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MARIPOSA COUNTY RESOLUTION NO. 88-531

A RESOLUTION APPROVING SPECIFIC PLAN NO. 88-1,
TIMOTHY AND CAROL MANLY, APPLICANTS

WHEREAS, A specific plan as defined by section

65450 of the California Government code was submitted for

consideration by the county by an individual property owner; and

WHEREAS, the Planning Commission held a public

hearing on the specific plan in accordance with California

Government Code Section 65353 and recommended approval of the

specific plan with modifications and additions as set forth in

their Resolution No. 88-23; and

WHEREAS, this body held a public hearing on the
specific plan in accordance with California Government Code

Section 65355.

NOW THEREFORE, be it resolved that the Board of

supervisors hereby adopts specific plan No. 88-1, Timothy and

Carol Manly, property owners, and incorporates the findings,

modifications, and additions to the specific plan set forth in

Planning Commission Resolution No. 88-23. Attachment A to this

resolution contains the complete text of the specific plan.

PASSED AND ADOPTED by the Mariposa County Board

of Supervisors this 25th day of October, 1988 by the following

vote:

AYES: DALTON, BAGGET, RADANOVICH, ERICKSON, TABER

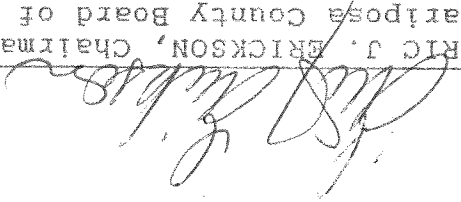
NOES: NONE

ABSTAINED: NONE

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EXCUSED: NONE

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors



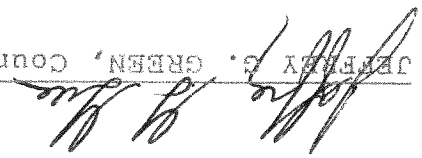
ATTEST:

MARGIE WILLIAMS, Clerk of the Board



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JERRY G. GREEN, County Counsel



FEBRUARY 1988

TIMOTHY R. and CAROL L. MANLY

Prepared For:

For a Portion of a Tract of Land Lying within
Sections 19 and 30, T2S, R17E, Grealey Hill Area,
Mariposa County, California
PTN-A.P.N. 04-250-15

SPECIFIC PLAN

ATTACHMENT "A"

INTRODUCTION

This Specific Plan Amendment has been prepared in compliance with the provisions of the Government Code Sections 65450 to 65453 inclusive, which govern the content of such Specific Plans. The Mariposa County Code does not contain any specific reference to the development and content of a Specific Plan, and therefore the State Law will dictate content requirements. This specific plan has been prepared to implement the provisions of the existing Mountain Transition Land Use and is intended to be compatible with Section 17.03.010 (2) of the zoning code currently under consideration by the County.

PROJECT LOCATION

The property covered by this Specific Plan is located on the south-east side of Greeley Hill road, approximately 3/4 mile south-west of the town center of Greeley Hill. The original parcel (Parcel 2, 18 PM1) has approximately 3,200 feet of frontage on Greeley Hill Road, and approximately 800 feet of frontage on Holtzel Road. The property is located in Sections 19 and 30, Township 2 South, Range 17 East, M.D.B. & M.

SPECIFIC PLAN DESCRIPTION

This Specific Plan covers 100 acres of Parcel 2, 18 PM1. The parcels shown on the attached map will serve as the basis for consideration of this Specific Plan. The existing parcel of land involved in this application is approximately 123 acres in size, and this Specific Plan applies to only 100 acres of the existing parcel. This Specific Plan applies to all of that portion of the property which is presently in the Mountain Transition (MT) Land Use. That portion of Lot 11 (see Map) which is presently in the Greeley Hill TPA will not be covered by this Plan, and is approximately 23 acres. The reader is referred to the accompanying Map Exhibits for a visual representation of the area to which this Specific Plan applies. If approved as submitted, this Specific Plan would allow the creation of ten parcels of land which range in size from 2.50 to 10+ acres, and one parcel of approximately 65 acres.

