

1 MARIPOSA COUNTY ORDINANCE NO. 617

2 AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT ZONE
3 NO. 83-3, FOR AN 85 UNIT TOWNHOUSE COMPLEX IN THE
4 MARIPOSA TOWN PLANNING AREA.

5 WHEREAS, pursuant to Mariposa County Code Sections 17.10.
6 010 et seq., Public Hearings have been held before the Mariposa
7 County Planning Commission and the Mariposa County Board of Super-
8 visors, with due notice given as required by law;

9 NOW THEREFORE, the Board of Supervisors of Mariposa County,
10 a political subdivision of the State of California, does hereby or-
11 dain as follows:

12 SECTION I: There is hereby created within Mariposa County
13 a Planned Development Zone pursuant to Chapter 17.10 of the Mariposa
14 County Code to be known as Planned Development Zone No. 83-3 with
15 boundaries as described in Exhibit A attached hereto, and as shown
16 on the map set forth in Exhibit B attached hereto, which zone shall
17 be added to the official zoning maps of Mariposa County.

18 SECTION II: Planned Development Zone 83-3 shall be govern-
19 ed by the conditions of approval set forth in Exhibit C attached
20 hereto.

21 SECTION III: The Board of Supervisors of Mariposa County
22 hereby finds that the Planned Development Zone No. 83-3 is consis-
23 tent with the General Plan and the Mariposa Specific Plan, and here-
24 by adopts the Findings of Fact of the Mariposa County Planning Com-
25 mission set forth in Resolution No. 84-13, Exhibit D attached, as
26 required by Section 17.10.030 of the Mariposa County Code.

27 SECTION IV: This Ordinance shall become effective THIRTY
28 (30) days after final passage pursuant to Government Code Section
25123.

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PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 3rd day of April, 1984 by the following vote:

AYES: Barrick, Dalton, Erickson

NOES: None

ABSTAINED: Taber

ABSENT: Moffitt

Gertrude P. Taber
GERTRUDE TABER, Chairman
Board of Supervisors

ATTEST:

Lynne Robinson
LYNNE ROBINSON, Acting County Clerk and Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
JEFFREY G. GREEN, County Counsel

SIERRA INVESTMENTS COMPANY
March 29, 1984

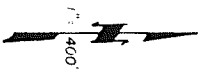
"EXHIBIT A"

LEGAL DESCRIPTION:

All those portions of Section 15 and 22, Township 5 South, Range 18 East, Rancho Las Mariposas, described as follows:

Parcel A as shown on the Parcel Map for Scott P. Bumguardner, filed April 21, 1977 in Book 12 of Parcel Maps at Page 10, Mariposa County Records.

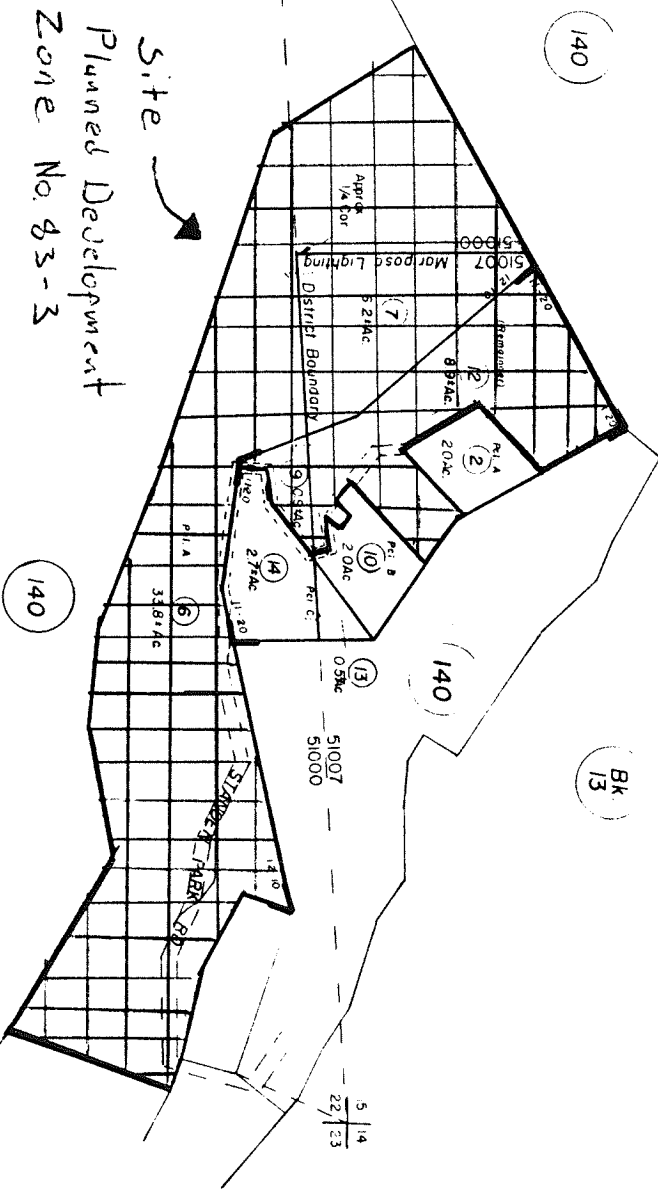
In addition to the "Remainder" as shown on the Parcel Map for Thomas K. Standen, filed October 25, 1976 in Book 11 of Parcel Maps at Page 20, Mariposa County Records.



