

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2011-001

A resolution approving Request for Amended Conditions No. 2010-147;  
Philip and Kathi Whitson, applicants. APN 017-480-058

WHEREAS an application requesting to amend the conditions of approval for Land Division Application No. 2009-028 was received on October 14, 2010 from Philip and Kathi Whitson for a property located at 2281 Sierra Vista Way, Assessor Parcel Number 017-480-058; and

WHEREAS the project proposes to amend the project description, delete Condition of Approval No. 6, and amend Condition of Approval No. 8, which relate to an off-site emergency egress and gates at both ends of the off-site egress, and amends Condition of Approval No. 4, which relates to the existing cul-de-sac/turnaround at the end of Sierra Vista Way; and

WHEREAS the original Land Division Application No. 2009-028 was approved as a two-parcel division and the new project description does not change this; and

WHEREAS Cal Fire had originally agreed to the off-site emergency egress and agrees that the off-site egress is not necessary because the applicants have performed on-site improvements that serve the same purpose; and

WHEREAS a duly noticed public hearing was scheduled for the 3<sup>rd</sup> day of December 2010 and was continued to January 7<sup>th</sup>, 2011; and

WHEREAS the Planning Department prepared environmental documents for Land Division Application No. 2009-028 in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS the Planning Commission adopted a Negative Declaration for Land Division Application No. 2009-028, a Notice of Determination was filed with the County Clerk and appropriate fees have been paid to the Department of Fish and Game for such Notice; and

WHEREAS the Planning Commission has determined that the previous environmental determination made for Land Division Application No. 2009-028 was not changed by the request for amended conditions; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, 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 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 does hereby approve Amended Conditions Application No. 2010-147; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.


ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution is duly passed and adopted on the 7th day of January, 2011 by the following vote:

AYES: ROSS, TUCKER, RUDZIK, FRANCISCO, MARSDEN

NOES: NONE

EXCUSED: NONE

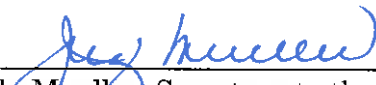
ABSTAIN: NONE




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Robert L. Rudzik, Chair  
Mariposa County Planning Commission

Attest:




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Judy Mueller, Secretary to the  
Mariposa County Planning Commission

**Exhibit 1****PROJECT FINDINGS for Land Division No. 2009-028 as amended by  
Amended Conditions No. 2010-174**

Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040, the following Findings must be made before a land division may be approved. Staff recommends they be re-adopted with amendments for this Amended Conditions application.

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 five acres each, the site is physically suited for low-density homes and appurtenant improvements provided that conditions of approval are met. The proposed project is located within the Mountain Home zone and the Residential Land Use Classification. The subdivision density is designed in accordance with the Mountain Home zone and Residential 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, it would have a less than significant effect on the environment. A Negative Declaration was adopted and a Notice of Determination filed for the original land division and this action covers any impacts of the project for Amended Conditions.

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. Existing residential uses were required to comply with all Building Code regulations and Health Department standards for the proper installation of the existing sewage disposal systems on the project site. Both proposed parcels have wells installed. The proper location and implementation of these improvements will ensure that serious health problems will not occur on the site. The project will be required to comply with requirements of Cal Fire. All existing and future residential uses were required or 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. The length of the access road for this project has been approved by Cal Fire based upon the applicants' proposal to

improve the primary access to the project site and cul-de-sac at the end of the road. These improvements will be maintained in the same manner as the access improvements. In addition, Cal Fire will annually inspect the access.

4. **FINDING:** The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.

**EVIDENCE:** This project has been processed in accordance with the Mariposa County General Plan. 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.

5. **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.

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. The project will cause no permanent conflict with public access rights. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

7. **FINDING:** The proposed removal of Condition No. 6 and the proposed amendment of Condition Nos. 4 and 8 will not have a significant adverse effect on the general public health, safety, peace and welfare.

**EVIDENCE:** The proposed amendment to the conditions of approval for this project will not have a significant adverse effect on the general public health, safety, peace, and welfare of Mariposa County based on the changes to the project description to eliminate the off-site emergency egress that Condition No. 6 and Condition No. 8 refer to, and based upon input from Cal Fire.

**Exhibit 2**  
**Conditions of Approval for Land Division Application No. 2009-028**  
**as amended by Amended Conditions Application No. 2010-147**

## Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

	Monitoring Dept.	Verified Implemented
<b>Project Description</b>		
<p>Land Division Application No. 2009-028 proposes to divide a 10.0 acre parcel into 2 parcels of 5.0 acres each.</p> <p>The applicants propose to make improvements to comply with State Fire Safe Regulations:</p> <ul style="list-style-type: none"> <li>• Obtain and install county-approved reflective property address signs at both property locations.</li> <li>• Obtain and install a significant water storage tank for the purpose of supplying water for fire fighting purposes.</li> <li>• Establish a clearly marked engine turn-around area for egress.</li> <li>• Establish and maintain the required 100 feet 'zone of protection' clearance of brush and debris related to the structures on the property.</li> </ul> <p>These improvements will be done in accordance to standards established in the County Improvement Standards and the SRA Fire Safe regulations. All proposed improvements will be completed and 'signed off' (approved) by CDF and the Public Works Department prior to recordation of the parcel map.</p>		
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
<p>1. Sierra Vista Way easement on-site shall be 60 feet wide and non-exclusive. The easement shall be re-offered for dedication to the County of Mariposa if determined necessary by the county surveyor. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."</p> <p>(§16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections; Road Improvement and Circulation Policy.)</p>	Public Works	
<p>2. All cut and fill areas required for the construction of the proposed access road shall be included within the access and utility easement pursuant to the County Improvement Standards, which may</p>	Public Works	

