

**A RESOLUTION OF INTENTION TO FORM THE
SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT**

WHEREAS, EDWARD MACKAY and ROBERTA STANDEN, as applicants and landowners of the property within the boundaries of Zone of Benefit Application No. Z94-04, has made application for the formation of the Saint Andrews Road Maintenance Zone of Benefit, to extend or provide services within Countywide County Service Area No. 1, in accordance with the provisions of Mariposa County Resolution No. 90-140; and

WHEREAS, the zone of benefit 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 are expressed in an 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 December 6, 1994, at ^{1:00 p.m.}~~9:15 A.M.~~, in the Board of Supervisors Meeting Room, County Courthouse, Mariposa, California, to consider provision of the additional types of extended services proposed in the zone of benefit to be established, and a determination of the appropriate charges for the extended services to be provided.

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.

A RESOLUTION OF INTENTION TO FORM THE
SAINT ANDREWS ROAD MAINTENANCE ZONE OF BENEFIT

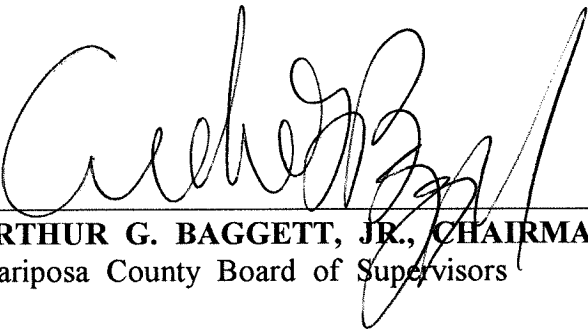
PASSED AND ADOPTED this 25th day of October, 1994
by the Mariposa County Board of Supervisors by the following vote:

AYES: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER

NOES: NONE

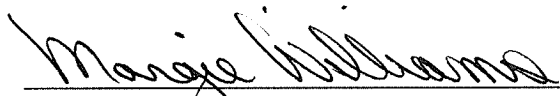
ABSENT: NONE

ABSTAINED: NONE



ARTHUR G. BAGGETT, JR., 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

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No X)

1. Adopt the attached Resolution of Intention to form The Saint Andrews Road Maintenance Zone of Benefit;
2. Set a date and time for a Public Hearing:
 - a. to consider the provision of the additional types of extended services proposed in the Zone of Benefit to be established, and
 - b. to determine the appropriate charges for the extended services to be provided.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The applicants have petitioned for the formation of the Saint Andrews Road Maintenance Zone of Benefit. This proposal has not been required as a condition of any Mariposa County permit. The applicants have applied for this Zone of Benefit to cover the primary access road (Saint Andrews Road, off Hospital Road) that serves their project. The road provides access to at least two (2) other parcels. The applicants have proposed the inclusion of the existing Mariposa Terrace II apartments within the boundaries of this zone. This zone would be the first zone proposal for road maintenance, reviewed by the Board that has not been a condition of a land division application. For additional details, see the attached Staff Report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not adopt this resolution; and require the applicant to develop another means to insure the maintenance of Saint Andrews Road. Applicant's have stated that without the zone, Federal funding for their low-income housing project is in jeopardy.

COSTS: (X) Not Applicable

A. Budgeted current FY> \$ _____

B. Total anticipated Costs> \$ _____

C. Required additional funding> \$ _____

D. Internal transfers> \$ _____

COSTS: () 4/5th Vote Required

A. Unanticipated revenues> \$ _____

B. Reserve for contingencies> \$ _____

C. Source description: > _____

Balance in Reserve Contingencies, If Approved:
\$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Resolution of Intention (2 pages) _____

2. Staff Report (4 pages) _____

3. Vicinity Map _____

4. Zone of Benefit Map _____

CLERK'S USE ONLY

Res. No.: 94-465 Ord. No.: _____

Vote - Ayes: 5 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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended


Not Recommended

For Policy Determination

Submitted for Comment

Returned for Further Action

Comment: _____



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board *mw*
SUBJECT: Zone of Benefit for Saint Andrews Road
Resolution Number 94-465

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on October 25, 1994

ACTION AND VOTE:

