

WHEN RECORDED PLEASE MAIL TO:

THIS SPACE FOR RECORDER'S USE:

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

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

Resolution
No. 2004-009

**A Resolution Conditionally Approving a Major Subdivision
Project for Joseph C. Silva, Project No. 2003-038, Assessors
Parcel Number 014-190-073.**

WHEREAS an complete application for a Land Division was received from Joseph C. Silva proposing the division of a 189-acre parcel into fourteen parcels on February 5, 2003 on property more particularly described as Assessors Parcel Number 014-190-073, located on the north side of Highway 49 South just west Allred Road between Mariposa and Bootjack at the top of Big Spring Hill, being a portion of the of Sections 29, 30, 31, and 32, Township 5 South, Range 19 East, MDBM; and

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

WHEREAS as a result of comments received, the applicant modified the project and submitted a revised map on August 5, 2003; and

WHEREAS the Planning Department circulated the revised project among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of December, 2003; 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 was 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 December 19th, 2003 and considered all of the information in the public record, including the Staff Report

and Initial Study, testimony presented by the public concerning the application, comments from affected agencies, and the comments of the applicant; and

WHEREAS the Planning Commission requested additional information in order to review the project and the public hearing was continued to February 20, 2004; and

WHEREAS the additional information was not available in order to consider the project on February 20, 2004 and the public hearing was continued to March 19, 2004; and

WHEREAS the additional information was not available in order consider the project on March 19, 2004 and the public hearing was continued to April 2, 2004; and

WHEREAS the Planning Commission did hold a public hearing on April 2, 2004 and considered all of the information in the public record, including the Staff Report and Initial Study, the Staff Report and Initial Study Supplemental Information, testimony presented by the public concerning the application, comments from affected agencies, and the comments of the applicant.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve a Negative Declaration with Mitigation Measures for the project.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Major Subdivision Application No. 2003-038.

BE IT THEREFORE FURTHER RESOLVED THAT the approved project is subject to the following conditions and mitigation measures as approved at the public hearing as shown on Exhibit A.

BE IT FINALLY RESOLVED THAT the project is approved based on the findings supported by substantial evidence in the public record as shown on Exhibit B.

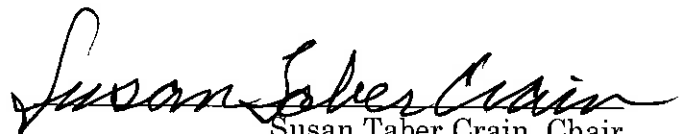
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Skyrud; this resolution is duly passed and adopted this 2nd day of April, 2004 by the following vote:

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 A • Conditions of Approval

1. All on-site road easements for Big Spring Road, Jenny Lane and Whiskey Knob Court; and the emergency egress easement from Big Spring Road to Yellow Pine Hill Drive shall be made a minimum of 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 Lot 1, Lot 8, and Lot 14 as proposed on the tentative final map. Additional easement width may be required to encompass required cuts and fills. 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”.
2. The offer of dedication document for the off-site emergency egress easement shall be on a form approved by the Public Works Department. The offer shall be recorded concurrently with the final map.
3. The proposed driveway easements between Lot 2 and Lot 3 and between Lot 5 and Lot 8 shall be made 40 feet wide and non-exclusive. The easements shall be designated for access for the use and benefit of the subject properties. The location and width of the easements shall be approved by the County Engineer, based upon the requirements established by Project Condition No. 6 for driveway construction.
4. Jenny Lane from Allred Road to Big Spring Road, the full length of Big Spring Road from Lot 1 to Lot 14, and the full length of Whiskey Knob Court from Big Spring Road to Lot 8 shall be improved to a Rural Class II.B standard and shall meet this standard at the time of final map recordation. The full length of the emergency egress road from Big Spring Road to Yellow Pine Hill Road shall be improved to a Rural Class I.B standard and shall meet this standard at the time of parcel map recordation. The emergency egress road shall not be gated. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards. Road grades in excess of 12% may be approved by the Public Works Director, who may require paving. No portions of the road may exceed 16% grade.
5. Improved turnarounds with a radius of 45 feet shall be constructed at the end of the required road improvements at Lot 1, Lot 8 and Lot 14. The turnarounds shall be improved to County standards and shall meet County standards at the time of final map recordation. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards.
6. Driveways to potential building sites shall be constructed for Lots 2 and 3, Lot 8 and Lot 14. The driveways shall meet State Fire Safe Standards, and shall be approved by CDF prior to final map recordation. The driveways shall extend the full length as shown on the approved tentative map.
7. The applicant shall file a completed petition (including but not limited to, all required signatures and attachment) with the County to form a Zone of Benefit within the

Countywide County Service Area No. 1 for road maintenance of the project access roads, including the emergency egress 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. The three off-site parcels, APN 014-190-064, APN 014-190-068, and APN 014-190-072 which are owned by the project applicant and utilize the project access roads shall be included in the Zone of Benefit.

Maintenance shall include, but not be limited to, drainage and erosion control devices, annual fuel modification within the road and emergency egress road easements, upkeep of road surfaces, and snow removal

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.

