

DEPARTMENT: Planning

BY: Steven J. Engfer, Associate Planner  
PHONE: 966-0306

**RECOMMENDED ACTION AND JUSTIFICATION:**

1. Adopt a resolution adopting a Mitigated Negative Declaration and Approving General Plan Zoning Amendment #2002-337 and Land Division #2002-338 with the recommended findings conditions and mitigation measures.
2. Waive the first reading and introduce an ordinance amending the General Plan Land Use and Zoning Designation on APN 015-350-023 from Mountain General to Mountain Home.

This recommendation is based upon the Planning Commission action on the project applications.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

No previous Board actions have occurred on the project applications.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- 1) Approve the applications with modified conditions and findings; 2) Deny one or more of the applications

NEGATIVE ACTION on the General Plan Zoning Amendment would result in denial of both applications.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Staff Report
Source:		2. Mariposa County Planning Commission Resolution #2002-032
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

**CLERK'S USE ONLY:**

Res. No.: 03-29 Ord. No. \_\_\_\_\_  
 Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 Minute Order Attached  No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

\_\_\_\_\_ Requested Action Recommended  
 \_\_\_\_\_ No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

CAO: [Signature]



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR  
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
DISTRICT V  
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DISTRICT III



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: ERIC TOLL, Planning Director  
FROM: MARGIE WILLIAMS, Clerk of the Board   
SUBJECT: GP/ZA No. 2002-337 and LDA No. 2002-338; Reamer, Applicant  
Resolution No. 03-29

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 21, 2003

#### ACTION AND VOTE:

A) PUBLIC HEARING: To Consider General Plan Zoning Amendment #2002-337 and Land Division #2002-338, a Proposal to Change the General Plan Land Use and Zoning Designation on APN 015-350-023 (a 102 Acre Parcel Located on Chowchilla Mountain Road at Leaning Pine Way) from Mountain General to Mountain Transition and to Then Subdivide the Parcel into Four (4) Twenty-Five (25) Acre Parcels  
**BOARD ACTION:** The hearing was opened and continued for staff to set-up.

**10:10 a.m.** Recess

**10:28 a.m.** Eric Toll, Planning Director, presented the staff report; and he responded to questions from the Board relative to the easement requirements.

The public portion of the hearing was opened, and input was provided by the following.

- Rod Hilton, property owner and partner with Reamer, thanked the Planning staff for working with them on this project, and stated he was present to answer any questions.

The public portion of the hearing was closed, and the Board commenced with deliberations. Jeff Green, County Counsel, requested that it be clear in the conditions that staff is requiring a 30" road easement on Chowchilla Mountain Road on either side of the center line. Eric Toll noted that condition No. 1 would also be modified to reflect this clarification, and he responded to a question from the Board as to the timeframes for processing this application. (M)Parker, (S)Stetson, Res. No. 03-29 was adopted adopting a Mitigated Negative Declaration and approving General Plan Zoning Amendment No. 2002-337 and Land Division No. 2002-338 with the recommended findings, conditions and mitigation measures; and first reading was waived and an Ordinance introduced amending the General Plan Land Use and Zoning Designation on APN 015-350-023 from Mountain General to Mountain Home, including the change in the language for the easement requirement as suggested by County Counsel. Eric responded to additional

questions from the Board relative to the other conditions and requirements based on input received from outside agencies (i.e., CDF and Fish and Game), including the requirement for the water tank to have static pressure at the outlet of 25 pounds per square inch or greater and whether the topography of the area was reviewed to meet that requirement or if the tank would need to be elevated. Eric advised that he will further review the water tank issue. Ayes: Unanimous. The hearing was closed.

cc: Jim Petropulos, Public Works Director  
Jeff Green, County Counsel  
File

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No. 2003-029

**A resolution adopting a Mitigated Negative Declaration, and approving General Plan/ Zoning Amendment #2002-337 and Land Division Application #2002-338, Ernest Reamer, applicant. Assessor Parcel Number 015-350-023.**

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WHEREAS complete applications for General Plan Zoning Amendment and land division were received from Ernest Reamer, applicant, for a change in Land Use and Zoning Designation of a 102± acre parcel from Mountain General to Mountain Transition and for division of the 102± acre parcel into four parcels of 25± acres each. Access is from Chowchilla Mountain road, Leaning Pine Way and a 60' wide non-exclusive public utility and access easement. Individual wells and sewage disposal systems are proposed. The project is proposed on Assessor Parcel Number 015-350-023 being a portion of Section 27, Township 5 South, Range 20 East, MDM; and

