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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2004-33

**A resolution conditionally approving Land Division Application No. 2004-108, Robert and Jill Bollinger, applicants. Assessors Parcel Number 017-350-018.**

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WHEREAS an application for land division was received on June 3, 2004 from Robert and Jill Bollinger for the division of a property located at an unassigned address, approximately one mile from the intersection of Indian Peak Road and Bronco Hollow Lane, on the west side of Bronco Hollow Lane and an unnamed easement, also known as Assessor Parcel Number 017-350-018; 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 October 1, 2004; 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 adopt a Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application #2004-108; and

BE IT THEREFORE FINALLY 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 Rudzik, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this October 1, 2004 by the following vote:

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


NOES: None

EXCUSED: None

ABSTAIN: None

  
Susan Taber Crain, Chair  
Mariposa County Planning Commission

Attest:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission

**PROJECT FINDINGS**  
for  
**Land Division Application 2004-108**

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. Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040.B.3, and based on the evidence presented in the staff report and comments provided at the public hearings, the following Findings are made:

1. **FINDING:** The site is physically suited for the type of development.

**EVIDENCE:** Based on site inspection and the size and the number of parcels proposed the site is physically suited for low-density homes and appurtenant improvements such as septic systems provided that the conditions of approval regarding the septic systems and approved locations are met.

2. **FINDING:** The site is physically suited for the proposed density of development.

**EVIDENCE:** The site is physically suited for the density allowed in this zone. The proposed project is located within the Mountain Home zone. The subdivision density is designed in accordance with the Mountain Home zone.

3. **FINDING:** The design of the subdivision and the proposed improvements are 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 it would have a less than significant effect on the environment. 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, or wildlife resources located on the project site nor in the surrounding area that would be affected by approval of this project. The CDFG 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 (\$1,250) for a negative declaration as required by AB 3158 and a County Clerk fee of (\$25).

4. **FINDING:** The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

**EVIDENCE:** This land division and its subsequent use for low-density residential purposes 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 improvements will ensure that serious health problems will not occur on the site.

5. **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 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.

6. **FINDING:** The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

**EVIDENCE:** The minimum parcel size proposed by the project is 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.

7. **FINDING:** The design of the subdivision and 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.

<p><b>CONDITIONS AND MONITORING PROGRAM</b>  <b>for</b>  <b>Land Division Application 2004-108</b></p>
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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, and fulfills the County of Mariposa's Monitoring requirements.

<b>Sign-Off Checklist for List of Conditions of Approval</b>		
	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. The unnamed easement from Bronco Hollow Lane to Parcel A shall be improved to a Rural Class IA SRA standard and shall meet this standard at the time of parcel map recordation. An improved turnaround with a radius of no less than 45 feet shall be provided at the end of the required improvements on Parcel A. The required road and turnaround 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 prior to the 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>	Public Works	
<p>2. A 30 foot wide easement along the entire eastern property line of the proposed parcels shall be offered for dedication to the County of Mariposa. The easement shall be along the unnamed access road and Bronco Hollow Lane. Additionally, adequate easement around the turnaround improvements shall be provided. The offer of dedication shall be non-revocable and specifically state on the Parcel Map that the dedications are for "public road and utility purposes"</p> <p>The Planning Commission recommends that the Public Works Director accept the offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.</p>	Public Works	
<p>3. If the unnamed easement 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 the easement and Bronco Hollow Lane prior to map recordation. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County engineer prior to installation.</p>	Public Works	

<p>4. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Bronco Hollow Lane. 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. All grading work shall be included within the road easement</p>	<p>Public Works</p>	
<p>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 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 a road contractor 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 road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.</p>	<p>Public Works</p>	
<p>6. 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 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 applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation and erosion control provisions have been completed.</p>	<p>Public Works</p>	
<p>7. A stop sign shall be placed at the intersection of the on-site easement and Bronco Hollow Land. The stop sign shall be installed on metal breakaway 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</p>	
<p>8. The easement from Bronco Hollow Lane to Parcel A on the Project Site 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 Board of Supervisors. The name of the road within the project site shall be shown on the parcel map.</p>	<p>Public Works</p>	
<p>9. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Bronco Hollow Lane prior to map recordation. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.</p>	<p>Public Works</p>	
<p>10. All required signs including street name signs, 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</p>	

