaries. The construction of residential structures or accessory structures (except for fences, utilities, a well house) shall not occur in this area unless otherwise approved by the California Department of Forestry. This fuel management zone shall be in perpetuity and has the potential to restrict the use of the land within it. If a building is placed outside the fuel management zone, fuel reduction measures are still required."</p> <p>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.</p>	<p>California Department of Forestry</p>	
<p>CONDITION OF APPROVAL / HEALTH DEPARTMENT</p>		
<p>11. Soil profile holes shall be excavated on Parcel B 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 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.</p> <p>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:</p>	<p>Mariposa County Health</p>	

<p>"Approved percolation tests and soils analysis tests have been performed on Parcel B as shown on the Parcel Map for John and Ruth Wittkopf, 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."</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>		
CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT		
<p>12. Immediately upon completion of the required road and encroachment improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service/Resource Conservation District (NRCS/RCD). The applicant shall also 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.</p>	NRCS/RCD	
<p>REMAINDER CONDITIONS: NONE</p>	NA	
<p>MITIGATION MEASURES: NONE</p>	NA	
RECOMMENDATIONS OF OFFERS OF DEDICATION		
<p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for Scott Road.</p>	Public Works	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Bill King	209-966-0305 bking@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
Cal. Dept of Forestry	Dennis Townsend	209-966-3622	5366 Highway 49 North Mariposa CA 95338	Same as site

Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a *Certificate of Completion*.

Environmental Coordinator

Date

Explanation of Headings:

Monitoring Dept:	Department or Agency responsible for monitoring a particular mitigation measure.
Verified Implemented:	When a mitigation measure has been implemented, this column will be initialed and dated.