Parcel	History
140 21/2	
140 26	
140 49	
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Exhibit B

P.M. 2-50
11-30
12-10
12-19



ASSESSORS PLATS ARE FOR GENERAL PROPERTY LOCATION AND TAX PURPOSES ONLY THEY MAY NOT BE USED AS A BASIS FOR LEGAL DESCRIPTIONS

Assessor's Map Bk. 12-Pg. 240
County of Mariposa, Calif.

1978

March 29, 1984

"EXHIBIT C"

CONDITIONS OF APPROVAL
FOR SIERRA INVESTMENT CO.'S
PLANNED DEVELOPMENT ZONE

1. The initial Planned Development (PD) Zone shall be limited to a maximum of eighty-five (85) dwelling units on individual parcels. Said parcels will include the actual footprint of the dwelling and any private outside area(s) adjacent to the dwelling.
2. Any land which is not subject to individual parcels shall be in common ownership among the property owners of the individual parcels. This may or may not include all improvements on the common ownership parcel.
3. Parking shall be provided at a ratio of two (2) parking spaces per dwelling unit, and shall be distributed throughout the development as equitably as possible, given terrain and needs. Parking may be provided within the confines of the individual parcels (described under No. 1 above) if specific on-site analysis allows such construction.
4. Within one year from the approval of this zone, the owner/applicant shall obtain approval of a tentative subdivision in substantial compliance with the provisions of this zone. The Planning Commission may consider extensions to the one year time limit upon specific written request by the applicant.
5. The final Development Plan and the Final Map shall be in general compliance with the approved concept Development Plan and the tentative map. Revisions to the Plan/Map, including dwellings, ancillary structures, roads, parking area and design, and open space areas will be permitted, provided that all of the standards of the Mariposa Specific Plan, and the conditions of approval herein, can be maintained. This would allow the readjustment of structures and improvements based upon more specific and exact on site engineering. If the site would allow, the plan could be adjusted to allow the required parking to be incorporated into the individually owned parcels.
6. Prior to any issuance of building permits, the applicant shall submit to, and obtain approval from, the Planning Commission for exterior architectural elevations. Said architecture will incorporate earth tone colors, and provide an adequate design so that the structures blend with the hillside as much as possible.
7. All recommendations from the County Fire Warden, including but not limited to fire hydrant location, water flow and storage (including recharge), building requirements, fuel breaks, and design and material recommendations, shall be incorporated into the construction plans for the project. Such plans will be submitted to the County Fire Warden and approved prior to the recordation of any Final Map. The CC&R's shall specifically address the responsibility of the Homeowners Association to provide for the long term maintenance of the fire protection system.

