

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2007- 045 **A resolution conditionally approving Land Division Application
2006-227, Clifford and MaryLou Gardner, applicants. Assessor
Parcel Number 014-010-085**

WHEREAS a modified Tentative Parcel Map for an application for Land Division Application 2006-227 was received on July 17, 2007 from Clifford and MaryLou Gardner for a property located at 5060 East Whitlock Road, approximately 1/4 mile from State Highway 140, also known as Assessor Parcel Number 014-010-085; and

WHEREAS Land Division Application #2006-227 proposes the division of a 83+/- acre parcel into 2 parcels, Parcel A of 9.85+/- acres, and Parcel B of 9.82 acres, and a Remainder of 63+/- 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 November 16, 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 2006-227.

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 Skyrud, seconded by Commissioner Francisco, this resolution is duly passed and adopted this by the following vote:

AYES: Skyrud, Rudzik, Francisco, De Santis

NOES:

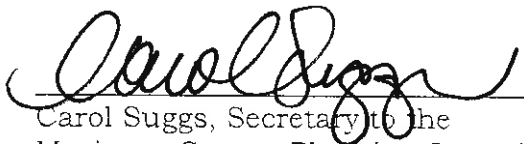
EXCUSED: Ross

ABSTAIN:



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 2006-227

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 and a remainder 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, the Scenic Highway Overlay Zone, the Open Watershed Overlay Zone, and the Residential Land Use of the General Plan.

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. 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).

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.

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,

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
Land Division Application 2006-227

Project Name: Clifford and MaryLou Gardner File Number: LDA No. 2006-227

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/mitigation measures have been complied with and implemented.

Project Approval Date: November 16, 2007

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. If the Remainder is shown on the filed Parcel Map, the onsite easement providing access to Parcels A and B from East Whitlock Road to Parcel B shall be made 60 foot wide and non-exclusive. Additional 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 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).</p> <p>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.</p>	<p>PUBLIC WORKS</p>	
<p>2. A cul-de-sac easement with a radius of 60 feet shall be provided to encompass the required cul-de-sac improvements at the westerly boundary of Parcel B. Additional 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 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</p>	<p>PUBLIC WORKS</p>	

<p>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 recordation of the parcel map, the County Surveyor shall confirm that this condition has been met.</p> <p>This condition will not be required if the easement roads and cul-de-sac improvements required for Land Division Application 2006-219 are completed prior to the filing of LDA 2006-227.</p> <p>(County Improvement Standards; State Fire Safe Regulations)</p>		
<p>6. If the Remainder is shown on the filed Parcel Map, a variable width dedication of a minimum of 30 feet for East Whitlock Road and Yosemite Oaks Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for East Whitlock Road and Yosemite Oaks Road.</p> <p>§16.12.150, Mariposa County Subdivision Code; Section II.A.3,</p>	PUBLIC WORKS	
<p>7. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to East Whitlock 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.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION II.C.5 & COUNTY IMPROVEMENT STANDARDS SECTION 11]</p>	PUBLIC WORKS	
<p>8. Access to Parcels A and B shall be limited to East Whitlock Road. No encroachment permits to Yosemite Oaks 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. The declaration shall state the following.</p> <p>“Approved access for residential development for Parcel(s) ____ as shown on the Parcel Map for ____ filed in Book ____ at Page ____, Mariposa County Records, is from East Whitlock Road.”</p>	PUBLIC WORKS	

<p>shall be approved by the County engineer prior to installation.</p> <p>[ROAD IMPROVEMENT AND CIRCULATION POLICY SECTION III.A., COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>		
<p>14. A road name sign for the on-site easement road shall be placed at the intersection of the easement road and East Whitlock Road prior to map recordation. 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.</p> <p>[COUNTY SUBDIVISION ORDINANCE SECTION 16.12.175; COUNTY IMPROVEMENT STANDARDS SECTION 11.5(D)]</p>	PUBLIC WORKS	
<p>15. A road maintenance association shall be formed to provide for the maintenance of the easement road serving Parcels A and B. 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 recordation of the parcel map and shall:</p> <ul style="list-style-type: none"> 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 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. <p>(ROAD IMPROVEMENT AND CIRCULATION POLICY)</p>	PUBLIC WORKS	
<p>16. 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. [COUNTY SUBDIVISION ORDINANCE SECTION 16.12.395]</p>	Public Works	
<p>CONDITION OF APPROVAL / MARIPOSA PLANNING</p>	<p><i>MONITORING DEPARTMENT</i></p>	<p><i>VERIFIED IMPLEMENTED</i></p>
<p>17. Project approval is valid for a period of three years from November 16, 2007. This approval shall expire on November 16, 2010.</p>	<p>MARIPOSA</p>	

