

MARIPOSA COUNTY ORDINANCE NO. 823
(Not Codified)

**AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR
THE DIVISION OF PROPERTY IN THE MARIPOSA TOWN PLANNING AREA**

WHEREAS, Government Code Sections 65450 through 65457 provide for the development, adoption, and implementation of Specific Plans as a means of implementing the General Plan and said sections permit the adoption of Specific Plans, or portions thereof, by ordinance; and

WHEREAS, the Board of Supervisors has adopted by resolution a Specific Plan for the Mariposa Town Planning Area (TPA) and has established supplemental regulations and standards for the division of property in the Mariposa TPA; and

WHEREAS, the Board of Supervisors has determined that such regulations and standards are to be adopted by ordinance; and

WHEREAS, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the regulations and standards in accordance with State Law and County Code; and

WHEREAS, the Mariposa County Planning Commission has reviewed the regulations and standards and recommended approval of the regulations and standards with modifications; and

WHEREAS, the Board of Supervisors has considered the Planning Commission's recommendation; and

WHEREAS, the Board, acting as the Lead Agency, has certified as complete and adequate an Environmental Impact

1 Report (EIR) for the regulations and standards in accordance
2 with the California Environmental Quality Act (CEQA), the
3 CEQA Guidelines, and the Mariposa County Environmental Review
4 Policies and Procedures; and

5 WHEREAS, the Board has made findings of fact for the
6 significant environmental effects identified in the Final EIR
7 and adopted a Mitigation Monitoring Program; and

8 WHEREAS, the regulations and standards are consistent
9 with the Mariposa County General Plan and Mariposa TPA
10 Specific Plan.

11 NOW THEREFORE the Mariposa County Board of Supervisors
12 does hereby ordain as follows:

13 SECTION I

14 There is hereby established regulations and standards
15 governing the division of property in the Mariposa Town
16 Planning Area (TPA), the complete text of which regulations
17 and standards are specified in Exhibit "A", attached hereto
18 and by this reference incorporated herein. These regulations
19 and standards are supplemental to the provisions of Title 16
20 of County Code and all resolutions adopted pursuant to Title
21 16. The provisions of this ordinance shall take precedence
22 over Title 16 and all resolutions adopted pursuant thereto;
23 in instances where there is a conflict between the
24 regulations and standards of this ordinance and the
25 regulations and standards of Title 16 and all resolutions
26 adopted pursuant thereto, the regulations and standards of
27 this ordinance shall govern.

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SECTION II

The regulations and standards specified in Exhibit "A" attached hereto shall apply to all divisions of property in the Mariposa TPA as designated by the Mariposa TPA Specific Plan, including but not limited to parcels created by gift deed conveyances.

SECTION III

This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 21st day of January , 1992 by the following vote:

AYES: ERICKSON, RADANOVICH, BAGGETT, PUNTE
NOES: NONE
ABSTAINED: NONE
EXCUSED: TABER



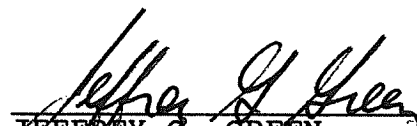
SALLY S. PUNTE, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel

EXHIBIT "A"

**SUPPLEMENTAL REGULATIONS AND STANDARDS
FOR DIVISIONS OF PROPERTY IN THE
MARIPOSA TOWN PLANNING AREA**

SECTION 1--Application Requirements

In addition to the tentative subdivision map preparation requirements of the County, the following information must be submitted for any subdivision in the Mariposa Town Planning Area at the discretion of the Planning Director.

- A. Topographic map of the subdivision prepared by a registered surveyor, engineer or other competent individual, prepared from a topographic survey or aerial photogrammetry which provides topographic contour intervals as follows:
 - 10 foot contour intervals for proposed parcels of greater than 20,000 sq. ft.
 - 5 foot contour interval for proposed parcels of 20,000 sq. ft. or less.
- B. Slope profile of each parcel in the general direction of the dominant slope on each parcel. The slope profile shall traverse the property along this exposure and bisect the proposed building area.
- C. The proposed building area and driveway shall be shown on each parcel. Estimated grades shall be provided along the driveway and on the building area.

SECTION 2--Minimum Parcel Size

A. Slope Density Criteria: The following standards have been developed to operate in conjunction with the minimum parcel size standards contained in the land use section of the Mariposa Town Planning Area Specific Plan. In all cases, the larger parcel size will apply to a subdivision. The Planning Commission or the Board of Supervisors may approve deviations to the slope density requirements on selected lots. The average slope of the entire subdivision property shall be less than 20%, and any deviations from the standards shall be based on approved engineering plans for a building site on the lot."