10:18 a.m. Mike Edwards, Public Works Director;

C) Resolution of Intention to Form a Zone of Benefit
for Saint Andrews Road; Robert L. Borchard, as Agent for the
Landowner's/Applicant's, Edward Mackay and Roberta Standen
BOARD ACTION: (M)Erickson, (S)Parker, Res. 94-465 adopted.
Motion was amended, agreeable with maker and second, to
schedule the hearing to start at 1:00 p.m. on December 6,
1994/Ayes: Unanimous.

cc: Ed Johnson, Planning & Building Director
File

Staff Report

Mariposa County Public Works Department

October 17, 1994

APPLICATION: Zone of Benefit Application No. 94-04
Saint Andrews Road Maintenance Zone of Benefit:

APPLICANTS: Edward Mackay, General Partner, Mariposa Enterprises II
Thomas K Standen and Roberta M. Standen

AGENT: Robert L. Borchard

STAFF RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a Resolution of Intention to form the Saint Andrews Road Maintenance Zone of Benefit, with the recommended conditions; and set a date and time for the required Public Hearing.

PROJECT DESCRIPTION:

The applicant has proposed the formation of a zone of benefit for road maintenance of Saint Andrews Road, the primary access road serving the two parcels that have been included in this zone proposal. Saint Andrews Road serves two (2) other parcels that have not been included in this zone proposal (APN 012-140-009[± 8 acres] and APN 013-020-005 [± 1.139 acres], the St. Andrews Episcopal Church).

LOCATION:

The project site is on both sides of Saint Andrews Road, approximately 220 feet north of Smith Road, and includes two (2) parcels (APN 013-020-028, ±2.50 acres; and APN 013-020-029, ±3.03 acres). The project site comprises a total of ±5.53 acres, more or less.

BACKGROUND:

Parcels B and C, Parcel Map Book 20, Page 13; recorded June 8, 1982.

RELATIONSHIP TO GENERAL PLAN AND EXISTING ZONES: The project site is located in a Multi-Family land use classification, based on the Mariposa Specific Plan. The Terrace View Zone of Benefit, approved in August 1994, is located on the westerly side of the hospital property, approximately one quarter mile away. The project site lies within the boundaries of Tax Rate area 51027; and therefore is included in the Mariposa Public Utilities District (1983 Annex), and the Mariposa Lighting District.

ENVIRONMENTAL REVIEW: An initial study on the Multi-Family housing project associated with this proposal has not been prepared. The applicant's cannot submit applications for building or grading permits, until this proposed zone formation has been conditionally approved. The applicant's agent has declared that the project is categorically exempt from CEQA under Section 15301 (c) of the CEQA Guidelines.

Staff Report

Mariposa County Public Works Department

October 17, 1994

STAFF DISCUSSION:

The Public Works Department has prepared the following discussion associated with the formation of the Saint Andrews Road Maintenance Zone of Benefit. The proposed zone of benefit would provide maintenance on Saint Andrews Road. The proposed zone includes two (2) parcels (APN 013-020-028 and APN 013-020-029), for the purposes of assessments. The petition has been signed by one of the joint owners of one parcel (APN 013-020-028), and one of the general partners of the other parcel. The petition was filed by an agent representing the owners of both parcels.

Currently, Saint Andrews Road provides primary access to a total of four (4) parcels: the two parcels included in the zone proposal; and also the \pm 1.139 acre Saint Andrews Episcopal Church property, APN 013-020-005; and a \pm 76.2 acre property (APN 012-140-009 [\pm 8 acres] and APN 012-140-058 [\pm 68.2 acres]), divided by the Mariposa Lighting District boundary. The Episcopal Church property was not included in the proposal, at the applicant's request. The larger (\pm 76.2 acre) property was not included in the proposal, since the road improvements on Saint Andrews Road have not been extended to that parcel. However, under current county policy, if that parcel is improved, it could be required to annex into any zone of benefit approved for Saint Andrews Road.