WHEREAS the Planning Department circulated the applications among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a duly noticed public hearing was scheduled for the 6<sup>th</sup> day of December 2002 and continued to the 20<sup>th</sup> day of December, 2002 for the Mariposa County Planning Commission; 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 on December 20, 2002 the Planning Commission held a public hearing on the applications in accordance with County Code and State law; and

WHEREAS the Planning Commission adopted resolution #2002-032 recommending to the Board of Supervisors the adoption of a Mitigated Negative Declaration and approval of General Plan/Zoning Amendment #2002-337 and Land Division Application #2002-338, with the recommended findings conditions and mitigation measures and adoption of an ordinance with findings; and

WHEREAS a duly noticed public hearing was scheduled for the for the Mariposa County Board of Supervisors; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed data and considered all information in the public record, including the Staff Report and Initial Study, testimony presented by the public concerning the application, comments from affected agencies, the comments of the applicant and the recommendation of the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan Zoning Amendment #2002-337 and Land Division Application #2002-338 to be effective on the effective date of the ordinance with the following conditions and mitigation measures as modified at the hearing and recommendations on the offers of dedication.

1. An offer of dedication 30 feet from *both sides of* the centerline of Chowchilla Mountain Road shall be made on the project parcel. The offer of dedication shall be non-revocable and specifically state the dedication is for "public road and utility purposes." The location and width of the offer of dedication and the form and content of the offer of dedication documents shall be approved by the County Engineer.
2. The on-site easement shall be made 60' wide and non-exclusive. A turnaround easement shall be provided as shown on the tentative map. The turnaround easement shall encompass the required turnaround improvements for a turnaround with a radius of 45 feet. Additional easement width may be required to encompass the required road improvements, including any turnouts and associated cuts and fills, in accordance with the County Improvement Standards and Road Improvement and Circulation Policy. The easements shall be offered for dedication to the County of Mariposa. The offers of dedication shall be non-revocable and specifically state the dedications are for "public road and utility purposes."
3. The on-site easement shall be improved to a Rural Class I SRA standard from Chowchilla Mountain road up to and including the turnaround as shown on the tentative map. 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.
4. A turnaround at the terminus of the on-site easement road shall be improved to meet county standards prior to the recordation of the parcel map. The required turnaround 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.
5. Declarations or covenants of non-protest for road maintenance of the on-site easement road for Parcels A, B and C, and Leaning Pine Way for parcel D, shall be recorded concurrently with the parcel map and shall be referenced on the parcel map. The declarations or covenants shall be made appurtenant to each parcel and shall state that the owner or future owners of the parcels waive their right to protest the

formation of a zone of benefit or assessment district within Countywide County Service Area No. 1 for road improvements, road upgrades, and/or maintenance of the easement road and agree to pay their fair share for the formation of the Zone of Benefit. The declarations or covenants shall be made on a form approved by the Public Works Director and County Counsel and shall be approved by the Planning Director prior to recordation.

6. A road maintenance association shall be formed to provide for the maintenance of the unnamed on-site easement serving parcels A, B & C. A road maintenance association shall be formed for the on-site portion of Leaning Pine Way, OR parcel D may join the existing Road Maintenance association for Leaning Pine Way. 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 Planning Director and County Counsel 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 with the power of sale.
7. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Chowchilla Mountain Road 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.
8. The on-site easement road shall be named in accordance with the criteria of County Resolution No. 92-541. A Road Name Request application shall be submitted to the Planning Department and be approved by the Planning Director. The name of the road shall be shown on the parcel map.
9. Road name signs for the on-site easement road shall be placed at the intersection

of Chowchilla Mountain Road and the easement road prior to the recordation of the parcel map. The design, placement and specifications of the signs shall be in accordance with the Mariposa County Improvement Standards.

10. The applicant shall offer for dedication a one (1) foot wide strip of land along the public road easement adjacent the on-site Chowchilla Mountain Road offer of dedication to the county of Mariposa for road purposes. The offer shall exclude the 60 foot wide easement road encroachment proposed. The offer shall state that all access rights through the strip are relinquished to the County of Mariposa. The offer shall be shown on the parcel map and referenced on the parcel map. The location and offer statement shall be approved by the County Surveyor prior to the recordation of the parcel map.
11. Upon completion of the required road improvements, the applicant shall re-vegetate all exposed soils and install other erosion control as recommended by the Natural Resources Conservation Service/Resource Conservation District(NRCS/RCD). The applicant shall also contact NRCS/RCD for an inspection. Inspection fees shall be the responsibility of the applicant. A letter shall be submitted to the County Surveyor by NRCS/RCD stating that the re-vegetation control provisions have been completed.
12. Soil profile holes shall be excavated on Parcels A, B, C & D 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."

