RESOLUTION - ACTION REQUESTED 2017-189

MEETING: April 4, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: MPUD Lot Line Adjustment for Wastewater Treatment Facility

RECOMMENDATION AND JUSTIFICATION:
Authorize the Interim County Administrative Officer (CAO) to sign Lot Line Adjustment Application No. 2017-028 and to negotiate the terms for and complete the transfer to the Mariposa Public Utility District of 2 acres (+/-) needed for construction improvements to the existing wastewater treatment facility for the Town of Mariposa. The improvements are required in order to comply with treatment process requirements and final effluent limitations adopted by the California Regional Water Quality Control Board (RWQCB).

The Mariposa Public Utility District (MPUD) is in the final stages of design for construction improvements to the existing Wastewater Treatment Facility (WWTF) for the Town of Mariposa, located at 4956 Miller Road. Additional land is necessary to accommodate the proposed improvements; the needed property is north of the WWTF site and owned by Mariposa County.

MPUD submitted Lot Line Adjustment (LLA) No. 2017-028 on March 2, 2017. The application requires the signatures of both property owners involved in the project. A representative of Mariposa County has not signed the application, authorizing staff to process the application and indicating the county’s intent to complete the transfer of property.

Issues to be addressed during the negotiation and permitting process include:

1. Cost of property. There have been two separate appraisals for the land, which will be used to determine a value for the 2 acre area to be transferred from Mariposa County to MPUD. There is also the potential that the land could be granted to MPUD for no charge as there are significant public benefits resulting from this project (for ongoing critical infrastructure requirements for existing development in the Town of Mariposa, to support continued growth in the Town of Mariposa, for environmental quality of Mariposa Creek, for downstream users of Mariposa Creek, and to comply with state requirements).
2. Miller Road Right-of-Way. Mariposa County should reserve a right-of-way for County-maintained Miller Road, within the 2-acre property to be transferred to MPUD. Based on steep terrain and the narrow building area between Miller Road and Mariposa Creek, a full 60-foot right-of-way is not possible (while still accommodating the WWTF improvement project). A 40-foot right-of-way will accommodate the WWTF project and the potential for future road improvements to Miller Road (to the Town Class II standard). Staff supports a 40-foot right-of-way based on recognition that it is in the public’s interest to complete the project as it addresses a) a state agency requirement, b) a public health issue, c) an environmental quality issue, and d) a critical community infrastructure requirement.

3. Future development of the Mariposa Creek Project along the WWTF development site. The Mariposa Town Plan includes, in Section 4.5 of the Public Improvement Programs, a program and conceptual plan for the Mariposa Creek Project, a pedestrian and bicycle corridor planned to go from Highway 49 North (near CAL FIRE) along Mariposa Creek, to the Fairgrounds. Portions of the project in the downtown area have been built. The Mariposa Town Plan recognizes the existing WWTF property as an "interruption" to the standard route for the trail and identities and discusses an alternative design. The Lot Line Adjustment and WWTF improvement project will not change the need to have an alternative design for the Mariposa Creek Project in this area, and MPUD (staff and Board) have indicated their willingness to review the issue and work with Mariposa County when the project moves forward.

4. Design Review and Zoning Ordinance/Town Plan setback requirements. Although permitting for this project is handled by the State, local Zoning Ordinance requirements are applicable. MPUD is aware of the requirements and is addressing them in the proposal.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**
None related to this project.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
Alternatives: 1) Authorize other County staff to sign the application and negotiate with MPUD. 2) Give direction regarding negotiations for any of the 4 issues listed above.

Negative action: Not authorizing the processing and completion of this lot line adjustment will jeopardize MPUD’s grant funded improvement project and ability to comply with RWQCB requirements.

**ATTACHMENTS:**
MPUD Letter (PDF)
LLA Application Form (PDF)
Vicinity Map (PDF)
Site Plan for LLA (PDF)
CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Menetrey, Smallcombe, Jones, Long, Cann
MARIPOSA COUNTY
LOT LINE ADJUSTMENT APPLICATION
Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338
Telephone (209) 966-5151  Toll Free (866) 723-5151
FAX (209) 742-5024
www.mariposacounty.org

FOR OFFICE USE ONLY
Date Submitted ___________________________ Received By ___________________________
Fees Paid $1165.03 Receipt No. 294901 Received By ___________________________
Application No. 2017-028 Application Complete ___________________________
Final Action ___________________________ Date ___________________________
Certificate of Compliance - Document No. ___________________________

APPLICANT INFORMATION

PARCEL A, or 1:
Applicant Name  Mariposa County, C/O Mariposa County Public Works Dept.
Mailing Address  4639 Ben Hur Road
Daytime Telephone Number (209) 966-5356  E-Mail ___________________________
Property Owner Name  Mariposa County

PARCEL B, or 2:
Applicant Name  Mariposa Public Utility District
Mailing Address  4639 Ben Hur Rd, PO BOX 494
Daytime Telephone Number (209) 966-2515  E-Mail mpud@sti.net
Property Owner Name  ___________________________

PARCEL C, or 3:
Applicant Name  ___________________________
Mailing Address  ___________________________
Daytime Telephone Number (______) ___________________________  E-Mail ___________________________
Property Owner Name
PLEASE PROVIDE IF DIFFERENT THAN APPLICANT, OR IF THERE ARE MORE THAN ONE OWNER OF THE PARCEL

If there are more than three applicants, please attach an additional sheet of paper with the information required on each additional applicant. If applicant is not the owner, then complete Agent Authorization section on signature page and attach letter of authorization or other document that authorizes the applicant to submit an application on the owner’s behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest in the property on an additional sheet of paper.