<u>Average Slope</u>	<u>Parcel Size</u>
20% or less	9,000 sq.ft.
25%	1/3 acre (14,570 sq.ft.)
30%	1/2 acre (21,780 sq.ft.)
35%	32,670 sq.ft.
40%	1 acre (43,560 sq.ft.)
45%	1.25 acres (54,450 sq.ft.)

etc.

Exhibit "1" provides the entire scale of average slope and minimum in parcel size which should be used to determine the appropriate parcel size for specific development projects.

B. Slope Density Calculations: Calculating average slope from the information provided shall be the responsibility of the Planning Department. Average slope shall be calculated as follows:

Simple Slopes - (proposed lot has uniform slope and exposure)

$$\text{Average Slope} = \text{rise/run} \times 100$$

where

rise=Elevation change from the lowest point to the highest point on the proposed parcel.

run=Distance between the highest and lowest elevations.

Complex Slopes - (proposed lot has varying slopes and more than one exposure).

$$\text{Average Slope} = (2.29 \times 10^{-3} \times IL) / A$$

where

I=Vertical distance of contour interval in feet.

L=Length of contour lines in scaled feet.

A=Total number of acres in the parcel (or section of parcel).

Note: Parcel sizes below 2.5 acres shall be exclusive of road easements.

SECTION 3--Road Frontage Standards

The minimum road frontage standards shall be considered in conjunction with the slope/density criteria and are intended to limit the number of driveways constructed on steep terrain.

<u>Average Slope</u>	<u>Road Type</u>	<u>Minimum Frontage</u>
10% or less	Local	40'
	Collector	125'
	Arterial	400'
15%	Local	50'
	Collector	125'
	Arterial	400'
20%	Local	60'
	Collector	125'
	Arterial	400'
25%	Local	70'
	Collector	125'
	Arterial	550'
30%	Local	80'

	Collector	150'
	Arterial	600'
35%	Local	100'
	Collector	175'
	Arterial	600'
40%	Local	150'
	Collector	250'
	Arterial	600'
45%	Local	180'
	Collector	300'
	Arterial	600'

Flag lots or other uncommon configurations may be considered if joint driveways are incorporated into the design. The Planning Commission must find that such lots are beneficial to the project design based upon the specific physical site conditions. Such a finding shall be based upon beneficial design considerations such as better lot orientation towards public or private open space and/or recreational uses and solar access.

SECTION 4--Access Stanards

Access to all development shall be provided in accordance with the Mariposa County Improvement Standards. In all cases, the design of streets within a development shall be conducted and reviewed in relation to:

- A. Maintaining acceptable road grades and minimizing undesirable, expensive and difficult to maintain earth movement.
- B. Connection with and continuation of existing streets or future streets identified by the circulation element of this plan, including compatibility with planned land use and functional classification of such streets.
- C. General convenience and safety of the public.
- D. Insuring adequate improvements relative to the anticipated traffic volumes and vehicle types.

SECTION 5--Drainage Easements and Facilities

Drainage easements and facilities shall be required on all subdivisions as necessary to ensure safe and unobstructed flows of stormwater runoff. Historically, stormwater flows have been directed to natural drainage courses. It is desirable to maintain this practice from an economic and aesthetic standpoint. The following easement standards are provided to maintain the long term capabilities of natural drainage courses to handle storm water drainage.

Drainage easements shall be provided as follows:

- A. Fifty (50) feet from the apparent centerline of Mariposa and Stockton Creeks within the Town Planning Areas or the boundary of the flood plain as established by the Flood Insurance Rate Map on file in the Mariposa County Planning Department, which ever provides the greatest setback.
- B. Twenty-five (25) feet from the apparent centerline of all other minor stream channels and drainage courses as defined on the map contained in Exhibit "2".

Lesser easements and improved drainage facilities may be allowed on minor drainages where it is found that the proposed improvements and easements are adequate to handle the future runoff of the entire watershed affecting the drainage facilities. An analysis must be provided by a qualified engineer and shall be based on the planned use of the watershed area.

SECTION 6--Fire Safe Protection Standards

The following fire safe standards have been developed to provide an acceptable level of protection for existing and future residents and businesses of the Mariposa Community from the loss of life and property from wildland fires. Fire safe standards are necessary to reduce the additional risks created by more intensive development within an area of high fire hazard. These standards shall apply to all subdivisions within the Mariposa Town Planning Area.

