

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. 2007-27

A resolution conditionally approving Land Division Application No. 2006-299, Shana Hamel and Gege Drozen, applicants. Assessor Parcel Number 017-480-087.

WHEREAS an application for a minor land division was received on September 29, 2006 from Shana Hamel and Gege Drozen for a property located at 4587 Hirsch Road, also known as Assessor Parcel Number 017-480-087; and

WHEREAS the project proposes the division of a 33.02 acre parcel into two parcels, with Parcel A being 12.97 acres and Parcel B being 20.05 acres; and

WHEREAS staff requested that either the applicant should provide additional information to staff about the pond located on Parcel B that was proposed to be removed or the applicant should revise the application so that the pond was retained onsite; and

WHEREAS the applicant submitted a revised map on November 8, 2006, showing that both the ponds on Parcel B were to be retained; and

WHEREAS no further letter of completeness was written to the applicant, and therefore the application was determined to be complete on December 8, 2006; and

WHEREAS the project is therefore subject to the 2006 Mariposa County General Plan; 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 15<sup>th</sup> day of June 2007; 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 an 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 approve a Mitigated Negative Declaration; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application No. 2006-299; 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 and the mitigation monitoring program set forth in Exhibit 3.

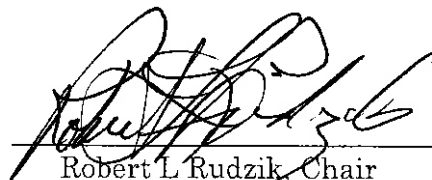
ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this June 15, 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, Rudzik, and Skyrud

NOES: None

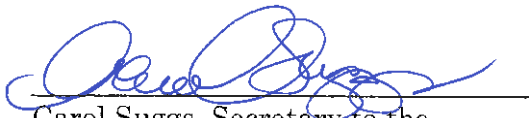
EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the  
Mariposa County Planning Commission

**EXHIBIT 1**  
**PROJECT FINDINGS**

**FOR**

**Land Division Application No. 2006-299**

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 greater than ten acres each, 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, wells, and access roads 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 proposed mitigation measures, 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 and the surrounding area that would be affected by approval of this project. The land is currently and will continue to be used primarily for residential purposes. The project is subject to the California Department of Fish and Game filing fees of (\$1,800) for a mitigated negative declaration as required by California Fish and Game Code §711.4(d)(4) and a County Clerk fee of (\$50).

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. Additionally, 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 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.

***EXHIBIT 2***  
***CONDITIONS OF APPROVAL AND MITIGATION MEASURES***  
***FOR***  
***Land Division Application No. 2006-299***

**Project Name: Shana Hamel and Gege Drozen**  
**Project Approval Date: June 15, 2007**

**File Number: LDA No. 2006-299**

The following conditions of approval and mitigation measures were approved for this project in order to ensure compliance with county codes and policies, and to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist indicates that the conditions and mitigation measures have been complied with and implemented, and fulfills the County of Mariposa's Mitigation Monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6)

The following conditions of approval and mitigation measures 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.

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

	Monitoring Dept.	Verified Implemented
<b>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</b>		
1. A shared encroachment easement shall be shown on the parcel map at Hirsch Road. 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 Parcels A and B. The easement shall be reserved for the use and benefit of the subject parcels; a public utility easement in the same location shall be offered for dedication to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state the dedication is for "public utility purposes." Prior to recordation of the map, the location and width of the easement shall be approved by the County Engineer.  Public Works Recommendation	Public Works	
2. Access to Parcels A and B shall be limited to the proposed shared encroachment, unless waived by the County Engineer. No further encroachment permits to Hirsch Road for these parcels will be granted. A declaration shall be recorded with the parcel map, referenced on the parcel map and made appurtenant to Parcels A and B as follows:	Public Works	