<p>necessitate a variable width easement greater than 60 feet in width. The location, width, and description of the easements shall be approved by the County Engineer.</p> <p>(Public Works Department recommendation)</p>		
<p>3. The Sierra Vista Way easement from Indian Peak Road to the cul-de-sac shall be improved to a Rural Class II SRA 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. The existing cul-de-sac located at the end of Sierra Vista Drive shall be restored to meet county standards at the time of recordation of the parcel map. 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 approved by the County Engineer prior to the recordation of the parcel map.</p> <p>- OR -</p> <p>Prior to filing the parcel map for recordation, the project applicant shall obtain from the owners of record of APN 017-480-057 an offer of dedication to Mariposa County for a non-exclusive easement for that portion of land located within this APN containing improvements for the cul-de-sac for Sierra Vista Way. The offer of dedication from the owners of record of this parcel shall be non-revocable and specifically state the dedication is for "public road and utility purposes." The offer of dedication shall include a legal description of the land to be offered prepared, signed, and stamped by a licensed surveyor or other qualified professional. The offer of dedication shall be filed for recordation prior to or concurrently with the parcel map. The approval of this condition is based solely on the letter of intent to provide this easement signed by Gregory Ritter and Melissa Ritter and dated December 29, 2010, the owners of record at the time the amended conditions for LDA 2009-028 were approved, and does not obligate a future owner of APN 017-480-057 to grant this easement, nor does it obligate the County of Mariposa to obtain this easement from a future owner or owners of record of</p>	<p>Public Works</p>	

<p>the parcel. Should the owner or owners of record of the parcel not provide this easement, this portion of this condition is null and void. Any improvements needed within the existing and new easement to comply with CalFire and County Improvement Standards shall be completed to the satisfaction of CalFire and Public Works prior to the filing of the parcel map.</p> <p>(Road Improvement and Circulation Policy, and Public Works and Planning Department recommendation)</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, road contractor, and Cal Fire 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 meeting 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 permits required for this project and prior to the scheduling of any on-site inspection of road improvements.</p> <p>(Public Works Recommendation)</p>	Public Works	
<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 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>	Public Works	
<p>7. Applicant shall amend the existing Zone of Benefit for Sierra Vista Way. The applicant shall file a completed petition (including, but not limited to, all required signatures and attachments) with the County to create/ expand/ amend the Zone of Benefit within the Countywide County Service Area No. 1 for road maintenance of the access roads within the subdivision, including the cul-de-sac at the end of Sierra Vista Way. The applicant shall be responsible for all costs associated with the filing of the petition, including but not limited to, preparation and cost estimates.</p> <p>Maintenance shall include, but not be limited, to, drainage and erosion control devices, fuel modification, upkeep of road surfaces,</p>	Public Works	

<p>and ultimate replacement costs for road surfaces, etc. The initial road construction costs shall not be included in the Zone of Benefit.</p> <p>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.</p> <p>The amended Zone of Benefit shall be completed prior to recordation of the map.</p> <p>(Section II.I, Road Improvement and Circulation Policy)</p>		
<p>8. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Indian Peak Road. 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>9. A road name sign for the on-site easement road (Sierra Vista Way) shall be placed at the intersection of the easement road (Sierra Vista Way) and Indian Peak 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>10. 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>11. A stop sign shall be placed at the intersection of the on-site easement (Sierra Vista Way) and Indian Peak 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>12. Verification of taxes paid shall be submitted to the County Surveyor prior to the parcel map recordation.</p>	Public Works	



(Mariposa County Planning Department recommendation)		
<b>CONDITION OF APPROVAL / MARIPOSA PLANNING</b>		
<p>13. Project approval is valid for a period of three years from May 22, 2009. This approval shall expire on May 22, 2012.</p> <p>(§16.12.430, Mariposa County Subdivision Code)</p>	Mariposa Planning	
<p>14. Prior to the filing of the parcel map, the existing residences on Parcel A and Parcel B shall obtain a new "parcel-specific" address from the County Assessor.</p> <p>(County Resolution No. 92-541)</p>	Mariposa Planning	
<p>15. 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 (\$1,993.00 as of 1/1/09) and the County Clerk fee (\$50.00 as of 1/1/09) shall be paid by the applicant within five (5) working days of the approval of the application (by Monday, June 1, 2009), 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 Monday, June 1, 2009 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 \$2,043.00 (effective 1/1/09), 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 1<sup>st</sup> 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>16. The Property Owner (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</p>	Mariposa Planning	

<p>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>(§16.36.030, Mariposa County Subdivision Ordinance)</p>		
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**CONDITIONS OF APPROVAL/ MARIPOSA COUNTY HEALTH DEPARTMENT**

<p>17. The applicant shall record a disclosure statement concurrently with the parcel map and referenced on the parcel map stating the following:</p> <p>“Water supplies for residential lands are derived from private wells on Parcel A and Parcel B as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records. 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 align="center">Health Department</p>	
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**CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION**

<p>18. Prior to recordation of the parcel map, all applicable State Fire Safe Regulations shall be met. 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 align="center">CDF</p>	
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