

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

Resolution
No. 2018-020

A Resolution and Approving Land Division Application 2018-137 with the Recommended Findings and Conditions including a Finding the Project is Exempt from Environmental Review. Freeman and Seaman Land surveyors, Agent; Heath and Kelly Harris, Applicants. Project Assessor Parcel Number 012-200-057, 4568 and 4570 Highway 49 South, Mariposa, CA.

WHEREAS, an application for Land Division Application No. 2018-137 was received on the 2nd of July 2018 from Heath and Kelly Harris for a property located at 4568 and 4570 Highway 49 South, Mariposa, CA, also known as Assessor Parcel Number 012-200-057; and

WHEREAS, Land Division Application 2018-137 proposes to subdivide a 41.22 +/- acres parcel, into two parcels- Parcel A 2.79 acres and Parcel B 38.43 acres; 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 7th day of December 2018; 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 Notice of Exemption 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 notice of Exemption 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: 1) find the project is exempt from environmental review and 2) directs staff to file a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2018-137.

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.

ON MOTION BY Commissioner McCamman seconded by Commissioner Becker, this resolution is duly passed and adopted this 7th day of December 2018 by the following vote:

AYES: Becker, Herman, McCamman,

NOES:

EXCUSED: Harris (Recused)

ABSTAIN:



Mick Herman, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Executive Assistant
Mariposa County Planning Commission

EXHIBIT 1**LAND DIVISION NO. 2018-137 PROJECT FINDINGS**

1. **FINDING:** The site is physically suitable for the type and density of development.

EVIDENCE: The site is physically suited for the low-density homes and appurtenant improvements as it is already developed as such with the two residences, access and accessory structures. The project is a two lot subdivision where no new physical change is proposed, authorized, required, or will occur. The maximum residential density already exists and any expansion or new development proposed in the future would undergo separate review at that time for determination of site suitability for proposed projects.

2. **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: The project is a two lot subdivision where no physical change is proposed, authorized, required, or will occur.

3. **FINDING:** The design of the subdivision or the proposed improvements is not likely to cause serious public health problems.

EVIDENCE: The project is a two lot subdivision where no physical change is proposed, authorized, required, or will occur. The existing residential uses must maintain compliance with all Building Code regulations for structural improvements and Health Department standards for wells and sewage disposal systems. The proper maintenance to these requirements will ensure that serious health problems will not occur on the site. The project site is located in a State Responsibility Area. The project has been reviewed by the Mariposa County Fire Department and CALFIRE. The land division has been designed to comply with all applicable fire safe requirements. Existing Residential uses will be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code (PRC) Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection. The design and location of each lot and ingress/egress points to the subdivision and individual lots comply with all applicable County standards as well standards contained in PRC sections 4290 and 4291. Structural fire protection and suppressions services are available to the project site through the Mariposa County Fire Department and CALFIRE.

4. **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 Mariposa County General Plan's Housing Element overall goal to provide "*solutions to local housing challenges. When implemented, the Housing Element provides measures increasing opportunities for housing affordable to first time homebuyers, improved quality rentals for those who are not ready to be homeowners and solutions for seasonal employee housing and the changing housing needs of seniors.*"

The subdivision proposes two parcels that will maintain the existing residential uses where each parcel will have a residence per parcel creating an option for an additional parcel with a residence for sale to potential homebuyers.

5. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable General and Specific plans.

EVIDENCE: The minimum parcel size, minimum density, and building intensity proposed by the project is consistent with standards contained in the Mariposa Town Plan Specific Plan. The resultant one residence per parcel brings the parcels into conformance with the zoning density allowance of one residence per parcel. The land division's design complies with the County Subdivision Ordinance's maximum 4:1 length to width ratio for parcel configuration.

6. **FINDING:** The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

EVIDENCE: The project will not conflict with any public easement. No changes to easements are proposed nor required of the land division. Existing access and utility easements are sufficient to serve the project and are not being altered by the project.

7. **FINDING:** This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and CEQA Guidelines Section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

EVIDENCE: The project is a two lot subdivision where no physical change is proposed, authorized, required, or will occur. Any expansion or new development proposed in the future would undergo separate review at that time.

EXHIBIT 2
CONDITIONS OF APPROVAL LAND DIVISION NO. 2018-137

1. Project approval is valid for a period of three years from December 7, 2018. This approval shall expire on December 7, 2021.

(Section 16.16.090, Mariposa County Code)

2. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations according to PRC 4290, PRC 4291. Evidence that this condition has been satisfied shall be in the form of a letter from COUNTY FIRE and CALFIRE to the County Surveyor.

(California Public Resources Code & County Fire Department Recommendation)

3. If the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the parcel map and referenced on the parcel map or shall include the disclosure statement on an additional map sheet which indicates its relationship to the parcel map. The statement shall be the following:

“This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on Parcels __ and __ as shown on the Parcel Map for _____. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.”

[(Mariposa County General Plan, Section 5.3.02.E(4)]

4. Prior to the Parcel Map Recordation, a declaration shall be recorded and referenced for each parcel:

“This notice is not intended to affect record title interest. Water supplies and fire protection requirements for future development of Parcel A and B as shown on the Parcel Map for Heath and Kelly Harris, shall be developed at the time of development permit application in accordance with Mariposa County Ordinance 823 Sections 6 and 7, or alternative as may be approved by the County Health Department, and/or County Fire Department. This requirement shall not apply to the maintenance of the existing residential uses. The costs associated with the evaluation of water supply and fire protection improvements shall be the responsibility of the property owner or authorized agent.”

Verification that this condition has been met shall be required by the Planning Department prior to map recordation.

(County Health Department, Fire Department and Planning Department recommendation)

5. A verification of Taxes Paid Form, acquired no sooner than 30-days prior to the filing of the parcel map, shall be submitted to the County Surveyor.

(County Subdivision Ordinance Section 16.12.395)

6. The Property 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.

(Mariposa County Code, Section 16.36.030)

7. Subdivision Map Act Section 66434.2 applies to the filing of the parcel map for this project.
- (Planning Department Recommendation)
8. All fees for processing of this project shall be paid within forty-five (45) days of the date of billing.
- (Planning Department Recommendation)
9. OPTIONAL- Notice of Exemption (NOE) filing. This filing notifies the public that Mariposa County has determined the project is exempt from the California Environmental Quality Act (CEQA). While filing is not required by CEQA, it may be filed to shorten the statute of limitations on appeals from 180-days to 35-days. If this option is exercised then the NOE must be posted within five days of December 7, 2018. The County Clerk's Office requires a fee of \$50.00 for the filing of a NOE. If the applicant decides to have the NOE filed, cash or a money order made payable to the Mariposa County Clerk's Office shall be submitted to Mariposa Planning within 4-days of the approval of the project.

(Mariposa Planning Recommendation)