7. (cont'd)

The project proponent shall develop and construct a fire protection system in accordance with this section for acceptance and maintenance by the Mariposa Public Utility District. If the applicant provides documented evidence that this requirement is infeasible to implement, the Planning Commission shall approve alternative fire prevention water systems for the site including on site water storage and hydrants connected to M.P.U.D. for tank filling purposes only, or a system served by a private water system.

8. A Homeowners Association shall be formed in accordance with Covenants, Conditions and Restrictions (CC&R's) and the Articles of the Homeowners Association (hereafter referred to as the Articles), which will be prepared by the applicant. The County shall approve said CC&R's and Articles prior to the recordation of any Final Map. The CC&R's and Articles shall set out the specific responsibilities of the Homeowners Association for the maintenance, and improvements to, landscaping, water and waste water, drainage, roads and parking areas, and any other aspect of the development found necessary for long term maintenance and repair.
9. Domestic water from the site shall be obtained by M.P.U.D. or by groundwater sources either on or off the site. Should any groundwater source be utilized for domestic water to the project, the project proponent shall be required to comply with all water and pump testing standards contained within the subdivision ordinance of County Code. The domestic water system serving the project shall meet all of the standards and requirements of the County and State relative to infrastructure design, water quality, line sizes, storage, and quantity, prior to construction of any residential unit on the project site.
10. The project site shall be required to connect with the Mariposa Public Utility District for sewer service. Prior to recordation of the Final Map, the applicant shall provide a Can and Will Serve Letter from MPUD for such service.
11. Prior to construction, the applicant shall prepare and submit a landscaping plan for the project which shall be approved by the Planning Commission. This would include identification of vegetation to be retained, landscaping to be provided, and an irrigation system to ensure continued maintenance of the landscaping. The CC&R's and Articles shall include specific provisions for the long term maintenance, repair and replacement of the landscaping around all structures and improvements.
12. A pedestrian circulation system (sidewalks and trails) shall be provided throughout the development. This would include sidewalks from the parking areas to the individual parcels, the recreational area, and to other residential areas. The plan shall also address pedestrian routes from the project site to the bridge at Mariposa Creek. All sidewalks shall be constructed to the requirements of the County. The CC&R's and Articles shall specifically address how the Homeowners Association will provide for the long term maintenance of the system.