- A. **Project Planning:** Project planning to reduce fire risks should be incorporated into the initial stages of a project design. Location of parks, greenbelts, utility corridors, roads, trees and landscaping should be planned with the idea of reducing the risks associated with fires.
- B. **Access Standards:** The Mariposa County Improvement Standards are designed to provide sufficient road improvements for ingress and egress in emergency situations. Application of these standards to development will insure sufficient access in normal situations.
- C. **Road Names and Signage:** Road identification and signage are critical for emergency response. For this reason, all roads serving 4 or more parcels in a development shall be named and signed in accordance with Mariposa County standards. All structures shall be identified with a street address clearly visible from the access road.
- D. **Water Supply:** All development within the Mariposa Town Planning Area shall be provided with an adequate and reliable water supply for fire fighting purposes. Compliance with this requirement can be accomplished by the following:

1. If the development is located within the Mariposa Public Utility District (MPUD), the development shall connect to the MPUD water system and comply with all MPUD standards.
2. If the development is located outside the Mariposa Public Utility District, a water system shall be available which provides minimum flows as follows:

Parcel Size

Larger than 1/2 acre parcel size	500 gallons per minute for 2 hours at 20 p.s.i.
1/2 acre or smaller avg.	750 gallons per minute for 2 hours at 20 p.s.i.

Emergency water storage shall be required in addition to the storage necessary for domestic purposes. Storage facilities shall be connected to a reliable water source for tank filling. Water supply serving the storage facility shall be capable of refilling the storage tanks in 24 hours. The design of such a system must include provisions for continued operation and long term maintenance.

3. Fire hydrants shall be connected to the water storage systems identified in No. 1 and 2. For subdivisions located within MPUD, fire hydrants shall be installed in accordance with MPUD standards. For subdivisions located outside MPUD, fire hydrants shall be spaced a maximum of 660 feet apart for parcel sizes of more than 1/2 acre and 330 feet apart for parcels of 1/2 acre or less and shall be connected to the water storage system by a minimum of 6" main..
4. Adequate provisions for maintenance of water storage facilities including storage tanks, water lines, hydrants and water supply shall be provided.
5. Sufficient easements to encompass all emergency water facilities shall be provided.

SECTION 7--Water Supply

The following standards are necessary to ensure that adequate water facilities are developed for the more intensive development planned within the Mariposa Town Planning Area. Adequate water standards become critical as ownership of land and water systems is divided. These standards shall be based upon parcel sizes and/or proposed density. These standards apply to residential development only. Water standards for commercial development should be evaluated by the Planning Commission as development occurs. Water source shall

be available on each parcel prior to recordation of the parcel or final map.

- A. 5.0 acres and larger: Individual on-lot wells shall be allowed in accordance with Mariposa County Subdivision Regulations.
- B. 4.99 acres and less: All subdivisions within the MPUD shall connect to the MPUD water system. Subdivisions outside of MPUD, but within the LAFCo Sphere of Influence shall connect to the MPUD water system. Subdivisions outside MPUD and the sphere of influence shall connect to a public water system. Demonstration of water availability for public water systems shall be established by a minimum of a 10 day 24 hour pump test in accordance with Section 16.20.230 of Mariposa County Code. Water testing and verification of adequate water facilities shall be provided prior to recordation of a final (or parcel) map for any proposed development of this density.

Public water systems, whether existing or proposed, shall comply with all applicable standards of the County Health Department and/or the State Department of Health Services. Easements and provisions for maintenance of community systems shall be incorporated into the development proposal.

SECTION 8--Sewage Disposal

The following standards are provided to ensure that adequate provisions for sewage disposal are incorporated into the more intensive development planned for the Mariposa Town Planning Area.

- A. Inside the Mariposa Public Utility District: All future development within the Mariposa Public Utility District shall be required to connect with the MPUD sewage system. All proposed subdivisions within MPUD shall be served by on-and off-site sewer infrastructure with adequate capacity as determined by MPUD to serve the proposed parcels.
- B. Outside the Mariposa Public Utility District: All areas outside the Mariposa Public Utility District and not served by any other community sewage collection and treatment system and are served by on-lot leachfield systems shall have a minimum parcel size of 2 1/2 acres. All lots served by individual leachfield systems shall be subject to the percolation testing standards contained in the Subdivision Code.

SECTION 9--Utilities

All subdivisions with parcels below 3.0 acres (gross) shall install underground utilities (phone, electric, cable t.v., etc.) prior to the recordation of the final/parcel map.

Street lighting, in accordance with the Mariposa County Improvement standards, shall be required within subdivisions where it is found necessary for the public health, safety, and welfare.

