STATE OF CALIFORNIA COUNTY OF MARIPOSA PLANNING COMMISSION

Resolution No. 2007- 41

A resolution conditionally approving Land Division Application 2007-002, Cynthia Lee and Jan Trieger, applicants. Assessor Parcel Number 017-480-064

- WHEREAS an application for Land Division Application 2007-002 was received on January 9, 2007 from Cynthia Lee and Jan Trieger for a property located at 3469 Royal Ridge Road, approximately 1/2 mile from Hirsch Road, also known as Assessor Parcel Number 017-480-064; and
- WHEREAS Land Division Application #2007-002 proposes the division of a 10.01 acre parcel into 2 parcels, Parcel A of 5.00 acres, and Parcel B of 5.01 acres 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 August 17, 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 Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and
- WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.
- NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby adopt a Negative Declaration.
- BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Land Division Application 2007-002.
- 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 DeSantis, seconded by Commissioner Skyrud, this resolution is duly passed and adopted this by the following vote:

AYES:

Skyrud, Rudzik, Francisco, De Santis

NOES:

EXCUSED: Ross

ABSTAIN:

Mariposa County Planning Commission

Attest:

Carol Suggs, Sec Mariposa County Planning Commission

Revisea: March 17, 2004

EXHIBIT 1

PROJECT FINDINGS

FOR

Land Division Application 2007-002

1. **FINDING:** The site is physically suitable for the type and density of development.

EVIDENCE: Based on site inspection, existing issued development permits, and the proposed division of the existing parcel into two parcels that are five acres or greater, the site is physically suited for low-density homes and appurtenant improvements such as septic systems. 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.

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, 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 may have an adverse impact on wildlife resources and potential habitat areas, and is therefore subject to the California Department of Fish and Game filing fees of (\$1,800) for a negative declaration as required by AB 3158 and Senate Bill 1535 and a County Clerk fee of (\$50).

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.

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 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". There is no specific plan governing this property.

Based upon input from the Mariposa County Public Works Department, Hirsch Road in the vicinity of the project site is maintained and has adequate capacity for the potential traffic volume generated by the total number of existing lots and those which are proposed by the 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 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. Affected utility companies have reviewed the proposed project and have not objected to the proposal.

EXHIBIT 2

CONDITIONS OF APPROVAL

FOR

Land Division Application 2007-002

Project Name: Cynthia Lee and Jan Trieger

File Number: LDA No. 2007-002

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.

Project Approval Date: October 5, 2007

1. The onsite easement providing access to Parcels A and B shall be made 60 foot wide and non-exclusive. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the intersection boundary between Parcels A and B, and shall be shown entirely on the subject property. Additional onsite easement width may be required to encompass the required road improvements, including turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The on-site portion of the easement shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state on the Parcel map that the dedications are for "public road and utility purposes." (Section 16.12.160.B, County Subdivision Ordinance; Road Standard Cross-sections, Road Improvement and Circulation Policy). The Planning Commission recommends that the Public Works Director accept the on-site offer of dedication for public access and utilities, but reject the offer for public maintenance for the on-site access roads.	PUBLIC WORKS	
2. The easement from Hirsch Road along Wildcat Road to Royal Ridge Road shall be improved to the appropriate Rural Class standard pursuant to the Road Improvement and Circulation Policy in effect on the date of pre-construction conference required by Condition No. 4. The road shall meet these standards at the time of parcel map filing and shall be approved by the County Engineer. All portions of the road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer. The easement from Wildcat Road, along Royal Ridge Road to the cul-de-sac on-site shall be improved to the appropriate Rural Class standard pursuant to the Road Improvement and Circulation Policy in effect on the date of pre-construction conference required by Condition No. 5.	PUBLIC WORKS	

