

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2012-011

**A resolution conditionally approving Land Division No. 2011-218,
Palmer. Assessor Parcel Number 016-230-010.**

WHEREAS an application for Land Division No. 2011-218 was received on December 21, 2011 from the Walter and Gloria Palmer Family Trust for a property located at 5214 Hornitos Road, Catheys Valley, also known as Assessor Parcel Number 016-230-010; and

WHEREAS Land Division Application No. 2011-218 proposes to divide a 84.68-acre parcel into one parcel of 6.38 acres and a Remainder of 78.30 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 6th day of July, 2012; 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 applicants.

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. 2011-218; 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.

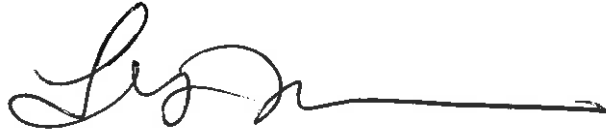
ON MOTION BY Commissioner Tucker, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this July 6, 2012 by the following vote:

AYES: TUCKER, MARSDEN, RUDZIK

NOES: NONE

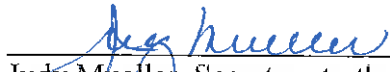
EXCUSED: ROSS, FRANCISCO

ABSTAIN: NONE



Les Marsden, 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. 2011-218

1. **FINDING:** The site is physically suitable for the type and density of development.
EVIDENCE: The site is physically suited for low-density homes and appurtenant improvements, and has already been developed as such. The proposed project is located within the Mountain Home zone and the Residential Land Use. The subdivision density is 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, 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 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 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*". The parcel is located within the boundaries of the Draft Catheys Valley Community Plan. Hornitos Road has adequate capacity for the additional traffic generated by the new parcel created 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 within the boundaries of the Draft Catheys Valley Community Plan.

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. 2011-218

Applicant: Walter & Gloria Palmer Family Trust File Number: LDA No. 2011-218

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. A shared encroachment easement shall be shown on the parcel map. The encroachment shall be made 60 feet by 60 feet and non-exclusive. The easement shall be located equally on both sides of the property line between Parcel A and APN 016-230-009. The easement shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and non-exclusive and specifically state the dedication is for "public road and utility purposes." The location and width of the easement shall be approved by the County Engineer.</p> <p>(Public Works Department Recommendation)</p>	PUBLIC WORKS	
<p>2. 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 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. Prior to the consultation meeting, the easements shall be flagged or identified in the field.</p> <p>(Public Works Dept. and Planning Dept. Recommendation)</p>	PUBLIC WORKS	
<p>3. Immediately upon completion of the required 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>	PUBLIC WORKS	

(Road Improvement and Circulation Policy)		
<p>4. Prior to commencement of road construction within the easement, the applicant shall provide a letter from Pacific Gas & Electricity (PG&E) to the County Surveyor assuring that the electrical pole currently in the proposed easement has been moved outside of the area for road improvements or is beyond the limits of grading.</p> <p>(Public Works Recommendation)</p>	PUBLIC WORKS	
<p>5. If the applicant has not drilled a well on Parcel A for the existing residence on that parcel, prior to recordation of the parcel map, an access easement for the existing well on APN 016-230-009 shall be created for the use and benefit of Parcel A. The access easement shall be located such that the physical access can be made to the well from the access road on Parcel A. The width of the easement shall be a minimum of 20 feet. Additionally, a shared maintenance agreement shall be recorded concurrently with and referenced on the Parcel Map describing the property owner's responsibilities for sharing in all costs associated with the routine maintenance and upkeep of the existing well. Any requirements of the Health Department for a shared well shall be met prior to recordation of the parcel map.</p> <p>(Public Works Recommendation)</p>	PUBLIC WORKS	
<p>6. 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>7. Project approval is valid for a period of three years from July 6, 2012. This approval shall expire on July 6, 2015.</p> <p>[MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]</p>	MARIPOSA PLANNING	
<p>8. 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:</p> <p>“This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on Parcel A 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</p>	MARIPOSA PLANNING	

<p>on any parcel shown on this map.” [MARIPOSA COUNTY GENERAL PLAN, SECTION 5.3.02.E(4)]</p>		
<p>9. Prior to filing of the parcel map, the project surveyor shall provide verification that the existing 26’ by 50’ barn on Parcel A is a minimum of 25’ from the side property lines on Parcel A. [PLANNING DEPARTMENT RECOMMENDATION]</p>		
<p>10. 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>[COUNTY ORDINANCE NO. 1017]</p>	<p>MARIPOSA PLANNING</p>	
<p>11. 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 (\$2,101.50 as of 1/1/12) 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, July 13, 2012), 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, July 13, 2012 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 \$2,151.50 (effective 1/1/12), and that it be in the</p>	<p>MARIPOSA PLANNING</p>	

<p>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>12. 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 style="text-align: center;">CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION</p>		
<p>13. All 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 style="text-align: center;">CONDITIONS OF APPROVAL - REMAINDER</p>		
<p>14. The Remainder may be shown on the parcel map in order for all required easements to be created. If the Remainder is not shown on the recorded parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped, and signed legal descriptions along with lot closure computations) of the Remainder.</p> <p>(Planning Department Recommendation)</p>		
<p>15. 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:</p> <p style="padding-left: 40px;">"This notice is not intended to affect record title interest. A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated Remainder as shown on the Parcel Map for ____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records, in accordance with Section 16.04.030 of Mariposa County Code."</p> <p>(Section 16.04.030, County Subdivision Ordinance)</p>	<p>MARIPOSA PLANNING</p>	

<p>16. 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:</p> <p>“This notice is not intended to affect record title interest. There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, an electrical permit, and/or a structure permit) issued to the Remainder as shown on the Parcel Map for ____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records, until all of the subdivision conditions for the Remainder as established by the Planning Commission have been met. The Remainder is not a parcel available for sale, lease or finance until all of the subdivision conditions for the Remainder have been met. The Remainder may or may not be surveyed.”</p> <p>(Planning Department Recommendation)</p>	MARIPOSA PLANNING	
<p>17. Upon completion of all conditions applied to the Remainder, a Certificate of Compliance shall be recorded on the Remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, a legal description prepared by a land surveyor or other qualified individual will be required.</p> <p>(Planning Department Recommendation)</p>	MARIPOSA PLANNING	
<p>18. The applicant shall record a disclosure statement concurrently with the Certificate of Compliance and referenced on the Certificate of Compliance or shall include the disclosure statement on the Certificate of Compliance. The statement shall be the following:</p> <p>“This notice is not intended to affect record title interest. Water supplies for residential lands are derived from private wells on the Remainder of 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>This requirement may also be met at the time the parcel map is recorded (if the notice includes reference to the Remainder).</p> <p>[MARIPOSA COUNTY GENERAL PLAN, SECTION 5.3.02.E(4)]</p>		