<p>b. Prior to recordation of the parcel map and prior to the scheduling of the on-site pre-construction conference required by Condition No. 9, 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 easement road and fifty feet of the centerline of the 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 ability of the applicant to conduct necessary brushing work for fire safety.</p> <p>(Planning Department Requirement)</p>		
<p>22. A declaration shall be recorded with the parcel map and shall be referenced on the parcel map:</p> <p>"A Certificate of Compliance must be obtained prior to issuance of a development permit on the designated remainder as for Parcel Map for filed in Book ___ at Page ___, Mariposa County Records, in accordance with Section 16.04.030 of Mariposa County Code."</p> <p>A declaration shall be recorded concurrently with and referenced on the parcel map stating:</p> <p>"There shall be no county development permit (including, but not limited to a well permit, a septic permit, a grading permit, and/or a structure permit) issued to the remainder for the Parcel Map for ___ filed in Book ___ at Page ___, Mariposa County Records, until</p>	<p>MARIPOSA PLANNING</p>	

§17.60.C, Mariposa County Zoning Code, Title 17		
CONDITION OF APPROVAL/ HEALTH DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>27. The following testing shall be made to meet the minimum requirements to demonstrate that each of the proposed lots can support an on-site sewage disposal system.</p> <p>Soil profile holes shall be excavated on Parcels A & B to the standards of the County Health Department and in the presence of the County Environmental Health Specialist, his authorized representative, or an authorized consultant to verify the feasibility of installing an on-site septic system on the parcels. If the County Environmental Health Specialist approves the parcel for septic disposal based on the soil profile holes, a letter from the County Environmental Health Specialist stating no additional tests are required and this condition has been fulfilled for that parcel shall be submitted to the County Surveyor.</p> <p>If the results of the soil profile holes do not demonstrate to the approval of the County Environmental Health Specialist 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 Environmental Health Specialist prior to recordation of the parcel/final map. A letter from the County Environmental Health Specialist 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:</p> <p>"Approved percolation tests and soils analysis tests have been performed on Parcels ____ as shown on the Parcel Map for ____, filed 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."</p> <p>(Section 16.12.330, County Subdivision Ordinance; Health Department Recommendation)</p>	<p>HEALTH DEPARTMENT</p>	
<p>28. Prior to recordation of 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:</p>	<p>HEALTH DEPARTMENT</p>	

<p>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"</p> <p>Planning Department Recommendation</p>		
<p>REMAINDER CONDITIONS</p>		
<p>30. If the remainder is not shown on the filed parcel map, at the time of the recordation of a Certificate of Compliance on the Remainder, a variable width dedication of a minimum of 30 feet from the centerline of East Whitlock Road and Yosemite Oaks Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for East Whitlock Road.</p> <p>§16.12.150, Mariposa County Subdivision Code; Section II.A.3,</p> <p>Planning Department Recommendation</p>	<p>Planning Department</p>	
<p>31. If the Remainder is not shown on the filed Parcel Map, at the time of the recordation of a Certificate of Compliance on the Remainder, a variable width dedication of a minimum of 30 feet for East Whitlock Road and Yosemite Oaks Road shall be offered to the County of Mariposa. The offer of dedication shall be non-revocable and specifically state on the parcel map that the dedication is for "public road and public utility purposes." The location and width of the offer of dedication shall be approved by the County Engineer. The offer of dedication shall include all dedication required to encompass the existing slopes.</p> <p>Staff recommends that the Planning Commission recommend that the Public Works Director accept the offer of dedication for public access, maintenance and utilities for East Whitlock Road and Yosemite Oaks Road.</p> <p>§16.12.150, Mariposa County Subdivision Code; Section II.A.3,</p>		
<p>32. Upon completion of all conditions applied to the remainder, a Certificate of Compliance shall be recorded on the remainder, in accordance with Section 16.04.030, County Subdivision Ordinance. Fees associated with the recordation of the certificate of compliance shall be paid by the applicant. If the Remainder is not shown on the parcel map, then the applicant or agent shall provide the County Surveyor with a legal description (typed, stamped and signed legal descriptions along with lot closure computations) of the remainder prior to issuance of Certificate of Compliance.</p>	<p>Planning Department</p>	