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

Resolution
No. 2004-21

**A Resolution Approving a Tentative Parcel Map for a Land
Division for Will Stuart, Project No. 2003-295, Assessors Parcel
Number 016-250-047.**

WHEREAS an application for a Land Division was received from Will Stuart proposing the division of a 48.78-acre parcel into four parcels and a remainder on December 18, 2003 on property more particularly described as Assessors Parcel Number 016-250-047, located on the north side of Old Highway approximately 1.8 miles east of the intersection of Highway 140 and Old Highway, being a portion of the west half of Section 15, Township 6 South, Range 17 East, MDBM; and

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

WHEREAS on the 27th day of January, 2004 the Planning Department determined that additional information was necessary in order to review the potential traffic and human health and safety impacts created by the project based upon the condition of Old Highway providing access to the project site; and

WHEREAS this determination was based in part upon the record and action taken for Land Division Application No. 2003-233; Paul DiTomaso, applicant. Land Division Application No. 2003-233 proposed the division of a 51-acre parcel into 4 parcels and a remainder on APN 016-160-076, a parcel immediately adjacent to the project site for Land Division Application No. 2003-295.

WHEREAS the requirements for the traffic study were enumerated in correspondence to the applicant dated the 27th day of January, 2004; and

WHEREAS this determination was based upon a review of the whole record, as 1) there was not information available to address cumulative impacts, 2) there was not adequate scientific and factual data available for staff to assess the project's potential impacts on transportation and traffic, 3) a fair argument had been raised by the public that the project for Land Division Application No. 2003-233 could have potentially significant impacts on traffic safety based upon the conditions of Old Highway and the

project for Land Division Application No. 2003-295 has similar potential impacts, and 4) Old Highway is below any required minimum standard established by the Mariposa County General Plan, the Mariposa County Regional Transportation Plan, the Mariposa County Road Improvement and Circulation Policy, and the State Fire Safe Standards; and

WHEREAS the written requirements for the traffic study were enumerated in correspondence to the applicant dated the 27th day of January, 2004; and

WHEREAS an Administrative Draft Traffic Impact Analysis was received from VRPA Technologies, Inc. on the 12th day of March, 2004; and

WHEREAS planning staff review comments on the Administrative Draft Traffic Impact Analysis were provided to VRPA Technologies, Inc. on the 22nd day of March, 2004; and

WHEREAS a revised Traffic Impact Analysis, incorporating responses to staff review requirements was received on the 2nd day of April 2, 2004; and

WHEREAS a duly noticed public hearing was scheduled for the 7th day of May, 2004 and

WHEREAS a Staff Report and Initial Study was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission continued the public hearing scheduled for the 7th day of May, 2004 based upon a request made by the applicant's agent prior to the public hearing to the 21st day of May 2004; and

WHEREAS on the 20th day of May, 2004, the applicant submitted a proposal by e-mail to modify his project, to address some concerns expressed by the Planning Commission. A signed copy of the proposal was submitted to the Planning Commission on the 21st day of May, 2004 prior to 9:00 a.m.; and

WHEREAS staff forwarded the e-mail proposal on the 20th day of May, 2004 to the Planning Commissioners and to all members of the public who had submitted written and verbal comments to the Planning Commission; and

WHEREAS the Planning Commission did hold a public hearing on the 21st day of May, 2004 and considered all of the information in the public record, including the Staff Report and Initial Study, the Traffic Impact Analysis dated April 2, 2004, the project modifications, written and verbal testimony presented by the public concerning the application and that for Land Division Application No. 2003-233 including comments regarding the project modifications, comments from affected agencies, and the comments of the applicant's agent; and

WHEREAS the Planning Commission continued the public hearing until the 4th day of June, 2004, and directed staff to prepare a resolution and findings for approval for

formal action at their meeting on the 4th day of June, 2004. The Commission directed staff to work with affected agencies and the applicant to define the modified project.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve the tentative parcel map for Land Division Application No. 2003-295; Will Stuart, applicant.

BE IT FURTHER RESOLVED THAT this action to approve the tentative parcel map for Land Division Application No. 2003-295 is based on the project description and conditions listed in Exhibit 1 of this resolution and the following findings as supported by substantial evidence in the public record as follows:

1. Based on the project description, the parcel size of 5 acres and the large remainder, the site inspections and comments from affected agencies, the on-site soils analysis identifying suitable building areas with septic disposal areas, the information provided in the April 2, 2004 Traffic Impact Analysis, and the required road improvements, the site has been found physically suited for low-density homes and appurtenant improvements provided that the conditions of approval and mitigation measures are met.
2. The site is physically suited for the density allowed in the zone applicable to the project site. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and 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 located on the project site or the surrounding area that would be significantly affected by approval of this project. There is a regionally significant drainage located on-site, which could be significantly impacted with residential development following the project. With the implementation of the mitigation measures and conditions of approval the potentially significant effects are brought to less than significant levels as the wet areas will not be permitted to be developed. The area is subject to wild land fires and the county-maintained road providing access to the parcel is narrow. Based upon the April 2, 2004 Traffic Impact Analysis, conclusions are made that the project will not have a significant impact on traffic safety. However, based upon input from CDF, the project could potentially impact fire equipment response, and traffic flows. With the implementation of the mitigation measures, the potentially significant effects are reduced to a level of less than significant.
4. 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 (\$1275) for a negative declaration as required by AB 3158.
5. This land division and its subsequent use for low-density residential development 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 codes, regulations and standards on the improvements and the mitigation measures applied to the project will ensure that serious health problems will not occur on the site.