Revised: March 17, 2004

The road shall meet these standards at the time of parcel map filing and shall be approved by the County Engineer. All portions of the road that exceed 12% grade shall be paved unless the paving requirement is waived by the County Engineer. 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 [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.170, ROAD IMPROVEMENT AND CIRCULATION POLICY CHART A AND SECTION II.D.]		
3. A cul-de-sac shall be constructed at the terminus of the onsite easement road. The required cul-de-sac construction and required non-exclusive easement shall be shown entirely on the subject property. The cul-de-sac shall be improved to meet county and State Fire Safe standards and shall meet these standards at the time of parcel map filing. 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 and inspected by the County Engineer prior to filing of the parcel map. If construction of a cul-de-sac is impractical due to the on-site terrain as determined by the County Engineer with the concurrence of CDF, the applicant may request permission to construct a hammerhead T turnaround. Prior to filing of the parcel map, the County Surveyor shall confirm that this condition has been met.	Public Works	
(County Improvement Standards; State Fire Safe Regulations) 4. 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 California Dept. of Forestry and Fire Prevention, the applicant, the agent, and a road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements. Condition No. 16 for the oak tree	PUBLIC WORKS	

preservation plan shall be met prior to scheduling this meeting.		
[COUNTY IMPROVEMENT STANDARDS, SECTION 3 & SECTION 11.3(C)]		
5. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Hirsch Road. In addition, all grading and road improvement work required as a condition of approval of this project shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a registered Civil Engineer for any improvements required as a condition of approval for this project. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement of construction work on the required road improvements.		
[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.C.5 & COUNTY IMPROVEMENT STANDARDS SECTION 11]		
6. 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.	Public Works	
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). The applicant shall also contact 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.	Public Works	
[COUNTY IMPROVEMENT STANDARDS, SECTION 12]]
8. All required signs shall be installed on metal, break-away type posts prior to map filing. The design and placement of signs shall be approved by the County Engineer prior to installation. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]	Public Works	
9. A STOP sign shall be placed at the intersection of the off	Public	

site easement road and Hirsch Road. The design and placement of this STOP sign shall be approved by the County engineer prior to installation. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]	Works
10. If the onsite easement road is accepted by the County for public access but not for maintenance, a sign stating "THIS ROAD IS NOT COUNTY MAINTAINED" shall be installed at the intersection of the easement road and Hirsch Road prior to map filing. The design and specifications of the sign shall be in accordance with the County Improvement Standards and shall be approved by the County engineer prior to installation. [ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A.,	Works
COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]	
11. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and Hirsch Road prior to map filing. The design and specifications of the sign shall be in accordance with the Mariposa County Improvement Standards and shall be approved by the County engineer prior to installation.	Public Works
[County Subdivision Ordinance Section 16.12.175; County Improvement Standards Section 11.5(D)]	
12. A road maintenance association shall be formed to provide for the maintenance of Wildcat Road and Royal Ridge Road. 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 roads shall be responsible for road maintenance. These provisions shall be reviewed and approved by the County Engineer prior to filing of the parcel map and shall:	PUBLIC WORKS
a. Be in effect for the life of the project 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 subject 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 with the power of sale.	
e. Provide a mechanism for new parcels to be added to the association.	

If an existing Road Maintenance Association (RMA) that performs these same functions exists, and if additional parcels can join the existing RMA, this shall be an acceptable alternative for meeting this condition. (ROAD IMPROVEMENT AND CIRCULATION POLICY)		
13. 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. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]	Public Works	
CONDITION OF APPROVAL / MARIPOSA PLANNING	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
14. Project approval is valid for a period of three years from October 5, 2007. This approval shall expire on October 5, 2010. [MARIPOSA COUNTY SUBDIVISION CODE SECTION 16.12.430]	Mariposa Planning	
15. 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 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. 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.	Mariposa Planning	

October 5, 2007

[County Ordinance No. 1017]	
[COUNT ORDINANCE NO. TOTT]	
16. The applicant has the option to:	Mariposa Planning
a. Construct all portions of the access road and cul-de-sac so as to not remove oak trees with a diameter of 5" or greater at breast height.	
OR	
b. Prior to the filing of the parcel map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 7, 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 both on-site and off-site which are located within fifty feet of the centerline of the on-site/off-site easement road and fifty feet of the centerline of the on-site/off-site easement road 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 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 by the Planning Director, shall be implemented. If the qualified professional determines that the number of trees removed will not create a significant impact, then that determination shall be presented for the Director's consideration. 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. This mitigation measure is not intended to reduce the ab	

