

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2010-002 **A resolution approving Request for Amended Conditions No. 2009-156; Roger A. Schneider, applicant. Assessor Parcel Number 015-210-001.**

WHEREAS an application requesting to amend the conditions of approval for Land Division Application No. 2003-226 was received on November 12, 2009 from Roger A. Schneider for a property located at 2968 Highway 49 South, Assessor Parcel Number 015-210-001; and

WHEREAS the project proposes to delete Conditions of Approval No. 14, 15, and 18 to remove the requirements or a road name, a road name sign and a stop sign for the project; and

WHEREAS the project also proposes to amend Condition of Approval No. 22 relative to addressing; and

WHEREAS the original Land Division Application No. 2003-226 was approved as a four parcel division and the applicant is now proposing to complete it as a two parcel division; and

WHEREAS the reason for the request is that the applicant is unable to obtain an encroachment permit for the road name sign and the stop sign from Cal Trans because of the status of Highway 49 South as a limited access expressway; and

WHEREAS Health Department staff noted that Conditions 1 and 2 were required of the original four parcel division; and

WHEREAS in light of the applicant completing the project as a two parcel division staff includes an amendment to Conditions 1 and 2 to reflect the new proposal; and

WHEREAS staff also includes an amendment to Condition of Approval No. 16 to remove "...with the power of sale" as this is not a requirement of the Road Improvement and Circulation Policy; and

WHEREAS a duly noticed public hearing was scheduled for the 19th day of February 2010; and

WHEREAS the Planning Department prepared environmental documents for Land Division Application No. 2003-226 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. 2003-226, 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. 2003-226 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. 2009-156; 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.

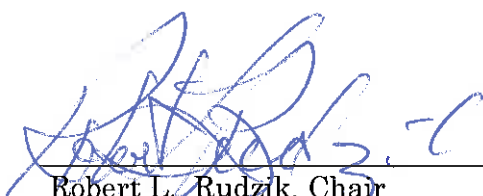
ON MOTION BY Commissioner Ross, seconded by Commissioner Francisco, this resolution is duly passed and adopted on the 19th day of February 2010 by the following vote:

AYES: Ross, Francisco, Tucker, Marsden Rudzik

NOES: None


EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Office Technician for
Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit 1

PROJECT FINDINGS for Land Division No. 2003-226 as amended by

Amended Conditions No. 2009-156

Pursuant to Mariposa County Subdivision Ordinance, Section 16.16.040, the following Findings must be made before a land division may be approved. The following conditions are re-adopted for this Amended Conditions Application.

1. Based on the given size and the number of parcels proposed and site inspections, the site has been found physically suited for the construction of low density home sites and appurtenant improvements such as septic systems, provided that the appropriate requirements are met in compliance with applicable Health Code requirements for residential septic systems and Mariposa County Health Department Recommendations for this land division.
2. 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 zoning.
3. The Initial Study prepared for the project found that it would have a less than significant impact on the environment with the mitigation measures and conditions of approval imposed. A Negative Declaration with mitigation measures was filed for the original land division and this action covers any impacts of the project for Amended Conditions.
4. 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 septic systems. The proper implementation of these requirements will ensure that serious health problems will not occur on the site.
5. The proposed map is consistent 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.

6. 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 size. The project site is not in an area governed by a specific plan.
7. The project will not conflict with any public easement.
8. 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.
9. No unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion, or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.
10. **FINDING:** The proposed removal of Conditions No. 14, 15 and 18; will not have a significant adverse effect on the general public health, safety, peace and welfare based on the proposed amendments to Condition No. 22 and reduction from a four parcel split to a two parcel split; the amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long-term guide for county development and a short term basis for day-to-day decision making; conforms to the requirements of state law and county policy; and is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

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. The amendment to Condition No. 22 mitigates for this project only, Amended Conditions No. 2009-156, based on the existing circumstances, the impacts caused by not naming and signing the proposed access easement, by providing address and guiding signs at the various intersections of driveways and the access easement. The proposed change to a two parcel split limits

the number of parcels that will access the encroachment and access easement and remain addressed off of State Highway 49 South. The same reason for the required changes will prevent further subdivisions from parcels that take access from this access easement.

Exhibit 2
Conditions of Approval for Land Division Application No. 2003-226 as amended by Amended Conditions Application No. 209-156

- 1) Soil profile holes shall be excavated on Parcels A, to the standards of the County Health Department and in the presence of the County Sanitarian, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Sanitarian approves the parcel for septic disposal based on the soil profile holes, a letter from the County Sanitarian stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.

If the results of the soil profile holes do not demonstrate to the approval of the County Sanitarian that a conventional septic system can be installed on the parcel, percolation tests and additional soils analysis tests shall be performed on the parcel 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 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:

"Approved percolation tests and soils analysis tests have been performed on Parcels ____ 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 approved percolation tests, additional percolation tests and design recommendations may be required."

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

- 2) 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: "Future residential development shall be required to meet all applicable SRA Fire Safe Regulations, which may include a minimum 2500 gallon water storage tank." 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 Resource Code 4291. Evidence that this condition has been satisfied shall be in the form of a letter from the California Department of Forestry (CDF) to the County Surveyor.