6. The proposed map is consistent with the Mariposa County General Plan. The land division is an initial step to 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.
7. The parcel sizes proposed by the project are 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.
8. The project will not conflict with any public easement.
9. 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.
10. Pursuant to California Administrative Code, Section 15070, it is found that:
 - (1) No unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to adversely affected;
 - (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected;
 - (3) The project will not result in a significant dislocation of people;
 - (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels;
 - (5) The project will not breach any published national, state or local standards relating to solid waste or litter control;
 - (6) The project will not have a substantial and demonstrable negative aesthetic effect;
 - (7) The project will not create hazards including but not limited to flooding, erosion, or siltation;
 - (8) The project is not subject to major known geologic hazards;
 - (9) The project will not result in the need for public services beyond those presently available or proposed in the near future;
 - (10) The project will not have a significant growth-inducing impact;
 - (11) The project does not appear to generate major environmental controversy.

ON MOTION BY Commissioner Rudzik, seconded by Commissioner Skyrud; this resolution is duly passed and adopted this 4th day of June by the following vote:

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

NOES: None

EXCUSED: None

ABSTAIN: None


Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Exhibit 1

Project Description, Parcel Map Conditions and Mitigation Measures

1. The project description includes the following:

The Mariposa County Public Works Department is preparing a sign plan to identify necessary signing along Old Highway, from Highway 140 to Schoolhouse Road. A speed survey is being done in order to prepare the sign plan. New signs, including speed signs, will be installed in accordance with the sign plan. The applicant has the option of installing the new signs himself through the encroachment permit process, or having the signs installed by the Public Works Department and paying the county for the actual cost of the work and materials. The applicant proposes to fund a total cost for preparation of the sign plan, speed survey and new signs in an amount not to exceed \$1,250.

Turnouts and shoulder work will be provided along Old Highway between Highway 140 and the project site. Work to be done in accordance with existing standards established by the County Improvement Standards and the State Fire Safe Standards.

Top priority for the turnouts and shoulder work shall include the following (mile 0.0 is at intersection of Highway 140 and Old Highway):

- Construct turnout at mile 0.5 on north side of road, just east of the double cut
- Construct turnout at mile 0.7 on north side of road, just east of the cut
- Construct turnout at mile 0.85 on north side of road, just east of the double cut
- Cut back cut bank and remove vegetation at mile 0.95 on south side of road to improve sight distance.

Second priority for the turnouts and shoulder work shall include the following:

- Perform shoulder widening between miles 0.0 and 1.65 as needed, including near mile 0.1, near mile 0.4, near mile 0.6, near mile 0.85, near mile 1.0, near mile 1.1, and near mile 1.4.

The applicant has the option of doing the turnouts and shoulder work himself through the encroachment permit process, or having the work done by the Public Works Department and paying the county for the actual cost of the work and materials. The applicant proposes to fund total costs for turnouts and shoulder work in an amount not to exceed \$5,000.

2. A variable width dedication of a minimum of 30 feet from the centerline of Old Highway shall be offered to the County of Mariposa within the project site. The offer of dedication shall be non-revocable and specifically state the dedication is for "public road and utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer.
3. The proposed easement from Old Highway to the proposed turnaround shall be made 60 feet wide and non-exclusive. A turnaround easement with a minimum radius of 50 feet shall be provided to encompass the required turnaround improvements at the location shown on the tentative parcel map. The easements shall be offered for dedication to the

County of Mariposa. The offer of dedication shall be non-revocable and specifically state the dedications are for “public road and utility purposes”.

4. The easement from Old Highway to Parcel A 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.
5. An improved turnaround with a radius of 45 feet shall be constructed at the end of the required road improvements described in Condition No. 3. The turnaround shall be improved to County standards and shall meet County standards 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. This requirement may be waived, if the road improvements described in the Remainder Condition Nos. 1 and 2 are completed prior to parcel map recordation.
6. Prior to parcel map recordation, the applicant shall provide an emergency vehicle staging area or areas along Old Highway at a location or locations approved by the Public Works Department and CDF. The dimensions and layout of the staging area, a total of a 100 foot long by 12 foot wide area, with appropriate tapers, shall be established by CDF. All work shall be done through an encroachment permit process with Public Works, in accordance with applicable County Improvement Standards.
7. Immediately upon completion of the required road and encroachment improvements, the applicant shall revegetate 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 revegetation and erosion control provisions have been completed.
8. 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 the road contractor shall occur. 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.
9. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Old Highway. 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 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.