<p>“Approved access for residential development of Parcels A and B as shown on the Parcel Map for Hamel and Drozen, filed in Book ___ of Parcel Maps at Page ___, Mariposa County Official Records, is from the shared encroachment onto Hirsch Road.”</p> <p>The County Engineer will confirm that this condition has been complied with prior to map recordation.</p> <p>Public Works Recommendation</p>		
<p>3. An encroachment permit shall be obtained from Public Works prior to any work being done on or adjacent to Hirsch Road, including any work done on the encroachment for the onsite easement road. All encroachment improvements shall be completed as required by Public Works. Evidence that the encroachment permit has been completed to the satisfaction of Public Works shall be submitted to the County Surveyor by the applicant prior to recordation of the parcel map.</p> <p>Chapter 11, County Improvement Standards</p>	Public Works	
<p>4. The proposed onsite shared encroachment shall be improved to a Rural Class IA SRA standard from Hirsch Road as required by the Public Works Department; the encroachment 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 the recordation of the parcel map. The County Engineer may require engineered improvement plans for any grading or road improvement work required as a condition of approval for this project. The plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.</p> <p>§16.12.170, County Subdivision Ordinance; Chart A and Section II.D.2.a, Road Improvement and Circulation Policy.</p>	Public Works	
<p>5. Upon completion of the required encroachment improvements, the applicant may re-install the existing gate across the Parcel A driveway, provided that the gate conforms to all provisions of the State Fire Safe standards.</p> <p>Section II.I, Road Improvement and Circulation Policy</p>	Public Works	
<p>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, a consultation meeting with the Public Works Department, the California Department of Forestry and Fire Protection, the applicant, and the road contractor 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. Public</p>	Public Works	

<p>Works shall verify that this condition has been met prior to construction of any road improvements required for this project and prior to the scheduling of any onsite inspection of road improvements.</p> <p>Public Works Recommendation</p>		
<p>7. 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) or the Public Works Department. 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.</p> <p>§15.28.120, Mariposa County Buildings and Construction Code</p>	Public Works	
<p>8. A Verification of Taxes Paid Form, acquired no sooner than 30 days prior to the recordation of the parcel map, shall be submitted to the County Surveyor.</p> <p>§16.12.395, Mariposa County Subdivision Code</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>		
<p>9. Project approval is valid for a period of three years from June 15, 2007. This approval shall expire on June 15, 2010.</p> <p>§16.12.430, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>10. 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 (\$1,800) and County Clerk fee (\$50) shall be paid by the applicant 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 (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 \$1,850.00, 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> <p>§16.12.390, Mariposa County Subdivision Code</p>	Mariposa Planning	
<p>11. 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,</p>	Mariposa Planning	

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

<p>12. New subdivision lots will be served by an approved potable water supply. Prior to recordation of a parcel map for this project, the applicant will prove to the satisfaction of the Health Department that each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:</p> <ul style="list-style-type: none"> <li>a. an approved connection from an approved public water provider; or</li> <li>b. a proposed connection to a shared well which has been preapproved by the Health Department; or</li> <li>c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or</li> <li>d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit, which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or</li> <li>e. other satisfactory proof which may consist of a hydrogeological study of the area by a qualified professional and wells drilled prior to sale.</li> </ul> <p>Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with</p>	<p>Environmental Health</p>	
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<p>and referenced on the parcel map stating the following:</p> <p>"Water supplies for residential lands are derived from private wells on these parcels. 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>Section 5.3.02.E(2), 2006 Mariposa County General Plan</p>		
<b>CONDITIONS OF APPROVAL/CALIFORNIA DEPARTMENT OF FORESTRY &amp; FIRE PROTECTION</b>		
<p>13. 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. California Public Resource Code Section 4290</p>	CDF	
<b>CEQA MITIGATION MEASURES</b>		
<p>14. A building setback of fifty [50] feet from the centerline of the seasonal creek shall be located on Parcels A and B, and fifty [50] feet in width around the perimeter of each pond on Parcel B. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A and B as follows:</p> <p>"There is a building setback of fifty [50] feet from the centerline of the onsite seasonal drainage on Parcels A and B and a building setback fifty [50] feet in width around the perimeter of each pond located on Parcel B as shown on the Parcel Map for _____, filed in Book ____ of Parcel Maps at Page ____, Mariposa County Records. No structures shall be constructed within the building setback. No portions of a sewage disposal system shall be constructed within the building setback, with the exception of sewage transmission lines or pipes across the creek, if the County Sanitarian determines their necessity. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the setback, except as necessary to comply with State Fire Safe Regulations. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the setback subject to approval by California Department of Fish and Game."</p> <p>Mitigation Measure 4.b.1</p>	Mariposa Planning	
<p>15. Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus Quercus located onsite within a fifty-foot radius of the center of the shared encroachment that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as Quercus that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the</p>	Mariposa Planning	

<p>project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road construction, the applicant may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable, shall be implemented. The Plan shall be completed and approved by the Planning Department prior to scheduling the onsite road construction meeting required as a condition of project approval.          Mitigation Measure 4.e.1</p>		
<b>RECOMMENDATION ON OFFERS OF DEDICATION</b>		
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access and utilities for all that portion of Hirsch Road within the project site.           Mariposa Planning Recommendation</p>	Public Works	
<p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public utilities for the onsite easement road.           Mariposa Planning Recommendation</p>	Public Works	