8. The proposed road names Jenny Lane, Big Spring Road and Whiskey Knob Court are approved. The names of the roads within the project site shall be shown on the final map.

The full length of the emergency egress 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 approved by the Planning Director. The approved name of the road shall be shown on the final map.

9. Road name signs for Jenny Lane, Big Spring Road, Whiskey Knob Court, and the emergency egress road shall be placed at Allred Road and Yellow Pine Hill Road, and at the on-site road intersections of Jenny Lane and Big Spring Road, Big Spring Road and Whiskey Knob Court, and Big Spring Road and the emergency egress road. The design and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.
10. 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.
11. Immediately upon completion of the required road improvements, the application shall revegetate all exposed soils and install other erosion control as recommended by the Natural Resource Conservation Service (NRCS). The applicant shall also contact the NRCS for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS stating that the revegetation and erosion control provisions have been completed.
12. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Allred 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.

13. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for all road, emergency egress route, and turnaround improvements required as a condition of approval for this project. The required plans shall include engineered drainage plans, a geotechnical testing plan, an engineered sediment and erosion control plan, and an engineered revegetation plan. Cut banks in excess of 10 feet in height shall minimally have erosion control fabric installed, to quicken revegetation efforts. The plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements. All road work, including drainage crossings, shall be capable of supporting a 26 ton live load. If bridges are necessary, each end of the bridge shall identified with a load rating.
14. Percolation tests and soils analysis tests shall be performed on all project lots in accordance with Health Department rules and regulations. Any lot which does not meet minimum Health Department rules and regulations shall be merged with an adjacent lot. Additionally, the soils report must identify any lot which may require engineering, and recommend appropriate mitigation as approved by the County Health Department.

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 final 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 lots. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“Approved percolation tests and soils analysis tests have been performed on Lots __ through __ as shown on the Final Map for _____, recorded as Map No. _____, Mariposa County Records, to verify the feasibility of installing an on-site septic disposal system. The tests show that Lots __, __ and __ may require engineering. 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 lot that has not had an approved percolation test, additional percolation tests and design recommendations may be required.”

15. Prior to recordation of the final map, underground water storage tanks to provide a minimum on-site storage capacity of 56,000 gallons shall be installed in accordance with all Mariposa County Fire Department specifications. A minimum of four tanks of at least a 14,000 gallon capacity shall be provided. Tanks shall include dry hydrant connections. Tank locations shall be approved by County Fire prior to installation.

If the tanks are not located within a public road and utility easement, a public utility easement shall be established to encompass the tank(s), and to provide adequate area for access to and maintenance of the tank(s). The public utility easement shall be irrevocably offered for dedication and shall state the dedication is for “public utility purposes”.

OR

At the applicant's request, the requirement for the underground water storage tanks and tank easement(s) shall be waived if all of the following requirements are met:

- a. The emergency egress road identified in Condition No. 4 shall be improved to a Rural Class II.B standard.
 - b. Any and all portions of the roads identified in Condition No. 4 which exceed 12% grade shall be paved with asphalt or concrete.
 - c. The fuel management plan identified in Condition No. 16 shall be prepared by a licensed forester or fire protection engineer. In addition to the requirements specified in Condition No. 16, the plan shall meet requirements of a "Fire Protection Plan Urban-Wildland Interface" in accordance with Article 86 of the California Fire Code.
 - d. The applicant shall provide a mechanism for permanent funding of the requirements specified by the approved Fire Protection Plan. The funding mechanism shall be reviewed and approved by the County Fire Chief.
 - e. A document shall be recorded concurrently with the final map and referenced on the final map which states, "Water storage is required on each parcel at the time of issuance of a residential building permit. The water storage shall meet the requirements of the NFPA 1142 as per the State Fire Safe Standards. Minimum storage shall be equal to 2.5 gallons per square foot and shall be in place prior to framing construction. Connections for fire apparatus shall be a minimum of 10 feet from the roadway surface and no closer than 50 feet nor further than 150 feet from the structure of structures. The design and location of water storage tanks shall be signed off and approved by the County Fire Chief prior to building permit issuance."
16. A Fuel Management Plan shall be developed by the applicant and approved by the Mariposa County Fire Department prior to final map recordation. The Plan shall achieve the following objectives:
- a. Reduce wild land fire hazards within the subdivision by fuel modification throughout the subdivision prior to final map recordation.
 - b. Ensure that fuel modification is maintained for the life of the subdivision by the Home Owners Association.
 - c. Establish provisions for scheduling of regular fuel modification maintenance activities.
 - d. Establish provisions for removal of slash or brush piles. Burning must be in accordance with CDF and Mariposa County Air Pollution Control District burning procedures and requirements.
 - e. Establish provisions for scheduling of regular County Fire Department on-site review and inspection of the fuel modification maintenance.
 - f. Establish provisions to allow modification of the Plan in the future, if proposed by the Home Owners Association and if approved by the County Fire Department.
17. Fuel modification shall be performed within all road easements and the emergency egress easement. 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. All burning of slash or brush piles shall be done in accordance with CDF and Mariposa County Air Pollution Control District burning procedures and requirements.