10. A declaration shall be recorded concurrently with the parcel map and referenced on the parcel map which states,

“The approved access to the building site(s) on Parcels B and D is from _____ *(insert approved road names for on-site easement).*”

11. The applicant shall file a completed petition (including but not limited to, all required signatures and attachments) with the County to form a Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the easement road. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates.

Maintenance shall include, but not be limited to, drainage and erosion control devices, fuel modification, and upkeep of road surfaces.

The Zone of Benefit shall include provisions to allow additional parcels and additional road length to be added to the zone if appropriate in the future.

12. The full length of the on-site easement shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and approved by the Planning Director. The approved name of the road within the project site shall be shown on the parcel map.
13. A road name sign for the on-site easement road shall be placed at Old Highway. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.
14. All required signs, with the exception of street name signs, shall be installed on metal break-away type posts. The design and placement of signs shall be approved by the County Engineer prior to installation.
15. A drainage easement shall be located along both sides of Owens Creek within the project site, a distance of 50 feet from the centerline of Owens Creek. A drainage easement shall also be located around the pond on the remainder, for a distance of a minimum of 5 feet from the edge of the high water mark of the pond. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:

“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. 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 the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”

16. Percolation tests and soils analysis tests shall be performed on Parcels A, B, C, and D 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:

“Approved percolation tests and soils analysis tests have been performed on Parcels A, B, C, and D 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 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 parcel that has not had an approved percolation test, additional percolation tests and design recommendations may be required.”

17. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. 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.

18. A document shall be recorded and referenced on the Parcel Map that states:

“Future residential development is subject to SRA Fire Safe Regulations, which may include water storage requirements.”

19. A declaration shall be recorded concurrently with and referenced on the parcel map stating:

“There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder until all of the subdivision conditions for the remainder as established by the Planning Commission have been met. The remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the remainder have been met. The remainder may or may not be surveyed.”

20. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map stating:

“A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder in accordance with Section 16.04.030 of Mariposa County Code.”

21. 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 the County Clerk fee (\$25) shall be paid within five (5) work-days of the approval of the application, and the parcel map shall not be recorded

until this fee is paid. A cashiers check or money order made payable to the Mariposa County Clerk is required for payment of the fees.

22. The Remainder shall be shown on the parcel map, in order for all required easements to be created.
23. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

Remainder Conditions

(The applicant may elect to meet these conditions prior to parcel map recordation. If so, the County Surveyor and Public Works will be the responsible agency for ensuring project conditions have been met. Immediately following the recordation of the parcel map, the applicant can then submit an application for a Certificate of Compliance.)

1. The easement from Old Highway to the Remainder shall be improved to a Rural Class II B standard and shall meet this standard at the time of recordation of the Certificate of Compliance. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards. A letter shall be submitted to the Planning Director from the Public Works Department stating that this condition has been met, prior to recordation of the Certificate of Compliance.
2. An improved turnaround with a radius of 45 feet shall be constructed at the end of the required road improvements described in Remainder Condition No. 1. The turnaround shall be improved to County standards and shall meet County standards at the time of the Certificate of Compliance. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County

Improvement Standards. A letter shall be submitted to the Planning Director from the Public Works Department stating that this condition has been met, prior to recordation of the Certificate of Compliance.

3. Immediately upon completion of the required road improvements, the applicant shall revegetate 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 Planning Director by NRCS/RCD stating that the revegetation and erosion control provisions have been completed, prior to recordation of the Certificate of Compliance.
4. Prior to recordation of the Certificate of Compliance, the applicant shall have complied with all applicable SRA Fire Safe Regulations. Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the Planning Director.
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, a consultation meeting with the Public Works Department, the applicant, the agent, and the road contractor shall occur. 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 permit required for this project and prior to the scheduling of any on-site inspection of road improvements.
6. 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.
7. Soil profile holes shall be excavated on the Remainder to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the remainder. If the County Environmental Health Specialist approves the remainder for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist shall be submitted to the Planning Director stating no additional tests are required and this condition has been fulfilled for the remainder.

If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist that a conventional septic system can be installed on the remainder, percolation tests and additional soils analysis tests shall be performed on the remainder 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 Certificate of Compliance. A letter from the County Environmental Health Specialist shall be submitted to the Planning Director stating that approved percolation tests and soils analysis tests have been performed on the remainder. A statement shall be recorded on the face of the Certificate of Compliance as follows:

"Approved percolation tests and soils analysis tests have been performed on the Remainder 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 the remainder that has not had approved percolation tests, additional percolation tests and design recommendations may be required."

8. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the Certificate of Compliance shall be paid by the applicant.