

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2011-010

A resolution conditionally approving Land Division No. 2011-020, Steve Engfer and Vicki Britt-Engfer, applicants. Assessor Parcel Number 008-240-031.

WHEREAS an application for Land Division No. 2011-020 was received on January 31, 2011 from Steve Engfer and Vicki Britt-Engfer for a property located at 5828 Colorado Road, also known as Assessor Parcel Number 008-240-031; and

WHEREAS Land Division Application No. 2011-020 proposes to divide a 10.49 acre parcel into two parcels of 5.47 and 5.02 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 3rd of June 2011; 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 Land Division No. 2011-020; 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.

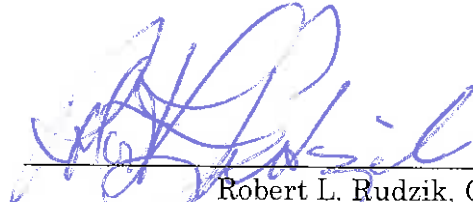
ON MOTION BY Commissioner Ross, seconded by Commissioner Francisco, this resolution is duly passed and adopted this June 3, 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

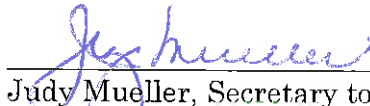
EXCUSED: NONE

ABSTAIN: NONE



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Attachments:

Exhibit 1: Project findings as approved by Planning Commission

Exhibit 2: Project conditions as approved by Planning Commission

Project Findings for LDA No. 2011-020

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

EVIDENCE: Based on site inspection and the proposed division of the existing parcel into two parcels of 5.47 and 5.02 acres, the site is physically suited for low-density homes and appurtenant improvements such as septic systems and wells. The proposed project is located within and designed in accordance with the Mountain Home zone and the Residential Land Use classification.

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 Initial Study prepared for the project found that based on the approved project description and the conditions of approval, the project would have a less than significant impact with mitigation on the environment. The project may have an adverse impact on cultural resources and is therefore subject to the California Department of Fish and Game filing fees for a mitigated negative declaration as required by AB 3158 and Senate Bill 1535 and County Clerk fees.

3. **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 subsequent use for low-density residential purposes are not likely to cause serious health problems. The property is already developed with two residences, two septic systems, and a well that is shared by both residences. Any additional construction activities or well that may be installed will be required to comply with all Building Code regulations and Health Department standards. The residential uses will continue to be required to comply with the State Fire Safe Standards as mandated by California Public Resource Code Sections 4290 and 4291, which will eliminate any potential health and safety issues related to fire protection.

4. **FINDING:** The proposed map is consistent with applicable general (Mariposa County General Plan, 2006) 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 opportunities for an adequate supply of sound, affordable housing units for ownership and for rent in a safe and satisfying environment for the present and*

Element Objectives, including: *"Provide Adequate Sites and Services"*. There is no specific plan governing this property. Colorado Road has adequate capacity for the additional traffic generated by the new parcel proposed by this project.

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 Residential Land use of the General Plan and the Mountain Home zone of 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 any special, specific, community, or area plan at this time.

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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

Project Conditions for LDA No. 2011-020

Applicants: Steve Engfer and Vicki Brett Engfer

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. The on-site, variable-width easement along Colorado Road shown on the tentative map shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive, and specifically state that 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. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>(SECTION 16.12.150, COUNTY SUBDIVISION ORDINANCE; SECTION II.A.3, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	PUBLIC WORKS	
<p>2. The northern easement from Colorado Road to the cul-de-sac shall be made a minimum of 40 feet wide and non-exclusive. A turnaround easement with a radius of up to 60 feet shall be provided to encompass the required turnaround improvements. Additional easement width may be required to encompass the required road improvements, including cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The on-site portions of the easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes." Creation of new off-site easements as shown on the approved tentative parcel map shall be by recorded document, the content and format of which is approved by the County Surveyor.</p> <p>(§16.12.160.B, COUNTY SUBDIVISION ORDINANCE; ROAD STANDARD CROSS-SECTIONS; ROAD IMPROVEMENT AND CIRCULATION POLICY.)</p>	PUBLIC WORKS	

