RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X___)

Adopt the attached Resolution of Intention, at the applicant's request, to dissolve the Spring Hill Estates II Road Maintenance Zone of Benefit, associated with The Spring Hill Estates, Major Subdivision Application No. 2-2-89; filed by Joseph C. Silva, owner/applicant. The Recommended action is based on the current policy relative to new subdivisions.

This action would be subject to the applicant providing a private road maintenance association approved by County Counsel.

This Zone of Benefit was established by the Board of Supervisors based on the policies in effect at the time the subdivision occurred. The present zone of benefit policy has no provision for dissolving existing zones of benefit. However, if this subdivision was reviewed under current County policy, a zone of benefit would not be required because the roads do not serve any offsite parcels. The applicant associated with this petition has indicated a willingness to provide a private maintenance association. The existing zone on this project provides for road maintenance on three separate non-County roads. With the completion of Phase III of this project, a total of 31 parcels will be served by five non-County roads.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Under current County policy, there is no specific provision for dissolving zones of benefit. The Board has previously approved one other road zone of benefit dissolution, on an unbuilt townhouse project, whose other common facilities were maintained by a private association. The Board has waived the Zone of Benefit requirement for one other major subdivision recently which met the policy criteria for formation.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. No Action. The applicant would have to continue with the current Zone of Benefit.

2. Direct County Staff to prepare policy modifications to the zone of benefit program which would provide for dissolutionments based upon a review criteria established by the Board. Staff feels that the applicant's request should be considered on a timely basis, rather that waiting for such a policy.

COSTS: (X) Not Applicable
A. Budgeted current FY $____________________
B. Total anticipated costs $____________________
C. Required additional funding $____________________
D. Internal transfers $____________________

SOURCE: ( ) 4/5th Vote Required
A. Unanticipated revenues $____________________
B. Reserve for contingencies $____________________
C. Source description: * Costs are paid by owners within the Zone Balance in Reserve Contingencies, if approved: $____________________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Resolution of Intention
2. Vicinity Map
3. Project Area Map

CLERK'S USE ONLY
Res. No.: 93-461
Vote - Ayes: 5
Absent: 0
Abstain: 0
Approved: 5
Denied: 0
Minute Order Attached

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

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
MARIPOSA COUNTY RESOLUTION NO. 93-461

A RESOLUTION OF INTENTION TO DISSOLVE THE

SPRING HILL ESTATES II ROAD MAINTENANCE ZONE OF BENEFIT

WHEREAS, JOSEPH C. SILVA as applicant and landowner of property within the boundaries of the final maps for SPRING HILL ESTATES 2, PHASES I & II, has made application for the dissolution of the existing Spring Hill Estates Zone of Benefit that was formed to provide road maintenance services within Countywide County Service Area No. 1, in accordance with the provisions of Mariposa County Resolution No. 88-571; and

WHEREAS, the zone of benefit dissolution applied for is in an unincorporated area within the boundaries of the County of Mariposa; and

WHEREAS, the terms, conditions and reasons for this zone of benefit dissolution are expressed in an informal application presented to the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, that the Board of Supervisors will hold a public hearing on October 5, 1993, at 9:15 A.M., in the Board of Supervisors Meeting Room, County Courthouse, Mariposa, California, to consider elimination of the road maintenance services provide by the zone of benefit established by Mariposa County Resolution Numbers 90-254 and 90-543 and Mariposa County
Ordinance Numbers 773 and 781, and a determination of the appropriate charges for this dissolutionment process.

BE IT FURTHER RESOLVED that the Clerk of the Board of Supervisors shall give notice of such public hearing as required in Government Code Section 25210.33.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 24th day of AUGUST, 1993, by the following vote:

AYES: Baggett, Balmain, Parker

NOES: Taber

ABSENT: Erickson

ABSTAINED: None

[Signature]
Eric J. Erickson, Chairman
Mariposa County Board of Supervisor

ATTEST:

[MARGIE WILLIAMS, Clerk of the Board]

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
JEFFREY G. GREEN, County Counsel
Phase 3 Pending

Big Spring Road

Lot 32 ±80 Acres

Allred Road

Phase 2 Recorded

Spring View Ct.

Whiskey Nob Ct.

State Highway 49 South

Scale: 1" = 700'

SPRING HILL ESTATES

Drawn By: BAA

County of Mariposa
Department of Public Works

Dwg. No. Z90-02

Approved By: __________

SPRING HILL ESTATES ZONE OF BENEFIT

Date: 8-16-1993
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: Resolution of Intent to Dissolve the Spring Hill Estates II (Phases 1 & 2) Road Maintenance Zone of Benefit

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 24, 1993

ACTION AND VOTE:
Resolution of Intent to Dissolve the Spring Hill Estates II (Phases 1 & 2) Road Maintenance Zone of Benefit, Associated with Spring Hill Estates II Major Subdivision and Major Subdivision Application No. 2-2-89; Silva, Applicant

BOARD ACTION: Input was provided by Don Starchman/Starchman Law Offices - representing applicant, Joe Silva/applicant, Tony Lashbrook/Planning Director, Bart Brown, and Bruce Atkinson/PWD. Discussion was held concerning status of staff's review of zone of benefit policies and when the issue would be brought back to the Board. Motion by Baggett to approve resolution died for lack of a second. (Action was taken during consideration of the next item.)

10:42 a.m. Tony Lashbrook, Planning Director;
   A) Resolution Waiving Zone of Benefit for Land Division Application No. 1426, Located in Bootjack Town Planning Area; Cantarini, Applicant

BOARD ACTION: Input was provided by Tony and Mike Edwards/Public Works Director. Supervisor Parker requested the Board reconsider the agenda item to dissolve the Spring Hill Estates II road maintenance zone of benefit.

(M)Parker, (S)Balmain, Res. 93-461 adopted, intent to dissolve the Spring Hill Estates II (Phases 1 and 2) road maintenance zone of benefit; Silva, applicant, with the understanding that this does not set policy for other matters, and with direction that the zone of benefit issues be brought back to the Board/Ayes: Baggett, Balmain, Parker; Noes: Taber; Excused: Erickson. Following further discussion, Res. 93-462 adopted waiving zone of benefit for LDA 1426, Cantarini, applicant/Ayes: (M)Parker, (S)Balmain, Baggett, Taber; Excused: Erickson.

cc: Planning
    File