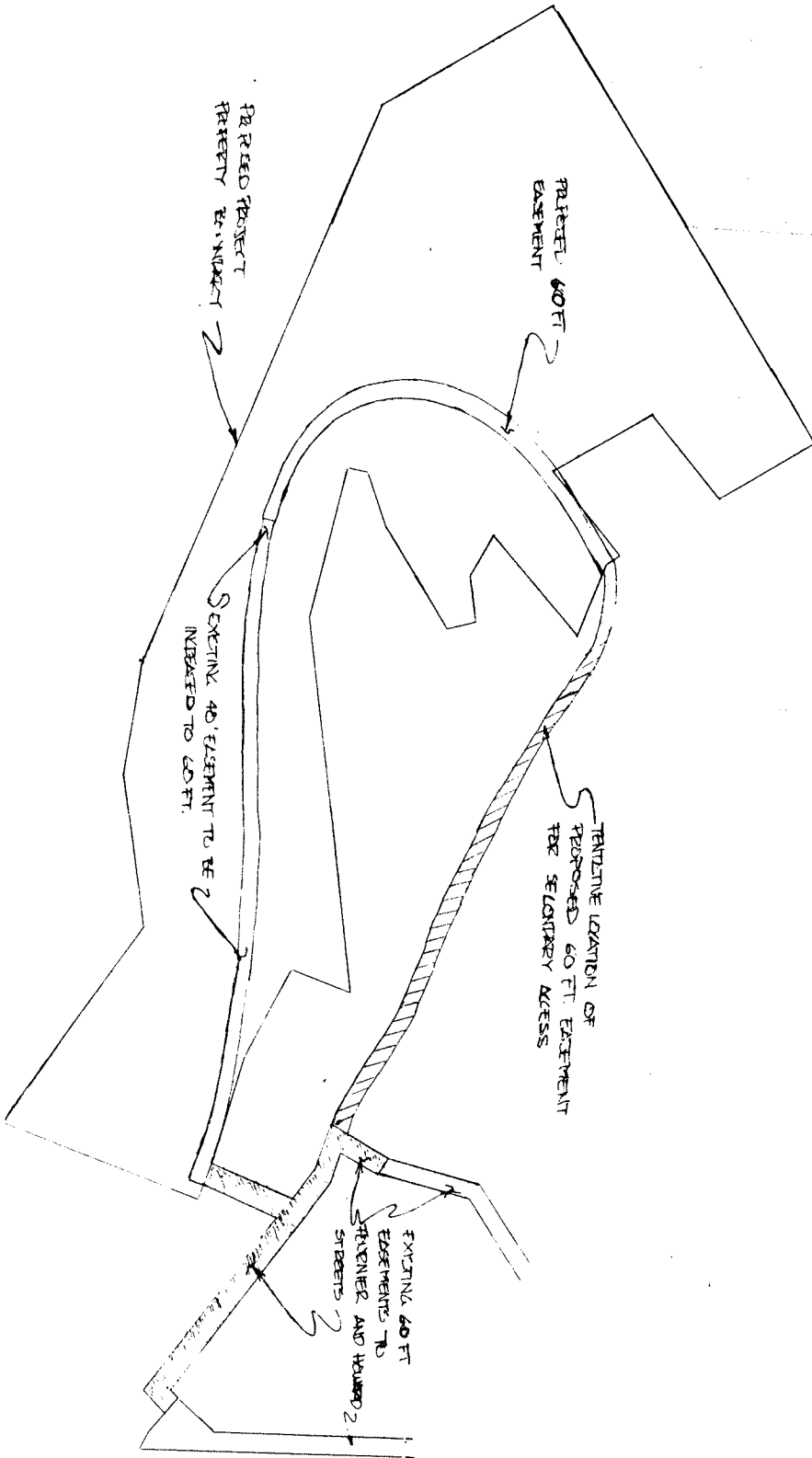
13. Prior to construction, the applicant shall submit a detail of the recreational facilities to be provided on site. This could include, but not be limited to, swimming facilities, barbecues, tennis courts, saunas, and sandlots and other children's play apparatus (swings, etc.). The recreational facilities shall be under common ownership, and the CC&R's and Articles shall specifically address the long term maintenance and replacement of the facilities. In addition, a schedule shall be developed which will identify the types of such facilities to be installed in relationship to the schedule of development of the dwelling units. All recreation area development plans and construction time schedules shall be reviewed and approved by the Planning Commission prior to the issuance of any building permits for dwellings on the site.
14. Roads shall be improved as follows:
 - A. County Roads shall be improved as required by the County. This would include improvements to Howard St., Fournier St., a re-design of the intersection of Howard, Fournier and 17th Streets, and the encroachment of these roads to Hwy 49N. A waiver of existing County Standards for finished grade on roads may be necessary due to the existing grade on Howard Street. Design and construction of the above road improvements shall be conducted by the applicant and approved by the County.
 - B. The proposed bridge at Howard St. shall be constructed to the requirements of the County for width, pedestrian access, load capacity, design, etc. The bridge shall include 2 vehicular travel lanes and one pedestrian access lane or sidewalk.
 - C. The road from Howard St. to the one way loop within the project, shall be constructed to meet the requirements of the County for a local road.
 - D. The one way roads within the subdivision shall be 16 to 18 feet in width (dependent upon the use of 45 or 60 degree angle parking), and shall have a hard asphalt concrete surface, with base material to meet the requirements of the County Engineer.
 - E. All parking areas will have a hard asphalt concrete surface.
 - F. The secondary access, which exits the northeastern boundary of the project, will be improved to a County Class IIIB standard from the intersection of the looped one-way road near the northeastern boundary to the point where it intersects the main road (under C above), or until it accesses Hwy 49N. Upon written request by the applicant, the Planning Commission may consider waiving the 25 m.p.h. design speed requirement on specific sections of the secondary access road.
 - G. The existing weir/overtopping structure at Fournier Street shall be engineered and constructed to provide access by conventional passenger vehicles up to 50 year flood levels. This crossing shall be improved with a minimum of a 16' foot width travel lane and the installation of two 48 inch culverts.