ENVIRONMENTAL SETTING

Elevation at the site ranges from approximately 3,125 to 3,190 feet. Slopes on the property range from one to twelve percent, with the vast majority of the property in the one to three percent range. Soils on the site have been found to be suitable for subsurface sewage disposal systems and residential construction, by civil engineers who performed percolation tests and soils reports for previous projects approved for the property and preliminary soils work for the present project. The site has been used in the past for timber production and grazing. Seasonal drainages run primarily through the property in a south-west to north-east manner. A perennial stream is located at the extreme north-east corner of the property. These drainages were taken into account when the engineer performed the tests. The site is predominantly covered with annual and perennial grasses, weeds, a few pines, and clumps of brush. The property has had several controlled burns in the past, which accounts for its vegetation properties.

During the preliminary planning for previous projects and this Specific Plan, which has been performed over more than a seven year period, field inspections and evaluations have taken place by professionals from fields including U.S. Department of Agriculture soil specialists and engineers; private civil engineers; a licensed surveyor and planner; a Registered Professional Forester; and a consulting archeologist. At no time during any of these consultations, or in any ensuing reports, was any condition identified which would lead to the conclusion that a project of this nature would cause any adverse impacts to the general environment of the site or area; or results in the degradation of any resource whether natural or cultural.

GENERAL PLAN

The subject Specific Plan is mandated upon the applicant to receive approval of the proposed land division. The Mariposa County General Plan designates the subject property as being in both the Mountain Transition Land Use and the Grealey Hill Town Planning Area (TPA). This division of the property is shown on attachments hereto. Within the existing TPA Land Use (See attached excerpt from the County General Plan), the applicant has the possibility of creating parcels down to a minimum of 2.5 acres, subject to the requirements of the General Plan, the Subdivision

Ordinance, Health Codes, etc. The Mountain Transition Land Use (See Exhibit F), has a minimum parcel size of twenty (20) acres, except where there is an approved Specific Plan allowing for smaller parcels. This Specific Plan has been prepared in accordance with the provisions of the General Plan for the approval of the proposed land division, which would create parcels smaller than twenty acres in size.

DEVELOPMENT REGULATIONS

All of the smaller parcels (2.50 to 10+ acres) will be subject to the development restrictions of the Rural Residential Land Use relative to the permitted, conditional and prohibited uses, minimum parcel sizes, and densities (please see attached). The 40 acre portion of the tract, as covered by this Specific Plan, will have the development restrictions of the Mountain Transition Land Use applied. The 23 acre portion of the tract, which is in the Grealey Hill TPA, will be subject to the restrictions of that land use, and is not a part of this Specific Plan.

Setbacks and height standards for development on the property will be in compliance with those of the Mariposa County General Plan. No development is proposed within any possible areas of inundation by the seasonal drains on the property. The Tentative Map will be subject to review by the County Engineer. In the past, the County Engineer has required drainage plans for Major Sub-divisions, and it is anticipated that one may be required for this project. Such a drainage plan should identify those areas where building development should be restricted. Said drainage plan, if required, shall be made as an addendum to this Specific Plan.

TRAFFIC AND CIRCULATION

The applicants are proposing the development of one new road to access the ten smaller parcels off of Grealey Hill Road via an existing road and encroachment at the far western edge of the property. Specifications for said road are standards as dictated by County ordinance relative to number and size of parcels accessed.

The width of the easement to be offered for dedication by the subdivision map will be the standard sixty feet. However, the applicants propose that only the interior forty feet of the easement be used for roadway purposes with the exterior ten feet of the easement on each side being reserved for public utility easements and necessary driveway crossings to reach the created parcels. The gentle, open terrain and lack of heavy cuts and fills will allow the appropriate County Standard road to be constructed within the allotted forty foot area. Additionally, the applicants propose that the access road not be required to center in the forty foot roadway portion of the easement, but be allowed to vary within the interior thirty feet thereof to avoid long unbroken straight stretches. The proponents of this Specific Plan intend to retain a 60 foot easement running north from the end of the proposed access road to the south edge of Lot 11. The purpose of this retention would be to allow the possible future construction of a "loop" road to connect with Hiltzel Road should the present or subsequent owners decide to further subdivide Lot 11. Access to the approximate 65 acre lot is by way of Hiltzel Road. Street numbers for Grealey Hill Road will be assigned in appropriate ranges.