The zone of benefit proposed by this application is not the result of a condition imposed by any county permitting process. However, one of the applicants in this zone proposal intends to develop a Multi-Family Residential housing project on one of the parcels (APN 013-020-028) included in the zone. The project will be funded by the Farmers Home Administration (FmHA), who has required, as a condition of the loan, that Saint Andrews Road (the access road serving the property), be maintained by the County; either as a road within the County Maintained Road System, or as a zone of benefit road. The applicants had previously requested that said Saint Andrews Road be accepted into the county maintained road system; however, that request had been denied, by the Board. Therefore, the applicants have petitioned for the formation of the Saint Andrews Road Maintenance Zone of Benefit.

Saint Andrews Road lies within a sixty foot (60') non-exclusive easement, offered for dedication to Mariposa County, by that certain Parcel Map for Jeannette Stewart & Katharine Hoyle, recorded June 8, 1982, in Book 20 of Parcel Maps, at Page 13. The road was originally improved to a Class IIB standard, prior to recordation of said parcel map. During 1988 and 1989, Variance Application No. 88-3 and Specific Plan Amendment No. 89-4, were approved, allowing for the construction of the Mariposa Terrace II Apartments. In August of 1989, a Certificate of Occupancy was issued on said Apartments, following the approval and acceptance of road improvements to Saint Andrews Road. The applicants had been required to construct curb, gutter, and a six (6') wide paved parking lane, along the southerly side of Saint Andrews Road. The approved road, as constructed, consisted of a total roadway width of thirty feet (30'); with a sixteen foot (16') paved driving lane on the southerly side, and a fourteen foot (14') wide graveled driving lane on the northerly side.

The applicants have proposed maintenance on a paved roadway, five hundred ten feet (510') in length, and thirty feet (30') in width. The applicants have stated their intention to

construct the additional roadway (width) improvements, in conjunction with the proposed housing development. The applicants have also stated that the roadway improvements will include any improvements required by the building permit review process. The zone proposal is being made conditional upon completion of any associated roadway improvements required, within one year of the conditional approval of the zone of benefit, by the Board of Supervisors.

The conditional Resolution Approving the Saint Andrews Road Maintenance Zone of Benefit that will be presented to Board during the Public Hearing, will contain the following conditions:

- 1) A Resolution will be adopted, providing a conditional Zone Approval, and a Fee Resolution will be adopted establishing annual assessment rates and the upfront costs to initiate the zone (including the required two years upfront maintenance costs).
- 2) The applicants will be required to deposit with Mariposa County, the amount identified in the Fee Resolution as the upfront costs to initiate this zone.
- 3) The zone will not be filed (finalized) with the State Board of Equalization (SBE), the County Assessor, or the County Auditor, until the roadway construction is completed. The "Notice of Formation" will not be recorded until said construction is completed.
- 4) Construction plans must be submitted for review and approval by the Public Works Department, prior to the commencement of road construction.
- 5) The roadway construction must be completed and finalized within one year from the date of the Resolution conditionally approving zone formation.
- 6) The roadway construction will be monitored, inspected, and approved by the Public Works Department.
- 7) Plan check fees and inspection fees will be required.
- 8) If the roadway construction is not completed within the stipulated time period, the conditional Resolution Approving the Saint Andrews Road Maintenance Zone of Benefit will be rescinded. All zone initiation funds deposited by the applicants will be returned to said applicants.

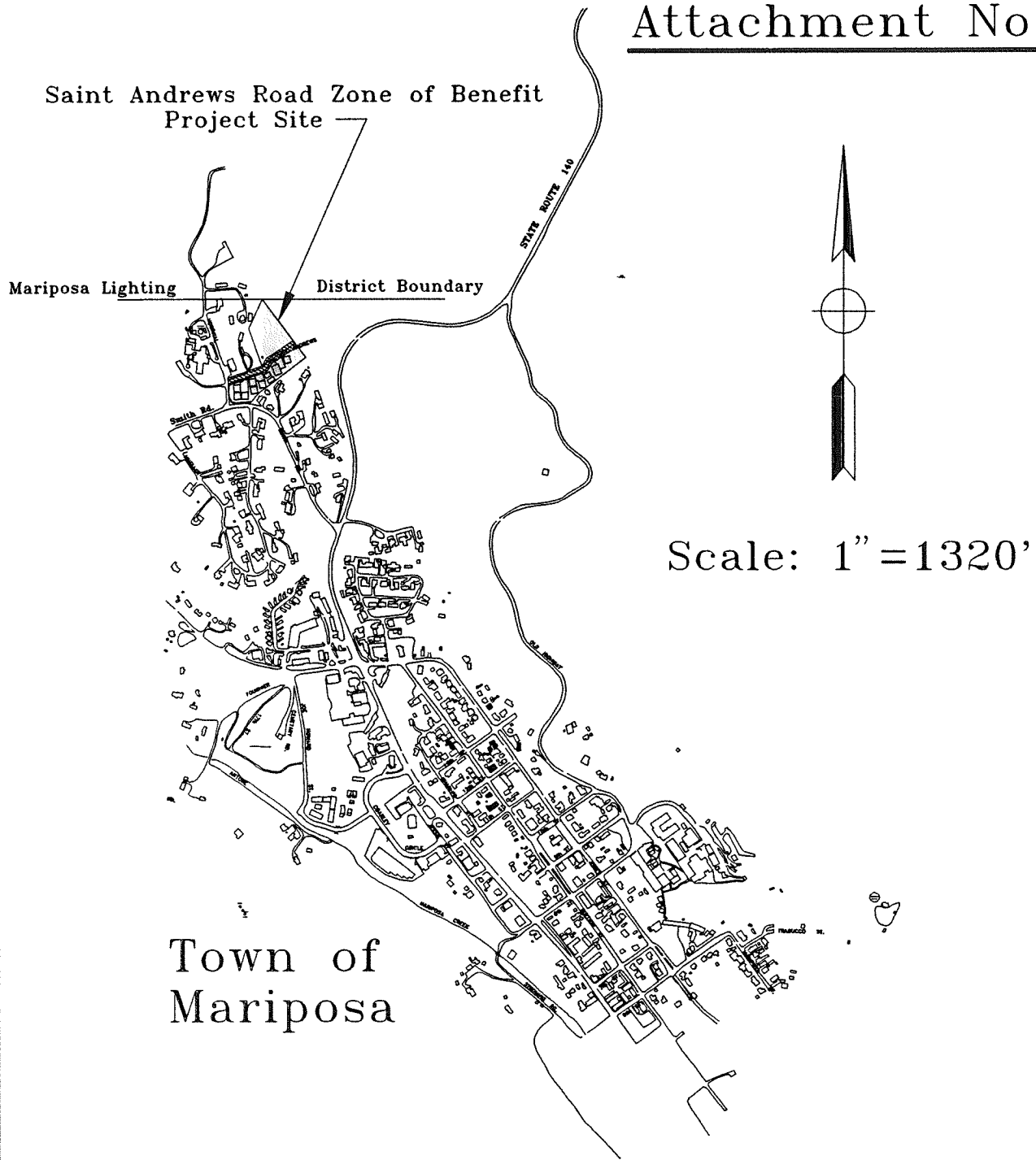
Public Works' staff recommends the inclusion of these conditions, as a precaution, to insure that the applicants fulfill their commitments. Staff considers that the conditional zone approval afforded by this proposal will provide the applicants with the guarantee of maintenance on Saint Andrews Road required by the FmHA. Staff also feels that the precautions that have been included in the conditions, will insure that a zone dissolutionment would not be required, if the developers fail to complete the required road construction.

Staff Report
Mariposa County Public Works Department

October 17, 1994

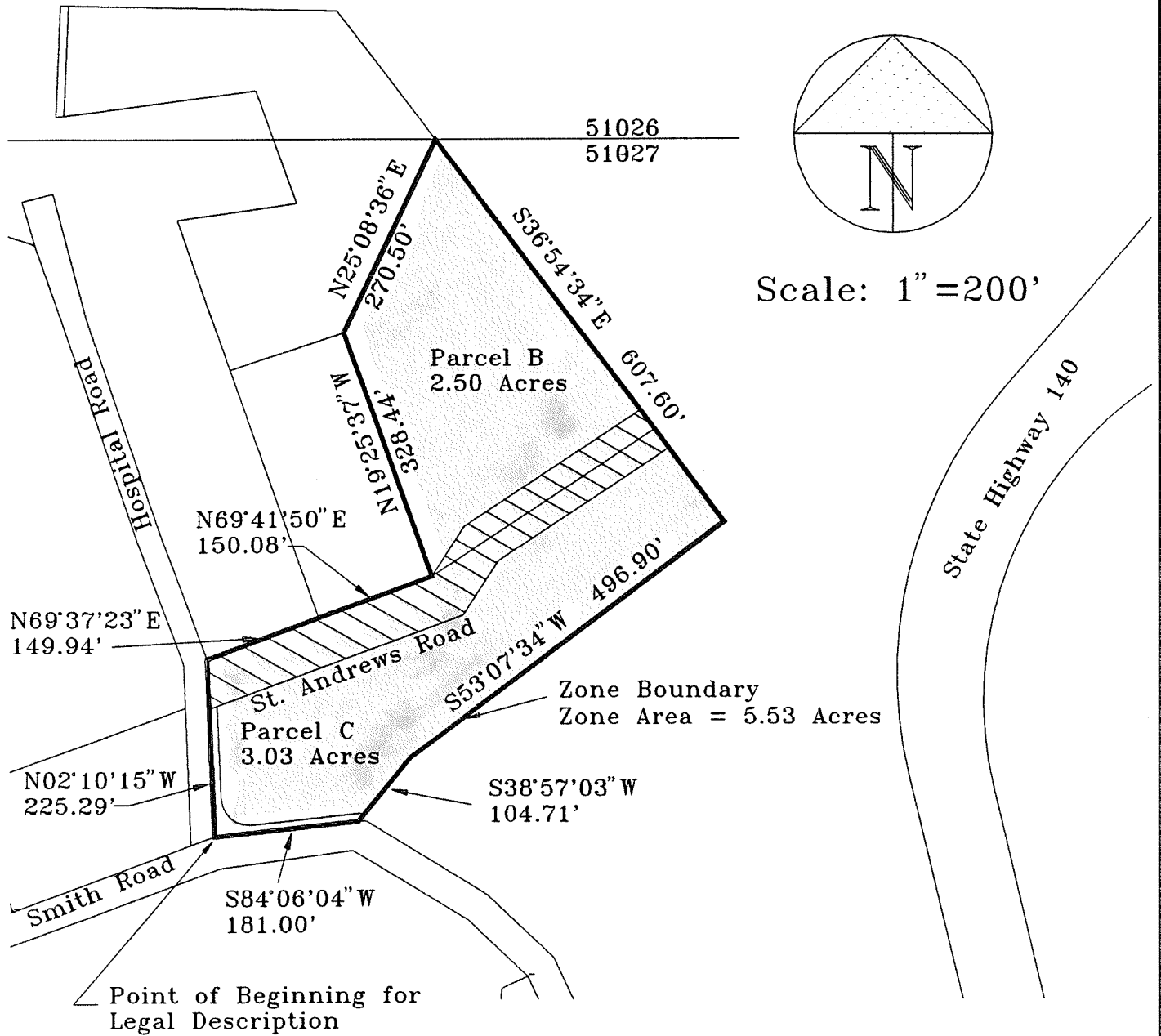
As required by Public Works' application process, the applicant has provided the County with an estimate from **Roger Stephens Engineering Inc.**, for the road maintenance on Saint Andrews Road. At the Public Hearing, staff will provide a conditional Resolution of Zone Approval, a Fee Resolution, and a Staff Report that includes a scope of work, a revised estimate (as necessary), and a proposed assessment fee structure, that would provide for the specified maintenance. If the conditional zone formation is approved by the Board, the applicants will be required to deposit the upfront costs to initiate the zone immediately, in order to meet the Hearing s.chedule.

Attachment No. 3



Vicinity Map for
Saint Andrews Road Maintenance
Zone of Benefit

ATTACHMENT NO. 4



St. Andrews Road Maintenance Zone of Benefit

Situated in Projected Section 14, T.5 S., R.18 E., M.D.B. & M.
Rancho Las Mariposas, County of Mariposa
State of California