18. Prior to the sale or close of escrow, whichever comes first, of each lot in the subdivision, proof of water shall be provided on that lot. Proof of water shall be considered to be a well or wells of proven capacity. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall include an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor which shall minimally be a well of 10 gallons per minutes (gpm) or more: 3 hours duration; a well of 5 gpm to less than 10 gpm: 24 hours duration; a well of less than 5 gpm: 3 days duration. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems and an analysis for coliform bacteria.

A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“Prior to the sale or close of escrow, whichever comes first, of each lot a well of proven capacity shall be provided on the lot. Proven capacity shall be a well or wells capable of producing one thousand gallons per lot per twelve-hour day for each lot. Proof of production shall include an approved pump test of the well or wells certified by a licensed engineer, hydrogeologist, well driller with a C-57 license, or licensed well pump contractor which shall minimally be a well of 10 gallons per minutes (gpm) or more: 3 hours duration; a well of 5 gpm to less than 10 gpm: 24 hours duration; a well of less than 5 gpm: 3 days duration. Additionally, a report of a completed well shall include a general mineral, physical and inorganic analysis as required under California Code of Regulations, Title 22, for non-transient, non-community water systems and an analysis for coliform bacteria.”

19. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map as follows:

“All driveway construction shall be subject to applicable Fire Safe Regulations at the time a residential building permit is submitted. Regulations establish criteria for width, clearance, curve radii, surfacing, weight limits, and grade.”

20. Prior to recordation of the final map, all State Fire Safe Regulations shall be met. A letter shall be submitted to the County Surveyor by CDF stating this condition has been met.
21. Prior to recordation of the final 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 final 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. Verification of Taxes Paid shall be submitted to the County Surveyor prior to recordation of the Final Map.
23. Prior to recordation of the final map, evidence that the State Department of Real Estate Public Report process has been commenced shall be submitted to the County Surveyor. Completion of the public report process is not necessary for map recordation, but is necessary prior to lot sale.
24. A final Soils Report shall be submitted to the County Planning Department as required by Mariposa County Code Subdivision Ordinance, Title 16 §16.20.220 and applicable requirements of the Subdivision Map Act. The Soils Report shall be reviewed and approved by the County Engineer prior to final map recordation.
25. A declaration shall be recorded with the final map and referenced on the final map. The declaration shall state the following:

“All residential buildings, including mobile homes placed on foundations shall be constructed in compliance with the special foundation requirements stated in the Soils Investigation Report prepared for the Spring Hill Estates Subdivision Phase III and on file with the County Planning Department. A building permit shall not be issued for residences placed on foundations unless the foundations meet the foundation requirements contained in the Soils Investigation prepared for the subdivision. The foundation requirements must be incorporated in the building plan and permit.”

26. A Home Owners Association shall be formed to provide for maintenance of the common facilities, including the underground water storage tanks, if installed. The association shall also be formed to implement the approved Fuel Management Plan required by project conditions.

The association provisions shall be developed by the applicant so those parcels within the division shall be responsible for the maintenance activities. The provisions shall be reviewed and approved by the Planning Director and County Counsel prior to recordation of the final 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.
- d. Provide a mechanism for the 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.

The provisions shall be recorded concurrently with the map and referenced on the map.

27. A declaration shall be recorded with the final map, referenced on the final map and made appurtenant to Lot 14. The declaration shall state the following:

“Approved access for residential development of Lot 14 is from Big Spring Road.”

28. If cultural or historical resources are discovered during grading activities conducted to meeting conditions of approval of this project, including human remains, the grading shall be immediately ceased, and the appropriate authorities notified. Mariposa County Planning Department shall be notified. All requirements of the notified authorities must be met.
29. Allred Road from State Highway 49 South to Yellow Pine Drive shall be improved to provide a minimum 18 foot wide travel surface. Travel surface may include shoulder improvements. Brushing may be necessary to achieve clearance. The location and width of the improvements shall be approved by the County Engineer, based upon the County Road Improvement and Circulation Policy and the County Improvement Standards.

Exhibit B · Findings of Approval

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following findings are made:

1. Based on the proposed parcel sizes, the site inspections, the requirement for a Fuel Management Plan, the provision of an emergency egress route, the requirement for proof of water, and the on-site soils analysis identifying suitable building areas with septic disposal areas, 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 and Mountain General zones. The subdivision density is designed in accordance with the Mountain Home and Mountain General zones.
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. According to the Cultural Resources Survey prepared for the project, there are no identified cultural or historic resources on-site. The conditions of approval require engineering for development of access roads, and the plan requires sediment and erosion control and permanent revegetation recommendations. The area is in an extremely high wildland fire hazard area and the increased residential development resulting from this project creates potentially significant impacts. With the implementation of the mitigation measures and conditions of approval the potentially significant effects are brought to less than significant levels.
4. The California Department of Fish and Game 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 (\$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. All requirements of the Soils Report for the project will be implemented at the building permit stage. 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.