<b>Agency Contact List</b>				
AGENCY	CONTACT	PHONE NUMBER EMAIL	SITE ADDRESS	MAILING ADDRESS
Mariposa Planning	Megan Tennermann	209-742-1219 mtennermann@mariposacounty.org	5100 Bullion Street Mariposa CA 95338	P.O. Box 2039 Mariposa CA 95338
Public Works	Cheryl Jay	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
Regional Water Quality Control Board	JoAnne Kipps	559-445-5035	1685 E Street Fresno CA 93706	Same as site
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	Becky Crafts	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35 Mariposa CA 95338
County Fire	Jim	209-966-4330	5082 Bullion Street	P.O. Box 162

Cal. Dept of Forestry	Middleton Paul Alvarez	209-966-3622	Mariposa CA 95338 5366 Highway 49 North Mariposa CA 95338	Mariposa CA 95338 Same as site
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**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.

**EXHIBIT 3**  
**MITIGATION MEASURES AND MONITORING PROGRAM**  
**FOR**  
**Land Division Application No. 2006-299**

Mitigation Measure 4.b.1.

A building setback of fifty [50] feet from the centerline of the seasonal creek shall be located on Parcels A and B, and fifty [50] feet in width around the perimeter of each pond on Parcel B. A statement shall be recorded in Mariposa County Official Records concurrently with the parcel map, referenced on the parcel map, and made appurtenant to Parcels A and B as follows:

"There is a building setback of fifty [50] feet from the centerline of the seasonal drainage on Parcels A and B, and fifty [50] feet in width around the perimeter of each pond on Parcel B as shown on the Parcel Map for \_\_\_\_\_, filed in Book \_\_\_ of Parcel Maps at Page \_\_\_, Mariposa County Records. No structures shall be constructed within the building setback. No portions of a sewage disposal system shall be constructed within the building setback, unless the Health Department has previously approved the location as the only suitable location for sewage disposal. No grading shall be allowed within the setback. No removal of vegetation shall be allowed within the building setback, except as necessary to comply with State Fire Safe regulations. A well or wells, water pipes, underground and above ground power lines, fencing, and other similar structures or improvements may be constructed within the building setback subject to approval by California Department of Fish and Game."

Monitoring for Mitigation Measure 4.b.1: The applicant shall have the setbacks shown on the recorded parcel map and shall prepare a declaration with the above statement. The parcel map and declaration shall be submitted to the County Surveyor and shall be approved prior to recordation of the parcel map.

Mitigation Measure 4.e.1:

Prior to recordation of the parcel map, the applicant shall submit an Oak Tree Identification and Preservation Plan to the Mariposa County Planning Department. This Plan shall show all trees of the genus *Quercus* located onsite within a fifty-foot radius of the center of the shared encroachment that are 5" or larger in diameter at breast height, with breast height being 4 ½' above natural grade. All trees identified as *Quercus* that will be removed for construction shall be identified on this Oak Tree Site Plan. All oak trees identified for removal on the project site shall be replaced at a ratio of three to one of a like species of oak, minimum of 10-gallon size, purchased from a nursery that has stock compatible for project site conditions, except as described below. This Plan shall be prepared by a certified professional arborist, licensed landscape architect, registered professional forester, qualified botanist, or other qualified professional as approved by the Mariposa County Planning Department. This Plan shall specify maintenance requirements, costs, and procedures to ensure the viability of the replacement trees. If no trees are removed for purposes of road construction, the applicant may waive this requirement. If the qualified professional preparing this survey suggests an alternative to replacing the trees to be removed, that alternative suggestion shall be evaluated by the Mariposa County Planning Department and if determined to be acceptable, shall be implemented. The Plan shall be completed and approved by the Planning Department

*prior to scheduling the onsite road construction meeting required as a condition of project approval.*

Monitoring for Mitigation Measure 4.e.1: Prior to construction of the onsite easement road, the applicant shall prepare the plan showing all oak trees within a fifty foot radius of the center of the shared encroachment, and shall submit this plan to the Planning Department. When the plan has been reviewed and approved by the Planning Department, Planning shall submit a letter to the County Surveyor confirming that this requirement has been met. This requirement shall be met before the applicant schedules the onsite road preconstruction meeting.