<p>3. The easement from Colorado Road to the cul-de-sac/turn-around shall be improved to a Rural Class I 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 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.</p> <p>(SECTION 16.12.170, COUNTY SUBDIVISION ORDINANCE; CHART A AND SECTION II.D.2.A, ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p>PUBLIC WORKS</p>	
<p>4. A cul-de-sac/turnaround shall be constructed at the terminus of the required road improvements at the intersection of Parcels A and B as shown on the tentative parcel map. 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 at the time of 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 CalFire, the applicant may request permission to construct a hammerhead T turnaround. At the time of recordation of the parcel map, the County Engineer shall confirm that this condition has been met.</p> <p>(SECTION 11.4.B.9 COUNTY IMPROVEMENT STANDARDS)</p>	<p>PUBLIC WORKS</p>	
<p>5. 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 Resource Conservation District (RCD). The applicant shall also contact the RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by RCD stating that the re-vegetation and erosion control provisions have been completed prior to the recordation of the parcel map.</p> <p>(ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	<p>PUBLIC WORKS</p>	

<p>6. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Colorado 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.</p> <p>(CHAPTER 11, COUNTY IMPROVEMENT STANDARDS)</p>	PUBLIC WORKS	
<p>7. Prior to issuance of any encroachment permits for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, the road contractor, and CalFire 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 encroachment permit required for this project and prior to the scheduling of any on-site inspection of encroachment improvements.</p> <p>(PUBLIC WORKS DEPARTMENT AND PLANNING DEPARTMENT RECOMMENDATION)</p>	PUBLIC WORKS	
<p>8. The edges or boundaries of the off-site portions of the access easement from Colorado Road to the cul-de-sac shall be staked in the field by the project surveyor prior to the on-site consultation meeting described in Condition No. 7. The staking of the easement shall be maintained during road and turnaround construction activities. The purpose of the staking is to ensure that all required road improvements are contained within the existing easements.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	PUBLIC WORKS	
<p>9. A road maintenance association shall be formed for the maintenance of the on-site easement road. 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 the filing of the</p>	PUBLIC WORKS	

<p>map and shall:</p> <ol style="list-style-type: none"> a. Be in effect for the life of the project 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. e. Provide a mechanism for new parcels to be added to the association. <p>(PUBLIC WORKS DEPARTMENT RECOMMENDATION; SECTION III.I ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>		
<p>10. If the access easement off of Colorado 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 the intersection of Colorado Road and the access easement. The design and specifications of the sign shall be in accordance with the County Improvement Standards.</p> <p>(SECTION III.A.4 ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	PUBLIC WORKS	
<p>11. A road name sign for the access easement off of Colorado Road shall be placed at the intersection of the easement road and Colorado Road. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards.</p> <p>(SECTION 16.12.175, MARIPOSA COUNTY SUBDIVISION ORDINANCE)</p>	PUBLIC WORKS	
<p>12. A stop sign shall be placed at the intersection of the access easement and Colorado Road. The stop sign 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> <p>(PUBLIC WORKS DEPARTMENT RECOMMENDATION)</p>	PUBLIC WORKS	
<p>13. All required 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.</p> <p>(PUBLIC WORKS DEPARTMENT RECOMMENDATION)</p>	PUBLIC WORKS	
<p>14. 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.</p> <p>(COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395)</p>	PUBLIC WORKS	

CONDITION OF APPROVAL / MARIPOSA PLANNING		
<p>15. The access easement off of Colorado Road shall be named in accordance with County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road within the project site shall be shown on the parcel map.</p> <p>(COUNTY RESOLUTION NO. 92-541)</p>	<p>MARIPOSA PLANNING</p>	
<p>16. An address shall be obtained from the Assessor/Recorder's Office for each existing residence which takes access from the newly named road(s) prior to recordation of the parcel map. A letter from the Planning Director shall be submitted to the Assessor/Recorder's Office together with the final version of the parcel map for recordation which requests that the Assessor/Recorder's Office hold recordation of the parcel map until this condition is met. No changes may be made to the final map once an address has been assigned.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	<p>MARIPOSA PLANNING</p>	
<p>17. Project approval is valid for a period of three years from June 3, 2011. This approval shall expire on June 3, 2014.</p> <p>(MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430)</p>	<p>MARIPOSA PLANNING</p>	
<p>18. 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</p>	<p>MARIPOSA PLANNING</p>	