17. Subdivision Map Act Section 66434.2 applies to the filing of the parcel map for this project. Planning Department Recommendation	Mariposa Planning	
18. 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 (\$1,800) and County Clerk fee (\$50) should be paid within five (5) working days of the approval of the application, because if the fee is not paid within 5 working days, the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code.).	Mariposa Planning	
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.		
§16.12.390, Mariposa County Subdivision Code; 711.4(c) of the State Fish and Game code		
	<u>i </u>	
CONDITION OF APPROVAL/ HEALTH DEPARTMENT	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
19. Percolation tests and soils analysis tests shall be performed on Parcels A and B 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 R.E.H.S. prior to the filing of the parcel map. If it can be demonstrated that the existing septic system on Parcel B is adequate and functional, the County R.E.H.S. may waive the percolation tests and soils analysis for parcel B. A letter from the County R.E.H.S. shall be submitted to the County Surveyor stating that approved percolation tests and soils analysis tests have been performed on the parcels, or waived on Parcel B per the demonstration of adequacy and functionality. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows:		

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portion of a parcel that has not had approved percolation tests, additional percolation tests and design recommendations may be required."

Parcel B may be deleted from this statement if the percolation test has been waived by the County R.E.H.S.

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

- 20. Prior to filing the parcel map, the applicant shall prove to the satisfaction of the Health Department that Parcels A and B have a supply of potable water meeting requirements for quantity and quality. Proof is as follows:
 - a. an approved connection from an approved public water provider; or
 - b. a proposed connection to a shared well which has been pre-approved by the Health Department; or
 - 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
 - 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
 - e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in "Section d." above.

Additionally, if the property is to be served in the future by a well, the applicant shall record a disclosure statement concurrently with the map and referenced on the map stating the following:

"Water supplies for residential lands are derived from private wells on Parcels A and 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

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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." (Mariposa County General Plan, Section 5.3.02.E(4)		
CONDITION OF APPROVAL/ CALIFORNIA DEPARTMENT OF FOREST AND FIRE PROTECTION	MONITORING DEPARTMENT	VERIFIED IMPLEMENTED
21. Prior to Parcel Map filing, 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 on Parcels A and B as shown on the Parcel Map for, filed in Book of Parcel Maps at Page M.C.O.R. shall be required to conform with all applicable SRA Fire Safe Regulations (Public Resource Code 4290 and 4291). Furthermore, the development of the parcels is subject to all applicable SRA Fire Safe Regulations and the risk of fire hazards shall be reduced through compliance with Public Resource Code 4291, including the requirement to maintain fire protection or firebreaks within 100 feet from buildings or structures or to the property line unless an alternative mitigation measure is approved by CDF at the time of issuance of a residential building permit"	County Surveyor	

AGENCY	CONTACT	PHONE NUMBER	SITE ADDRESS	MAILING ADDRESS
		EMAIL		
Mariposa Planning	Larry Enrico	209-742-1222	5100 Bullion Street	P.O. Box 2039
		lenrico@mariposacounty.org	Mariposa CA 95338	Mariposa CA 95338
Public Works	Jerry Freeman	209-966-5356	4639 Ben Hur Road	Same as site
			Mariposa CA 95338	
Health Department	Dave Conway	209-966-2220	5100 Bullion Street	P.O. Box 5
	ļ		Mariposa CA 95338	Mariposa CA 95338
Mariposa County Resource	Jerry	209-966-3431	5009 Fairgrounds Rd	P.O. Box 746

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Conservation District	Progner		Mariposa CA 95338	Mariposa CA 95338
County Assessor	Eddie Ellis	966-2332	4982 10th Street Mariposa CA 95338	P.O. Box 35
				Mariposa CA 95338
County Fire	Jim Wilson	209-966-4330	5082 Bullion Street Mariposa CA 95338	P.O. Box 162
			,	Mariposa CA 95338
Cal. Dept of Forestry	Paul Alvarez	209-966-3622	5366 Highway 49 North	Same as site
			Mariposa CA 95338	

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:			

Verified Implemented: dated.

Monitoring Dept:

When a mitigation measure has been implemented, this column will be initialed and

Department or Agency responsible for monitoring a particular mitigation measure.