Agent Name  Richard A. Seaman, Freeman & Seaman Land Surveyors
Mailing Address  P.O. Box 1305  Town  Mariposa  Zip Code  95338
Daytime Telephone Numbers ( 209 ) 966-3926  ( 209 ) 628-2282
E-mail  fsls@sti.net

PARCEL INFORMATION

Driving directions to properties  The property is located on the east side of Miller Road from the intersection of Highway 140 and Miller Road, for approximately ½ mile.

Purpose of lot line adjustment (providing this information will enable Mariposa Planning staff to assist the applicant, should changes to the project be necessary):

The purpose of this Lot line adjustment is to provide additional area for needed improvements to the MPUD Wastewater Treatment Facility.

Provide the information below for each parcel involved in the lot line adjustment. If there are more than three parcels involved, please attach an additional sheet with the information for each additional parcel.

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Parcel A/1</th>
<th>Parcel B/2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor's Parcel Number (APN)</td>
<td>013-190-042</td>
<td>013-190-029, 030, &amp; 013-210-012</td>
</tr>
<tr>
<td>General Plan Land Use</td>
<td>TPA-HDRO</td>
<td>TPA-HDRO &amp; TPA-DRO</td>
</tr>
<tr>
<td>Zoning Districts</td>
<td>Public/Quasi-Public</td>
<td>Public/Quasi-Public</td>
</tr>
<tr>
<td>Existing Parcel Size (acres)</td>
<td>4.15</td>
<td>7.43</td>
</tr>
<tr>
<td>Proposed Parcel Size (acres)</td>
<td>2.15</td>
<td>9.43</td>
</tr>
<tr>
<td>Existing Septic System (Y/N)</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Associated County applications</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
**AUTHORIZATION SIGNATURE(S)**

**Affidavit**

**Applicant/Agent Authorization:**
I/we, [Mariposa Public Utility District], Property Owner(s) hereby authorize [Richard A. Seaman, Freeman & Seaman Land Surveyors] to act as a representative/Applicant and/or [property owner] to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent. I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she they is/are authorized by that entity to execute the application form attached herewith.

<table>
<thead>
<tr>
<th>Property Owner (printed name):</th>
<th>Applicant (printed name):</th>
<th>Agent (printed name):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Mariposa Public Utility District]</td>
<td>same</td>
<td>[Richard A. Seaman, Freeman &amp; Seaman Land Surveyors]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner (signature):</th>
<th>Applicant (signature):</th>
<th>Agent (capacity/title):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[signature]</td>
<td>[signature]</td>
<td>[Owner]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner (capacity/title):</th>
<th>Applicant (capacity/title):</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Manager</td>
<td>same</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-27-17</td>
<td>4/4/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2nd Property Owner (printed name):</th>
<th>Co-Applicant (printed name):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Mariposa County]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2nd Property Owner (signature):</th>
<th>Co-Applicant (signature):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[signature]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Property Owner(s)/Applicant Signature:**
I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge. I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application. I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible. I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she they is/are authorized by that entity to apply and sign the application attached herewith.

<table>
<thead>
<tr>
<th>Property Owner (printed name):</th>
<th>2nd Property Owner (printed name):</th>
<th>Applicant (printed name):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Mariposa Public Utility District]</td>
<td>[Mariposa County]</td>
<td>[same]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner (signature):</th>
<th>2nd Property Owner (signature):</th>
<th>Applicant (signature):</th>
</tr>
</thead>
<tbody>
<tr>
<td>[signature]</td>
<td>[signature]</td>
<td>[signature]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-27-17</td>
<td>4/4/2017</td>
</tr>
</tbody>
</table>
REQUIRED MATERIALS AND ITEMS FOR A COMPLETE LOT LINE ADJUSTMENT APPLICATION

1. ☐ Completely filled out Lot Line Adjustment Application signed by each of the applicants.

2. ☐ If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all owners who have an interest in the property.

3. ☐ Two copies of a Title Report or Parcel Map Guarantee, or similarly recognized document from a Title Company which insures that it contains all record interest holders in the property including utility easement holders. The report must be dated no more than thirty (30) days prior to submittal of the application.

4. ☐ For each parcel affected by the lot line adjustment, the appropriate deeds, documents or information establishing parcel legality.

5. ☐ Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of $58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at $114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Check applicable:

☐ Lot Line Adjustment (LCA Parcels) Deposit Fee: ............................. 810.00
☒ Lot Line Adjustment (non LCA Parcels) Application Fee: .................. 600.00 ✓
☐ Document Conversion .......................................................... 50.00 ✓
☐ Environmental Review ......................................................... 230.00 ✓
☐ Public Notice Fee ............................................................. 70.00 ✓

Agency Review Fees

Public Works ................................................................. 100.00 ✓
( Public Works fee shown is a minimum charge; if additional time is required the applicant will be billed time and materials)
Health Department ......................................................... 114.00 ✓
(Health fees are based on 1 hour. Any additional time will be billed to the applicant)

Optional, if planner determines that a site inspection is needed this fee may be charged:

Vehicle Mileage Fee ( 1.2 miles at .54 cents per mile, round trip) ........ 1.3

TOTAL .................................................................................. $1165.30