<p>the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.</p> <p>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.</p> <p>(COUNTY ORDINANCE NO. 1017)</p>		
<p>19. Prior to filing 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 (\$2,044.00 as of 1/1/11) and the County Clerk fee (\$50.00 as of 1/1/11) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, June 10, 2011), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Friday, June 10, 2011 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 \$2,094.00 (effective 1/1/11), 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 to file this fee and other required documents with the County Clerk.</p> <p>Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code.</p> <p>(§16.12.390, MARIPOSA COUNTY SUBDIVISION CODE; 711.4(C) OF THE STATE FISH AND GAME CODE)</p>	<p>MARIPOSA PLANNING</p>	
<p>20. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>(PLANNING DEPARTMENT RECOMMENDATION)</p>	<p>MARIPOSA PLANNING</p>	
<p>CONDITION OF APPROVAL/ HEALTH DEPARTMENT</p>		
<p>21. Applicant shall do one of the following regarding water prior to parcel map recordation:</p> <p>a. Provide an appropriate easement to the well and potable storage tank for access for maintenance purposes and to encompass the existing service line(s) for the benefit of Parcel B. The location and size of the easement shall be approved by the</p>	<p>HEALTH DEPARTMENT</p>	

<p>County Surveyor. Minimum potable water storage to be 2,000 gallons (this does not include any credit for fire flow requirements).</p> <p>—OR—</p> <p>b. Provide a well on Parcel B for existing residential improvements and disconnect all service to existing well on Parcel A. If a new well is to be drilled, it shall be tested for quantity and quality and the Health Department must approve of the results of the tests.</p> <p>(SECTION 16.12.330, COUNTY SUBDIVISION ORDINANCE; HEALTH DEPARTMENT RECOMMENDATION)</p>		
<p>22. The applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on Parcels A and B 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.”</p> <p>(MARIPOSA COUNTY GENERAL PLAN, SECTION 5.3.02.E.4)</p>	<p>HEALTH DEPARTMENT</p>	
<p>CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>		
<p>23. Fuel modification shall be performed within the easements shown on the tentative parcel map. The method and type of fuel modification shall be done in accordance with the Mariposa County Road Improvement and Circulation Policy and shall be approved by the County Engineer. Prior to the burning of any slash/brush piles, the Mariposa County Air Pollution Control Officer and CalFire shall be notified and such burning shall be approved by the Air Pollution Control Officer and CalFire. The burning of slash/brush piles shall be done in accordance with CalFire and Mariposa County Air Pollution Control District burning procedures and requirements.</p> <p>(CALIFORNIA PUBLIC RESOURCES CODE AND CALFIRE RECOMMENDATION)</p>	<p>CAL FIRE</p>	

<p>24. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met, which may include water storage if Option B of Condition #21 is chosen. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.</p> <p>(CALIFORNIA PUBLIC RESOURCE CODE)</p>	<p>CAL FIRE</p>	
<p>CEQA MITIGATION MEASURES</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>25. Cultural resources shall not be altered, disturbed, removed, or destroyed. If any cultural resources or archeological materials are uncovered during ground disturbance or construction activities associated with compliance with the conditions of approval for this project, Mariposa County authorities and/or a qualified archeologist shall be notified immediately by the applicant or his representative and construction work shall be stopped in this area until mitigation is established by appropriate professional(s) meeting the Secretary of Interior qualification standards. Should human remains be encountered, the County Coroner must also be notified within 48 hours. If the remains are Native American, the coroner must notify the Native American Heritage Commission within 24 hours.</p> <p>(MITIGATION MEASURE: PLANNING STAFF RECOMMENDATION)</p>	<p>MARIPOSA PLANNING</p>	