DEPARTMENT: PLANNING/PUBLIC WORKS  BY: Bruce A. Atkinson  PHONE: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item:  Yes  No X )
Adoption of a resolution providing the Public Works Director the authority to
reject or deny petitions for subdivision road maintenance zones of benefit when
such petitions are required by a previously approved subdivision condition but
meet the criteria for a waiver of the requirement based upon subsequent
amendments to the Road Improvement and Circulation Policy. The Public Works
Director’s decision shall be based upon the criteria contained in Exhibit A,
attached. Adoption of this policy would significantly streamline the process
required to get the zone of benefit requirement waived on projects which were
approved prior to the most recent policy amendment.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
1. Board adopted Road Improvement and Circulation Policy requiring road
   maintenance of Zone’s of Benefit on all subdivision roads on 8-9-88.
2. Board modified Road Improvement and Circulation Policy to exclude from the
   requirement of a Road Maintenance Zone of Benefits subdivision roads which
   do not serve or have the potential to serve 4 or more parcels - 3-27-90.
3. Board modified Road Improvement and Circulation Policy to provide a waiver
   procedure for zones of benefit for road maintenance on roads (outside
   TPA’s) that do not serve off-site parcels 5-5-92.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Deny resolution - Applicants would have to continue to file an application
   for amended conditions with the Planning Commission or prepare a formal
   Zone of Benefit petition to receive waiver determination.
2. Adopt alternative procedures.

COSTS:
A. Budgeted current FY  $  
B. Total anticipated costs  $  
C. Required additional funding  $  
D. Internal transfers  $  

SPECIAL INSTRUCTIONS:
List the attachments and number
the pages consecutively:
Criteria for Z.O.B. rejection
Short form "petition" for Z.O.B. waiver

SOURCE:
A. Unanticipated revenues  $  
B. Reserve for contingencies  $  
C. Source description:
Balance in Reserve for Contingencies,
if approved: $  

CLERK’S USE ONLY:  Res. No.:  Ord. No.  
Vote - Ayes:  Noes:  
Absent:  Abstained:  
Approved:  Denied  
Minute Order Attached  No Action Necessary

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

Date:  ATTEST: MARGIE WILLIAMS, Clerk of the Board
By:  County of Mariposa, State of California

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:
Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment:  

A.O. Initials:  

Action Form Revised 5/92
CRITERIA FOR PUBLIC WORKS DIRECTOR
REJECTION OF ZONE OF BENEFIT CONDITIONS

This criteria is established in conjunction with Mariposa County Resolution No.______. This resolution authorizes the Public Works Director to reject petitions for establishment of a Zone of Benefit when such a petition is required as a condition of a tentative subdivision map approval, but would meet the criteria for waiver in accordance with the current Road Improvement and Circulation Policy.

1. A petition shall be completed by the property owner or authorized agent requesting exemption from the requirement of the Zone of Benefit and proposing a private road maintenance entity complying with the County Standards. A copy of the proposed road maintenance documents shall be submitted with the petition. A copy of the proposed petition is attached.

2. The petition shall be submitted to and reviewed by the Planning Department along with the applicable tentative subdivision map file. The Planning Director shall forward a recommendation to the Public Works Director relative to the Road Improvement and Circulation Policy. If a waiver is recommended, the Planning Director shall also provide comment, after consultation with County Counsel, regarding the adequacy of the proposed road maintenance documents.

3. If the Planning Director recommends a waiver of the Zone of Benefit requirement and has approved the road maintenance documents, and the Public Works Director concurs with the recommendation, he/she shall act to waive the requirement for a Zone of Benefit.

4. If, after consultation, the Planning Director or Public Works Director does not support the waiver of the Zone of Benefit, the matter shall be scheduled for consideration and action by the Board of supervisors, if requested by the applicant.
EXHIBIT B

PETITION FOR THE REJECTION OF THE ZONE OF BENEFIT CONDITION ASSOCIATED WITH A SUBDIVISION MAP APPROVAL

The undersigned hereby petition Mariposa County for an exemption to the requirement for the establishment of a Zone of Benefit for Road Maintenance in association with my/our Land Division Application No. ________.

Assessor’s Parcel Numbers: ___________________________________________________________

________________________________________________________________________________

I/we make the following declarations:

A. The subdivision is located outside of any established town planning area.

B. The access road serving the subdivision does not provide access to any off-site parcels. A declaration shall be recorded in conjunction with the subdivision indicating that if the road is ever extended to any off-site parcel, a zone of benefit within the Countywide Service Area may be required.

C. The access road serving the subdivision will be either:
   1) gated to control access; or
   2) signed as a private road.

D. A private road maintenance association will be established including all parcels served by the road. A Declaration shall be recorded in conjunction with the subdivision establishing the road maintenance association and indicating that all parcels served by the road shall participate in the road maintenance. Said declaration shall provide a mechanism to collect delinquent payments for road maintenance by filing a lien on the property. A copy of the proposed declaration is attached hereto, and is a part of this petition.

I/we understand that the above noted road maintenance declaration will be subject to review by the Planning Director and County Counsel. It is further understood that this request for exemption to the zone of benefit requirement, is subject to the review and concurrence of the Public Works Director. If the Planning Director or the Public Works Director does not support the request for exemption, then the matter shall be scheduled for consideration and action by the Board of Supervisors.

I hereby certify that all filing requirements will be met and that the statements made in this petition are accurate to the best of my knowledge:

____________________________________________________________________________________

Print Name of person completing this application

____________________________________________________________________________________

Signature

____________________________________________________________________________________

Address

____________________________________________________________________________________

Date