<p>11. A road maintenance association shall be formed to provide for the maintenance of the unnamed access road. Road maintenance association 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 the project parcels served by the easement road shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.</li> <li>c. Include 100% of the parcels served by the access road.</li> <li>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 with the power of sale.</li> <li>e. Provide a mechanism for new parcels to be added to the Association.</li> </ul>	Public Works	
<p>12. The applicant shall revise the existing Bronco Hollow Zone of Benefit to include the new project parcels as required by the Public Works Department. All application requirements shall be met, and the amendment process shall be completed, prior to parcel map recordation. The applicant shall be responsible for all application requirements and fees.</p>	Public Works	
<p>13. Verification of taxes paid shall be submitted to the County Surveyor prior to the Parcel Map recordation.</p>	Public Works	
<p>14. The telephone company shall be contacted prior to construction in order to coordinate the location of telephone facilities, including conduit. The applicant shall present a letter from the telephone company to the County Surveyor stating that the requirement has been met.</p>	Public Works	
<b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>		
<p>15. 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 County Clerk fee (\$25) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final.</p> <p>The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$1,275.00, 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 who will file this fee and other required documents with the County Clerk.</p>	Mariposa Planning	
<b>CONDITION OF APPROVAL / CALIFORNIA DEPARTMENT OF FORESTRY (CDF)</b>		
<p>16. Prior to Parcel Map recordation, the applicant shall have complied with</p>	California	

<p>all applicable SRA <i>Fire Safe Regulations</i>. A document shall be recorded and referenced on the Parcel Map that states:</p> <p>“Future residential development shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA <i>Fire Safe Regulations</i> and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291. For this project, CDF requires a minimum 100 foot setback from flammable vegetation around new structures to afford adequate defensible space, based upon flame length, during a wildland fire. CDF will allow a lesser setback, down to 80 feet, if the new structure uses a class A roof type and flame resistant siding.”</p>	<p>Department of Forestry</p>	
<b>CONDITION OF APPROVAL / HEALTH DEPARTMENT</b>		
<p>17. Percolation tests and soils analysis tests shall be performed on Parcels "A", "B", and "C" 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 Sanitarian prior to recordation of the parcel/final map. A letter from the County Sanitarian shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcel(s). A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:</p> <p>“Approved percolation tests and soils analysis tests have been performed on Parcels "A", "B", and "C" 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 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 a parcel that has not had an approved percolation tests, additional percolation tests and design recommendations may be required.”</p>	<p>Mariposa County Health</p>	
<b>CONDITION OF APPROVAL / MARIPOSA COUNTY RESOURCE CONSERVATION DISTRICT</b>		
<p>18. 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 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 re-vegetation and erosion control provisions have been completed.</p>	<p>NRCS/RCD</p>	
<p><b>REMAINDER CONDITIONS:</b></p>	<p>NA</p>	
<p>N/A</p>		
<p><b>MITIGATION MEASURES:</b></p>	<p>NA</p>	
<p>None</p>		
<b>RECOMMENDATION ON OFFER OF DEDICATION</b>		
<p>The Planning Commission recommends the County Engineer accept the offer</p>		



of dedication for public access and utilities, but reject the offer for public maintenance.		
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Agency Contact List				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Sarah Williams	209-966-5151 swilliams@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Jerry Freeman	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	Jerry Progner	209-966-3431	5009 Fairgrounds Rd Mariposa CA 95338	P.O. Box 746 Mariposa CA 95338
County Assessor	Eddie Ellis	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Blaine Shultz	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162 Mariposa CA 95338
Cal. Dept of Forestry	Dennis Townsend	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

**Explanation of Headings:**

Monitoring Dept: Department or Agency responsible for monitoring a particular mitigation measure.

Verified Implemented: When a mitigation measure has been implemented, this column will be initialed and dated.