14. Roads shall be improved as follows: (cont'd)

All roads will be required to be engineered, and constructed in accordance with the engineering prior to the recordation of any Final Map. Adequate drainage will be provided on all roads. All roads will be under the ownership of the Homeowner's Association (with exception of the secondary access road); and the CC&R's and Articles shall specifically address how the Homeowners Association will provide long term maintenance for all of the roads (including the secondary access road). Establishment of a County Service District for road maintenance on the site would eliminate the requirement for road maintenance by the Homeowner's Association. Such a district could only be established after specific negotiations with the County of Mariposa and compliance with applicable County and State regulations.

15. Prior to the recordation of any Final Map, an engineered grading and drainage plan will be submitted to the County Engineer for his approval. All construction on the site shall comply with the approved plan. The plan will be prepared so as not to create any grading or drainage hazard either on or off site. The CC&R's and Articles shall specifically address the responsibility of the Homeowner's Association to ensure the long term maintenance of the drainage system.
16. All standards of the Mariposa Specific Plan will be maintained in the preparation of any final Development Plan or Final Map. This will include, but not be limited to, setbacks, structure height, distances between habitable structures, grade and densities.
17. All commonly owned areas will be maintained by the Homeowners Association, and the CC&R's and Articles shall specifically address how long term maintenance will be provided.
18. The proposed Development Schedule may be modified by the Planning Commission, without any further public hearings, based upon a written request by the applicant which will identify the reasons why the modification to the schedule is necessary.
19. Access easements to the project shall be provided in accordance with the site plan attached hereto. All access easements shall be obtained prior to the approval of the tentative major subdivision map for this project.

BASEMENT MAP



"EXHIBIT D"

MARIPOSA COUNTY PLANNING COMMISSION

STATE OF CALIFORNIA

RESOLUTION NO. 84-13

A Resolution recommending approval of Planned Development Zone No. 83-3, Sierra Investment Company, Applicant.

WHEREAS, an application has been submitted for the creation of a Planned Development Zone in an area to allow for the construction of 85 Townhouse Residential Units; and

WHEREAS, the Planning Commission has considered the project and held a Public Hearing in accordance with the requirements of Division I, Chapter 4, of the California Government Code and Chapter 17.10 of the Mariposa County Code; and

WHEREAS, the Mariposa Town Planning Area Specific Plan has designated the subject property as appropriate for residential development up to a maximum of 90 units (based upon 23.5 acres in the Single Family Residential, 12,000 sq. ft. min. Land Use Classification and 25.5 acres in the Mountain Home 5 acre min Land Use Classification); and

WHEREAS, the Mariposa County General Plan Section 3.605 (A) specifically provides for the clustering of residential lots provided that the minimum density is maintained through open space ownership restrictions.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval of the Planned Development Zone No. 83-3, to the Board of Supervisors with the following findings of fact:

- A. The Zone Change is found to be consistent with the Mariposa Town Planning Area Specific Plan and the Mariposa County General Plan in accordance with Section 65850 of the California Government Code.
- B. The Project, as submitted, has been reviewed and considered exempt from the provisions of the California Environmental Quality Act in

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accordance with Section 65453 (b) of the California Government Code.
C. That each individual unit of the development, if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
D. That the uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.

BE IT FURTHER RESOLVED, that the Planning Commission hereby recommends to the Board of Supervisors the adoption of the attached Ordinance with conditions of approval considered necessary to assure compliance with the above findings of fact.

PASSED AND ADOPTED by the Mariposa County Planning Commission this 3rd day of February, 1984 by the following vote:

AYES: Hackleman, Hickman, Kendrick, Martini

NOES: None

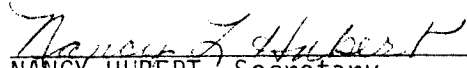
ABSTAINED: None

EXCUSED: None



MICHAEL HACKLEMAN, Chairman
Mariposa County Planning Commission

ATTEST:


NANCY HUBERT, Secretary
Mariposa County Planning Commission