(California Department of Forestry Recommendation)

- 3) The easement from the CalTrans right-of-way to the cul-de-sac at the shared property line of Parcels A and B shall be made a minimum of 60 feet wide and non-exclusive. The easement shall be designated for access for the use and benefit of the subject property. Reduced easement width (not less than 40 feet) may be allowed to encompass the required road improvements at the intersection of the existing CalTrans encroachment and the onsite easement road at the south property line of the subject parcel. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state on the Parcel Map that the dedication is for public utility purposes only. Prior to map recordation, the location and width of the easements shall be approved by the County Engineer.

(Section 16.12.160.B, County Subdivision Ordinance; Section II.A.3, Road Improvement and Circulation Policy)

- 4) A cul-de-sac shall be constructed at the terminus of the on-site easement road. The cul-de-sac shall be improved to meet county standards prior to the 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 recordation of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the Department of Public Works or the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. The required improvements shall include adequate setbacks and parking areas that are not located within the cul-de-sac or turnaround area. Prior to recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.

(Public Works Recommendation)

- 5) The on-site private easement from the south property line to the boundary between Parcels A and B shall be constructed to a Rural Class I SRA-A 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 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.

(Section 16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy).

- 6) 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 a representative from CalTrans shall occur. This meeting shall be conducted onsite. This consultation meeting shall be set up 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 onsite inspection of road improvements.

(Mariposa Planning Recommendation)

- 7) 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 improvement required as a condition of approval for this project. If engineered improvement plans are required, the plan shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.

(Mariposa Planning Recommendation)

- 8) Immediately upon completion of the required road and encroachment improvements, the applicant shall revegetate all exposed soils and install other erosion control as recommended by the Soils Conservation Service/Natural Resource & Conservation Service (SCS/NRCS). The applicant shall also contact the SCS/NRCS for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by SCS/NRCS stating that the revegetation and erosion control provisions have been completed.

(Mariposa Planning Recommendation)

- 9) During construction of the onsite easement road, the applicant shall protect the Middle Fork of the Chowchilla River from siltation by taking precautions to be determined by the Public Works Department. The necessary precautions shall be inspected and approved by the Public Works Department immediately prior to road construction.

(Planning Commission Recommendation)

- 10) All cut and fill areas required for the construction of the proposed access road, outside of the designated road easement, shall be included within slope easements and shall be delineated as such on the Parcel Map. The location, width, and description of the easements shall be approved by the County Engineer.

(Mariposa Planning Recommendation)

- 11) If determined necessary by CalTrans, an encroachment permit shall be obtained from the California Department of Transportation prior to any work being done in the right-of-way of State Highway 49. If it is determined during design or construction that the existing encroachment needs to be widened, the applicant shall be required to obtain full approval from CalTrans prior to performing this work. Prior to recordation of the parcel map, all required encroachment improvements shall have been installed and the applicant shall provide a letter from CalTrans stating that their required improvements, drainage, and sight distance requirements relative to the subject parcel map have been constructed or found compliant.

(Mariposa Planning Recommendation)

- 12) All required signs, with the exception of street name signs, 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.

(Mariposa Planning Recommendation)

- 13) A road maintenance association shall be formed to provide for the maintenance of the road in the onsite easement. Maintenance 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 those 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:
- 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 served by the access road;
 - 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; and
 - e. provide a mechanism for new parcels to be added to the association.

(Mariposa Planning Recommendation)

- 14) A drainage easement shall be established and shown on the Parcel Map for the established drainage courses within it. The width of the easement for the Middle Fork of the Chowchilla River shall be 100 feet from the centerline on each side of the river, or 50 feet from the bank, whichever provides at least 50 feet of easement from the bank, to protect native plants and amphibians and allow deer movement. A statement shall be recorded in Mariposa County Official Records concurrently with the Parcel Map as follows:

“No structure shall be constructed within the open space easement. No portions of a sewage disposal system shall be constructed within the open space easement. No grading shall be allowed within the open space easement, except that which is necessary for access to building sites. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the open space easement subject to approval by the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”

(Mariposa Planning Recommendation)

- 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.

(Mariposa Planning Recommendation)

- 16) The Department of Fish and Game filing fee (\$1,250) and County Clerk fee (\$25) shall be paid within five (5) working days of the approval of the application, and the Parcel Map shall not be recorded until this fee is paid. The County Clerk requires that one check be submitted to cover both of these Fish and Game fees. Please submit a cashiers check or money order payable to Mariposa County, for the total fees of \$1,275.00. The County Clerk will not accept a personal check for these fees.

Note, the filing fees are adjusted annually, effective January 1st of each year, pursuant to Fish and Game Code. Currently the fees are a Department of Fish and Game filing fee of \$2,010.25 and a County Clerk fee of \$50.

(California Department of Fish and Game Requirement and Planning Department Recommendation)

- 17) Verification of taxes paid shall be submitted to the County Surveyor prior to recordation of the Parcel Map.

(Mariposa Planning Recommendation)

- 18) Prior to filing the parcel map new Highway 49 South addresses shall be obtained for proposed Parcels A and B. Address number signs for those parcels and for APN 015-200-010, meeting Cal Fire standards, shall be posted at a Cal Trans and Cal Fire approved location. Additional address signs shall be placed at the intersection of the driveway to APN 015-200-010 and the easement road created by Land Division No. 2003-226; as well as at the intersection of the driveway to the existing home on Parcel B and the easement road created by Land Division No. 2003-226. Another sign showing the address number for Parcel A and an arrow pointing north shall be placed on the easement road just beyond the driveway to the home on Parcel B. When a building permit is issued to Parcel A, a requirement shall be that address number signs shall be placed as required by Cal Fire.