

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2010-15

A resolution conditionally approving Land Division No. 2010-008, William and Pam Cline, applicants. Assessor Parcel Number 020-280-008.

WHEREAS an application for Land Division No. 2010-008 was received on January 12, 2010 from William and Pam Cline, applicants and Barry Bell, agent, for a property located at 2811 Zelma Way, also known as Assessor Parcel Number 020-280-008; and

WHEREAS Land Division Application No. 2010-008 proposes to divide a 15.6 acre parcel into three parcels, Parcel 1 at 5.54 acres, Parcel 2 at 5.06 acres, and Parcel 3 at 5.0 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 10th of September, 2010; 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 No. 2010-008; 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 Tucker, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 10th day of September 2010 by the following vote:

AYES: Tucker, Rudzik, Marsden

NOES: None


EXCUSED: Francisco

ABSENT: Ross



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Office Technician

Attachments:

Exhibit 1: Project findings as approved by Planning Commission

Exhibit 2: Project conditions as approved by Planning Commission

Exhibit 1: Project Findings for LDA No. 2010-008

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 three parcels of 5.54, 5.06, and 5.0 acres, the site is physically suited for low-density homes and appurtenant improvements such as engineered septic systems. The proposed project is located within the Rural Residential zone and the Residential Land Use. The subdivision density is designed in accordance with the Rural Residential 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, the project would have a less than significant effect on the environment. 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 for a 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. 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 location and implementation of these improvements will ensure that serious health problems will not occur on the site. All future residential uses will 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 future residents of the County."* The land division satisfies the following Housing Element Objectives, including: *"Provide Adequate Sites and Services"*. There is no specific plan governing this property. In addition, Ranchito Drive, Zelma Way, and Torre Drive have adequate capacity for the additional traffic generated by the two new parcels 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 Rural Residential 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.

Exhibit 2: Project Conditions for LDA No. 2010-008

Project Name: William and Pam Cline

File Number: LDA No. 2010-008

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. Applicant shall construct the new driveway encroachment as proposed on the tentative map for Parcel 1 prior to recordation of the parcel map. The encroachment shall meet county standards for a residential driveway encroachment at the time of parcel map recordation. The required encroachment improvements shall be completed in accordance with the Road Improvement and Circulation Policy and County Improvement Standards.</p> <p>(Planning Department Recommendation)</p>	PUBLIC WORKS	
<p>2. 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>3. Immediately upon completion of the required encroachment and driveway 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</p>	PUBLIC WORKS	

<p>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>4. 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>	<p>PUBLIC WORKS</p>	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>5. Project approval is valid for a period of three years from September 10, 2010. This approval shall expire on September 10, 2013.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>	<p>MARIPOSA PLANNING</p>	
<p>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.</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>MARIPOSA PLANNING</p>	

[COUNTY ORDINANCE NO. 1017]		
<p>7. 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 (\$2,010.25 as of 1/1/10) and the County Clerk fee (\$50.00 as of 1/1/10) shall be paid by the applicant within five (5) working days of the approval of the application (by Friday, September 17, 2010), 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, September 17, 2010 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 \$2,060.25 (effective 1/1/10), 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>	MARIPOSA PLANNING	
<p>8. Subdivision Map Act Section 66434.2 applies to the recordation of the parcel map for this project.</p> <p>(Planning Department Recommendation)</p>	MARIPOSA PLANNING	
CONDITION OF APPROVAL/ HEALTH DEPARTMENT		
<p>9. 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>"Percolation tests and soils analysis tests show that conventional on-site sewage disposal systems cannot be constructed on Parcel 2 and Parcel 3 as shown on the Parcel Map for _____, filed in Book _____, at Page ____, Mariposa County Records, based upon limiting soil conditions; however, the test results meet the Health Department Land Division policy requirements for use of engineered, alternative design on-site sewage disposal systems. The State of California is in the process of developing statewide on-site sewage disposal regulations that could affect the future installation of engineered, alternative design on-site sewage disposal systems; therefore, buyers are encouraged to check with the Mariposa County Health Department regarding state or local regulation changes that could</p>	HEALTH DEPARTMENT	

affect the installation of an on-site sewage disposal system on this parcel.

Additionally, a statement shall be filed concurrently with the parcel map and referenced on the parcel map which states:

"The property described as Parcel 2 and Parcel 3 as shown on the Parcel Map for _____, filed in Book ____ at Page _____, Mariposa County Records, is required to be served by an alternative design on-site sewage disposal system which is to be installed in the exact area tested and approved by the Health Department unless the Health Department approves an alternate location as described below. Construction plans for the alternative design on-site sewage disposal system must be submitted to and approved by the Mariposa County Health Department prior to the issuance of a development permit for any construction activities. A map showing the approved location and a report including percolation test and soil profile analysis results is on file at the Mariposa County Health Department.

The alternative design on-site sewage disposal system is to be maintained in accordance with Mariposa County Health Department Policy 03-01 which states, "A maintenance entity shall be required prior to approval and installation of a special design sewage disposal system on a land division. In lieu of a public entity, an operation and maintenance protocol may be submitted for approval by the manufacturer of a specific technology." Said maintenance entity shall be created to provide maintenance on the engineered sewage disposal systems prior to issuance of a development permit for residential construction activities.

In the event that additional soils testing is conducted demonstrating that an alternative design on-site sewage disposal system is not necessary, the Mariposa County Health Department may allow the use of a conventional on-site sewage disposal system in the newly tested area. Any newly tested area requiring the use of an engineered alternative design on-site sewage disposal system must meet the same minimum soils requirements of Health Department policy 03-01 as a newly created parcel."

(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)

CONDITION OF APPROVAL/

**CALIFORNIA DEPARTMENT OF FOREST AND FIRE
PROTECTION**

<p>10. Applicant shall construct the new driveway portion as proposed on the tentative map for Parcel 1 prior to recordation of the parcel map. The construction shall meet the minimum PRC 4290 standards for residential driveways. All other applicable regulations of PRC 4290 and 4291 shall be met prior to the recordation of the parcel map and a letter from CDF stating this condition has been met shall be submitted to and approved by the Mariposa Planning Director prior to the recordation of the parcel map.</p> <p>(Planning Department Recommendation)</p>	<p>Cal Fire</p>	
<p>11. Prior to Parcel Map recordation, the applicant shall have complied with all applicable SRA Fire Safe Regulations. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>“Future residential development on Parcels 2 and 3 as shown on the Parcel Map for ____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records, shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resources Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resources Code 4291.”</p> <p>Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forest and Fire Protection (Cal Fire) to the County Surveyor.</p> <p>(California Public Resources Code)</p>	<p>CalFire</p>	

Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Karen Peneschi	209-742-1219 kpeneschi@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	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	Dawn Afman	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Sarah Wise	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry and Fire Protection	Mark Pimental	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