13. Wildlife resource area declarations shall be recorded for each parcel being created and referenced on the parcel map stating:

“ This parcel is located in a wildlife resources area within deer range. Browsing damage to gardens and crops and the presence of deer predators near their homes can be expected. Large Oak trees of 12 inches in diameter as measured at breast height should be retained in order to retain a critical food source for wintering deer and other wildlife.”

14. Open space easements shall be established 50 feet from the centerline of the on-site seasonal creek that traverses proposed parcel A and B as shown on the tentative map. The location of the easements shall be approved by the Planning Director prior to recordation of the parcel map and the easement shall be shown on the parcel map. A statement shall be recorded in Official Records concurrently with the parcel map and referenced on the parcel map as follows: “No residences, garages, barns, walls, fences or roads shall be constructed within the open space easement. No grading shall be allowed within the easement, except that which is necessary to maintain any access driveways. No vegetation may be removed from the easement except as determined necessary for fire protection, noxious weed control, range improvements, agricultural purposes or other safety purposes as determined by the appropriate emergency services agency and the Planning Director. This easement shall be in perpetuity and shall restrict the use of the land within the easement.”

15. Wildlife resource area declarations shall be recorded for each parcel being created and referenced on the parcel map stating:

“ This parcel is located in a wildlife resources area and the owner is notified that removal of active bird nests could be considered a violation of Fish and Game Code sections 3503 & 3513 governing unlawful takes or needless destruction of any bird nests, unlawful takes or possession of bird-of-prey or their nest or eggs, and unlawful take or possession of any migratory bird. If any trees are to be removed, then the owner should conduct the activity outside the normal bird breeding season or the trees should be surveyed for nests prior to their removal.”

16. All applicable PRC 4290 and 4291 standards shall be met prior to the recordation of the parcel map. A letter from CDF stating that this condition has been met shall be provided to the Planning Director prior to the recordation of the parcel map.

17. An enforceable restriction applicable to the parcels shall be established which requires the installation of a water storage tank with a minimum capacity of 2,500 gallons prior to the issuance of a building permit for construction of a residence or installation of a mobile home. The restriction shall also state the tank shall be connected to a well with an automatic filler valve and that the well should be capable of refilling the tank in 24 hours or less. A hydrant or standpipe shall be provided which shall have at least one (1) two and one-half inch (2 1/2") diameter outlet connected to the storage tank by a three inch (3") diameter pipe or larger diameter pipe.



The tank shall be accessible to fire emergency vehicles, and the location of the tank shall be approved by the California Department of Forestry (CDF) and the County Fire Warden.

18. Prior to the 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 (\$1,250) and County Clerk fee (\$25) shall be paid within five (5) workdays of the approval of the application, and the parcel map shall not be recorded until this fee is paid.
19. Prior to the recordation of the Parcel map, all fees associated with the County's processing of the map and filing of associated documents shall be paid.

### RECOMMENDATION ON OFFERS OF DEDICATION

The Board of Supervisors recommends that the County Engineer accept the offers of dedication as follow:

1. The portions of Chowchilla Mountain Road, for public access, utilities and maintenance.
2. The on-site easement for public utilities and access but reject the offer for maintenance.

BE IT FINALLY RESOLVED that the action to approve the projects is based upon following findings supported by substantial evidence in the public record:

### GENERAL PLAN/ZONING AMENDMENT 2002-337

Pursuant to Mariposa County General Plan Section 2.504 and Mariposa County Zoning Ordinance, section 17.128.050, the following findings are recommended:

1. The rezone of this property to the Mountain Transition zone proposed will not have a significant adverse effect on the general public health, safety, peace and welfare of present and future residents of the area. The project applicants have provided information on the proposed use of the property, namely a 4-parcel minor land division for residential use. The vicinity of the project has been developed with similar low-density residential uses. Within a one-mile radius of the project parcel and in similar terrain, there are zones that allow greater densities that include Mountain Home and Rural Residential zones and Land Use Designations. The change from Mountain General to Mountain Transition results in a reduction of permitted and conditionally permitted uses. The less intensive uses allowed in the Mountain Transition zone will not have a significant effect on neighboring properties from the perspective of noise and traffic. The roadways within the proposed and existing easements will be improved to a standard that will adequately serve potential uses thereby reducing potential traffic and dust impacts on neighboring properties.

