

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-19

**A resolution conditionally approving LDA #2004-1 Mike Hall,
applicant. Assessor Parcel Number 009-050-024.**

WHEREAS an application for Land Division #2004-1 was received on December 16, 2003 from Mike Hall for a property located in the Mariposa Pines area, approximately a half-mile from the intersection of Scott Road and Bear Clover Lane, 6979 Bear Clover Lane, also known as Assessor Parcel Number 009-050-024; and

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 May 21, 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 Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve LDA #2004-1; and

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

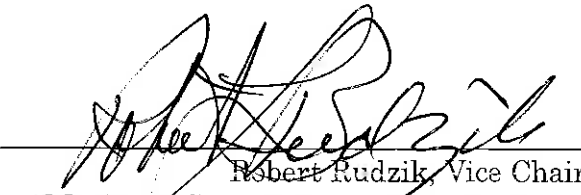
ON MOTION BY Commissioner Ludington, seconded by Commissioner Turpin, this resolution is duly passed and adopted this May 21, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Skyrud, and Turpin

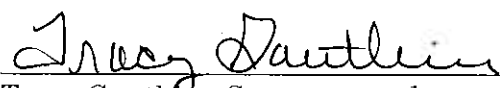
NOES: None

EXCUSED: Crain

ABSTAIN: None


Robert Rudzik, Vice Chair
Mariposa County Planning Commission

Attest:


Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

LAND DIVISION APPLICATION #2004-1 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. 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. 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: Mike Hall

File Number: Land Division Application #2004-1

Project Approval Date: May 21, 2004

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 Implemented
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT		
<p>1. Bear Clover Lane (within the boundaries of the subject project) shall be made 60-foot wide and non-exclusive. A cul-de-sac easement with a radius of 45-feet shall be provided to encompass the required cul-de-sac improvements. 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 <i>parcel</i> map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy).</p> <p>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 Bear Clover Lane.</p>	Public Works	
<p>2. Bear Clover Lane, from Scott Road to <u>the driveway for Parcel A</u> the subject property shall be improved to a Rural Class II B 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 (Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).</p>	Public Works	
<p>3. A cul-de-sac shall be constructed on Bear Clover Lane at the southeast corner of the project area. The cul-de-sac shall be improved to meet county standards prior to the recordation of the parcel map. The</p>	Public Works	

<p>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. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p>		
<p>4. The driveway encroachment for Parcel B shall originate from the required cul-de-sac. Prior to recordation of the Parcel Map, the County Surveyor shall confirm that the parcel map is delineated with such driveway encroachment and a declaration referenced on the parcel map that specifies the requirement for the driveway encroachment at the cul-de-sac location has been satisfied. The declaration shall state: “Approved access for residential development of Parcel B shall be from the cul-de-sac on Bear Clover Lane located at the southeast corner of Parcel B as depicted on Parcel Map for Hall, Filed <date> in Book <#> of Maps, at Page <#>, Mariposa County Records.”</p>		
<p>5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to the work required 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).</p>	Public Works	
<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, 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 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>	Public Works	
<p>7. The applicant shall file a completed petition on a form to be approved by the County Engineer (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit</p>	Public Works	

within the Countywide County Service Area No. 1 for road maintenance of Bear Clover Lane from Scott Road to westerly terminus of subject property. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates. In order to ensure that the subject properties do not bear an undue burden in maintaining the access road, the zone of benefit shall be waived if the applicant demonstrates that 51% of the property owners served by the unnamed road calculated by the number of parcels or by assessed value, protest the formation of the zone of benefit.

If the applicant cannot secure the signatures of 51% of the property owners served by the road, the applicant shall submit evidence satisfactory to the County Engineer that all property owners served by the easement roads have been notified of the petition for the road maintenance zone of benefit and that 51% of those property owners calculated by the number of parcels and the assessed value, refused to sign the petition.

If the zone of benefit is waived, then a road maintenance association shall be formed to provide for the maintenance of Bear Clover Lane. If a road maintenance association is formed, 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:

- (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.

If the zone of benefit is waived, a declaration or covenant of non-protest for road maintenance of the unnamed 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

<p>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 shall also state that the owner or future owners of the parcels agree to pay their fair share of the costs for formation of the zone of benefit. The declaration or covenant shall approved by the Public Works Director prior to recordation.</p> <p>(Public Works Department Recommendation; Section II.I, Road Improvement and Circulation Policy)</p>		
<p>8. All required signs, with the exception of street name 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.</p>	Public Works	
<p>9. A stop sign shall be placed at the intersection of Bear Clover Lane and Scott Road. The stop sign shall be installed on metal breakaway type posts prior to map recordation. The design and placement of signs shall be approved by the County engineer prior to installation.</p>	Public Works	
<p>10. A road name sign for Bear Clover Lane shall be placed at the intersection of this lane and Scott Road 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. (Section 16.12.175, County Subdivision Ordinance).</p>	Public Works	
CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>11. 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.). 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	
CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)		
<p>12. 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: "Future residential development shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and</p>	California Department of Forestry	

<p>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>		
CONDITION OF APPROVAL / HEALTH DEPARTMENT		
<p>13. Percolation tests and soils analysis tests shall be performed on Parcel 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 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/final map and referenced on the parcel/final map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcel B as shown on the Parcel Map for _____, 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> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>Mariposa County Health</p>	
CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT		
<p>14. 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>	<p>NRCS/RCD</p>	
<p>REMAINDER CONDITIONS: NONE</p>	<p>NA</p>	
<p>MITIGATION MEASURES:</p>	<p>NA</p>	

<p>15. <u>A fuel management zone of 100-feet wide along the east and north project boundaries 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:</u></p> <p><u>"A fuel management zone of 100-feet wide exists along the project's east and north 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."</u></p>		
Recommendations of offers of Dedication		
<p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities for Bear Clover Lane, but reject the offer for public maintenance for the on-site access roads.</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.