SECTION 10--Tree Preservation

All residential subdivisions shall be designed and constructed to preserve, to the greatest extent possible, mature native trees within the town planning area. If mature native trees must be removed, they shall be replaced at a ratio of 4 trees for every one removed. Tree replacement shall include a specific program for protection and maintenance of the replacement trees until they are established. The Planning Commission shall make specific findings relative to compliance with this section for all subdivision approvals.

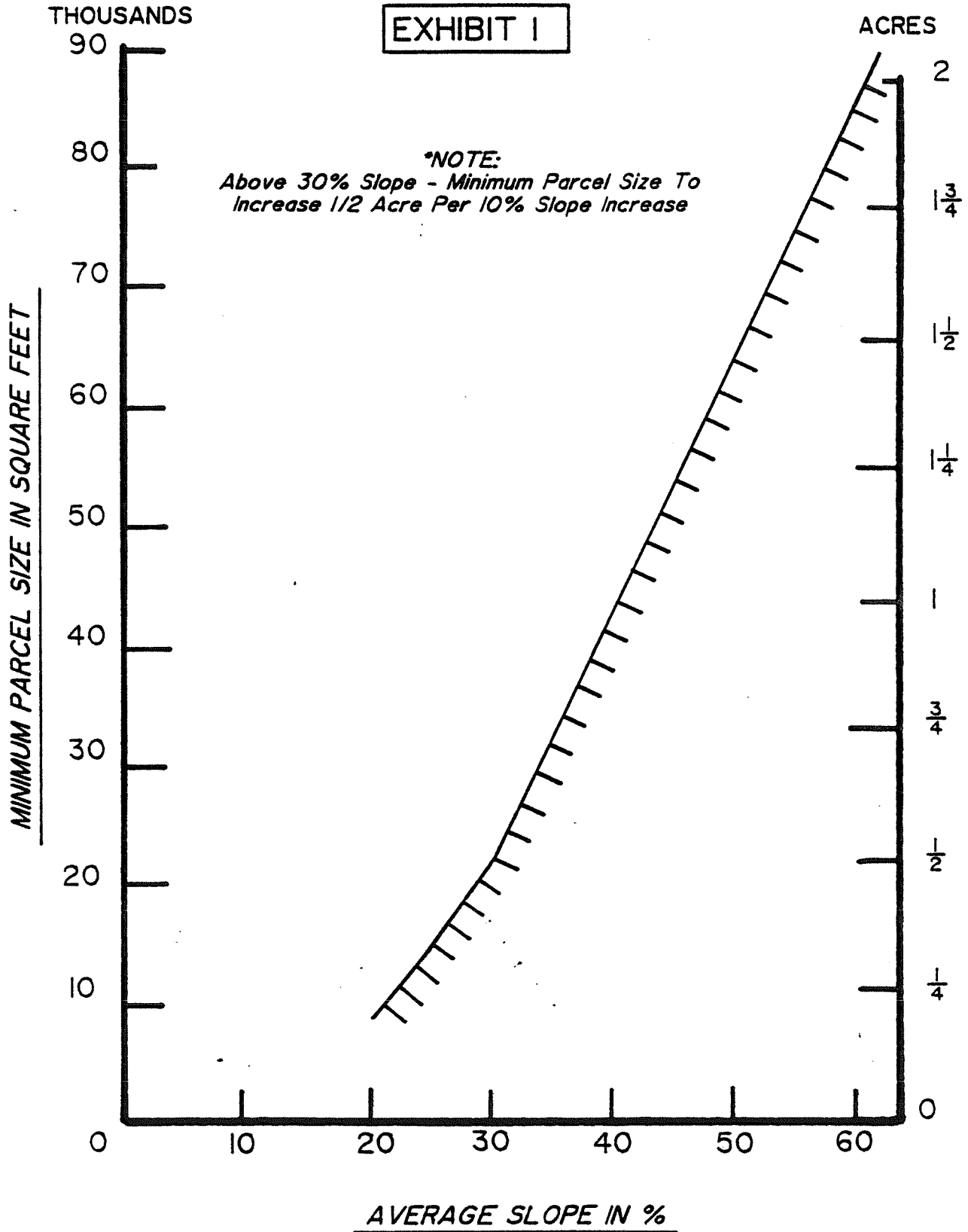
SECTION 11-Modification to these Regulations and Standards

Significant modifications to these regulations and standards shall only be considered through Planned Unit Development Zoning. Such modifications may be approved where it is found that a Planned Unit Development Zone will achieve the following objectives:

- A. Further the goals, policies and standards of the Mariposa County General Plan and the Mariposa TPA Specific Plan.
- B. The specific proposal promotes the intent of these development standards by preserving valuable and/or usable open space and provides for the protection of areas with development constraints.
- C. The specific proposal results in improving the environment, both inside and outside the development area, through provisions for better roads, fire protection, water and sewage facilities and other amenities desirable to the community.