The proposed land division is consistent with the Mountain Transition zone . The implementation of septic conditions will ensure that the public health as it relates to the issue will be preserved, and the proposed access roads will help to ensure public safety in the event of a fire emergency and will limit traffic and circulation impacts in the area.

2. The amendment is desirable for the purpose of improving the General Plan as the amendment allows new zoning on the property that satisfies the General Plan 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 amendment satisfies the following Housing Element Policy: *"to ensure that there are adequate sites and facilities available to support future housing needs."*
3. The amendment was processed in accordance with state law and county code with respect to notice, hearings and findings.
4. In addition to the Land Use Element cited in Finding No. 2, the amendment is consistent with Land Use Element Goal (E), which outlines a goal to *"establish site standards and adopt procedures that provide for clean, safe, sanitary, and economical building sites for the present and future residents of the county."* A general plan amendment procedure is appropriately applied in this case because of this property's ability to support Mountain Transition uses. The site has suitable access, residentially developable terrain, and the uses that are projected to be placed on the property under the Mountain Transition zone are compatible with adjoining uses.
5. The subject property is currently zoned Mountain General, a forty-acre minimum parcel size zone that allows for residential uses and other uses. Rezoning the property to Mountain Transition promotes consistency with the residential land uses allowed in the Mountain General zone. The anticipated residential uses allowed in Mountain Transition zone on the subject parcel are compatible with the uses in the vicinity as the subject parcel is located in an area that has seen residential development. The rezoning of the parcel will allow establishment of residences which will serve the existing residents and future residents of Mariposa County. The subject parcel is physically suited with good access, developable building sites and with utility infrastructure on the parcel. For these reasons, the proposed amendment is logical and desirable on the subject property. The amendment would not lead to the introduction of uses into the area that could not be placed in the immediate area under the current General Plan designation.

#### LAND DIVISION APPLICATION NO. 2002-338

Pursuant to Mariposa County Zoning Ordinance, Section 16.16.040, the following Findings are recommended:

1. Based on site inspection and the size and the number of parcels proposed 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 are met.

2. The site is physically suited for the density allowed in this zone. The proposed project is located within a proposed Mountain Transition zone (20-acre minimum parcels with individual wells and sewage disposal systems). The subdivision density is designed in accordance with the Mountain Transition zoning.
3. The Initial Study prepared for the project found that it would have a less than significant effect on the environment with the mitigation measures and conditions of approval imposed. 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 special, rare, or endangered animal or plant species, or wildlife resources located on the project site and the surrounding area that would be effected by approval of this project without the implementation of the mitigation measures and conditions of approval. With the implementation of the mitigation measures and conditions of approval the potentially significant effects are brought to less than significant levels. The California Department of Fish and Game has determined 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 (\$1250) for a negative declaration as required by AB 3158 and a county Clerk fee of (\$25).
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 wells and sewage disposal systems. The proper implementation of these improvements will ensure that serious health problems will not occur on the site.
5. Upon completion of the General Plan Zoning Amendment process, the proposed map will be 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 configuration. 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

ON MOTION BY Supervisor Parker, seconded by Supervisor Stetson, this resolution is duly passed and adopted this 21<sup>st</sup> day of January 2003 by the following vote:

AYES: Stetson, Balmain, Bibby, Parker, Pickard

NOES: NONE

EXCUSED: NONE

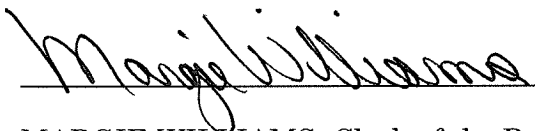
ABSTAIN: NONE



Bob Pickard , Chairman

Mariposa County Board of Supervisors

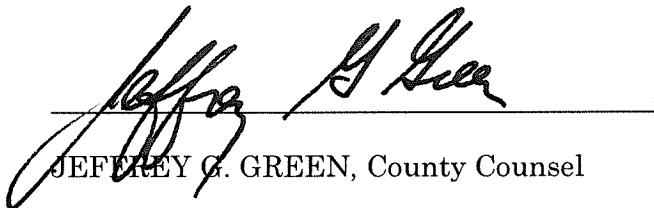
ATTEST:



MARGIE WILLIAMS, Clerk of the Board

Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel