

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: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

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

Criteria for Z.O.B. rejection

Short form "petition" for Z.O.B. waiver

CLERK'S USE ONLY:

Res. No.: 93-141 Ord. No. _____

Vote - Ayes: 3 Noes: Penner

Absent: Penner 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
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: _____

EXHIBIT A

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