MINIMUM PARCEL SIZE SLOPE DENSITY CRITERIA

EXHIBIT 1



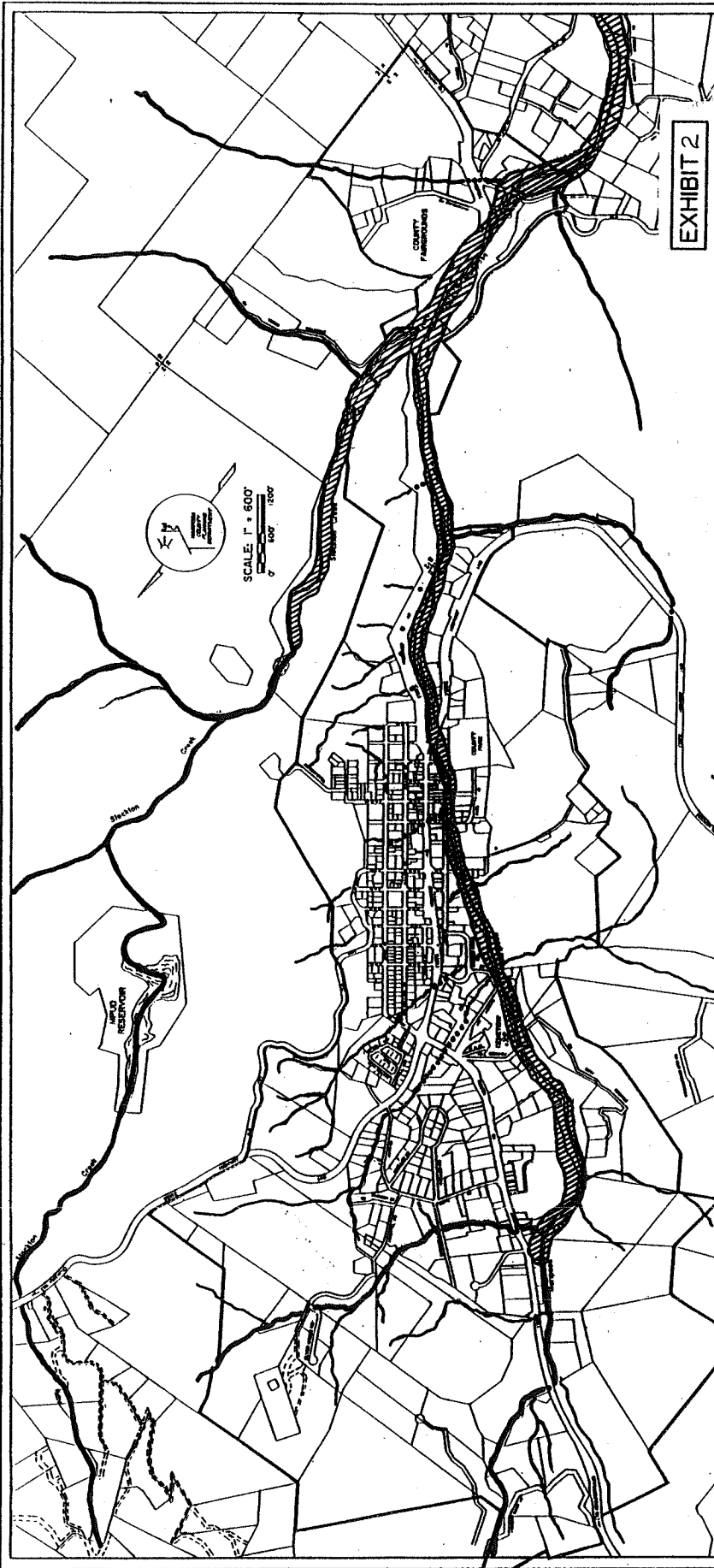






EXHIBIT 2

MARIPOSA TOWN PLANNING AREA

DRAINAGE

-  MARIPOSA / STOCKTON CREEK FLOOD PLAIN
-  INTERMITTENT STREAMS
-  OTHER MINOR DRAINAGES
-  DRAINAGE CULVERTS

LEGEND:
 SCALE: 1" = 600'
 (REDUCED MAP)
 SCALE: 1" = 1650'