UTILITIES

Domestic water will be provided by private wells on the individual parcels. Septic disposal will be provided by on-site sewage disposal systems which are designed in accordance with the requirements of the County Health Department. Electricity to the property will be provided by Pacific Gas and Electric, and propane will serve as the main gas supply in individual on-site tanks.

Soils and percolation tests were performed on the property in January 1985 and December 1986 by Mr. Robert J. Bliss, Civil Engineer, and in January 1985 and December 1986 by Mr. Floyd Davis, Civil Engineer. These tests were performed during the rainy season after a seasonal rainfall total which was within approximately 1.5 inches of the average rainfall in this area, for the dates on which the soil and percolation tests were performed. (Source of data used to determine average total rainfall: Dudley Weather Station records beginning in 1908.) The average percolation rate for lots previously created is 12 minutes per inch. The excellent percolation rates, combined with the type and dryness of the material encountered in the deep bore holes indicate no problems with high ground-water or saturated soils in areas tested. Although soil and percolation tests may be performed at any time of the year in Mariposa County, these tests were purposely performed during the rainy season to alleviate any concerns regarding sewage disposal or environmental impact due to saturation or high ground-water on lots previously created or proposed for creation hereby.

All parcels created below 10 acres shall have approved percolation tests meeting the requirements of the County Health Department.

CONSERVATION OF NATURAL RESOURCES AND OPEN SPACE

While the property has been used for grazing, the MT Land Use is not specifically identified in the General Plan as part of the Agricultural Resources of the County. This could be because the MT Land Use is used in areas where special considerations of the future land use is important, such as property adjacent to TPA's, as with this Specific Plan. Under this plan, approximately 60 acres would be placed in a residential density which would restrict the use of the property as grazing land.

Given the gentleness of the terrain involved, and the low to moderate erosion potential of the soil types present, there will be little or no impact to the environment or any degradation of the soil or vegetation resources through soil erosion or siltation. Road construction will require proper consideration to prevent erosion and avoid conflicts with any drainages. The seasonal and perennial streams will have to be dealt with in the drainage plan for the Tentative Map. The perennial stream lies on the large 65 acre parcel, and is approximately 250 feet from the closest smaller parcel.

The parcel sizes are not in conflict with the open space provisions of the County General Plan. Given the property's proximity and location within the Greeley Hill TPA, the development of 2.50 acre parcels would not be out of line with what one might expect, since the minimum parcel size in the TPA Land Use is 2.5 acres, and the Rural Residential Land Use Restrictions apply. Previously created parcels and proposed divisions on adjoining parcels and portions thereof are also in the 2.5 acre range.

CULTURAL RESOURCES

Since American Indian bedrock mortars exist on lots 7 and 11, and there is evidence of an Indian burial area on Lot 11, an independent archaeological survey and mapping of the site was performed during December of 1983 by Ms. M. D. Colston, a Federal Archaeologist Technician. Copies of the report and maps are on file at the Mariposa County Planning Office and the Stanislaus National Forest Office. Lot lines in the affected area of Lot 7 have been laid out considering the bedrock mortar, and adequate precautions will be taken to preserve it intact, and to protect its historical and archaeological significance. The other bedrock mortar and the burial ground site are on Lot 11, the large 65 acre parcel, and will be protected should there be any further development of this parcel.

All development, including road construction shall be prohibited within 20 ft of the identified archaeological sites. Should any archaeological sites be discovered during construction or development, an archaeological review shall be conducted to determine the significance of the site. Should the site be considered significant, all development shall be prohibited within 20 ft of the identified resource.

SUMMARY

This proposed Specific Plan addresses an area of approximately 100 acres and is located on the south-east side of Greeley Hill Road (J-20), approximately 3/4 mile south-west of the town center of Greeley Hill. The Specific Plan will permit the development of ten lots varying in size from 2.5 acres to 10+ acres; and there would be one parcel, Lot 11 of approximately 65 acres, part of which lies within the Greeley Hill TPA and is subject to possible future development in accordance with the standards of that area.

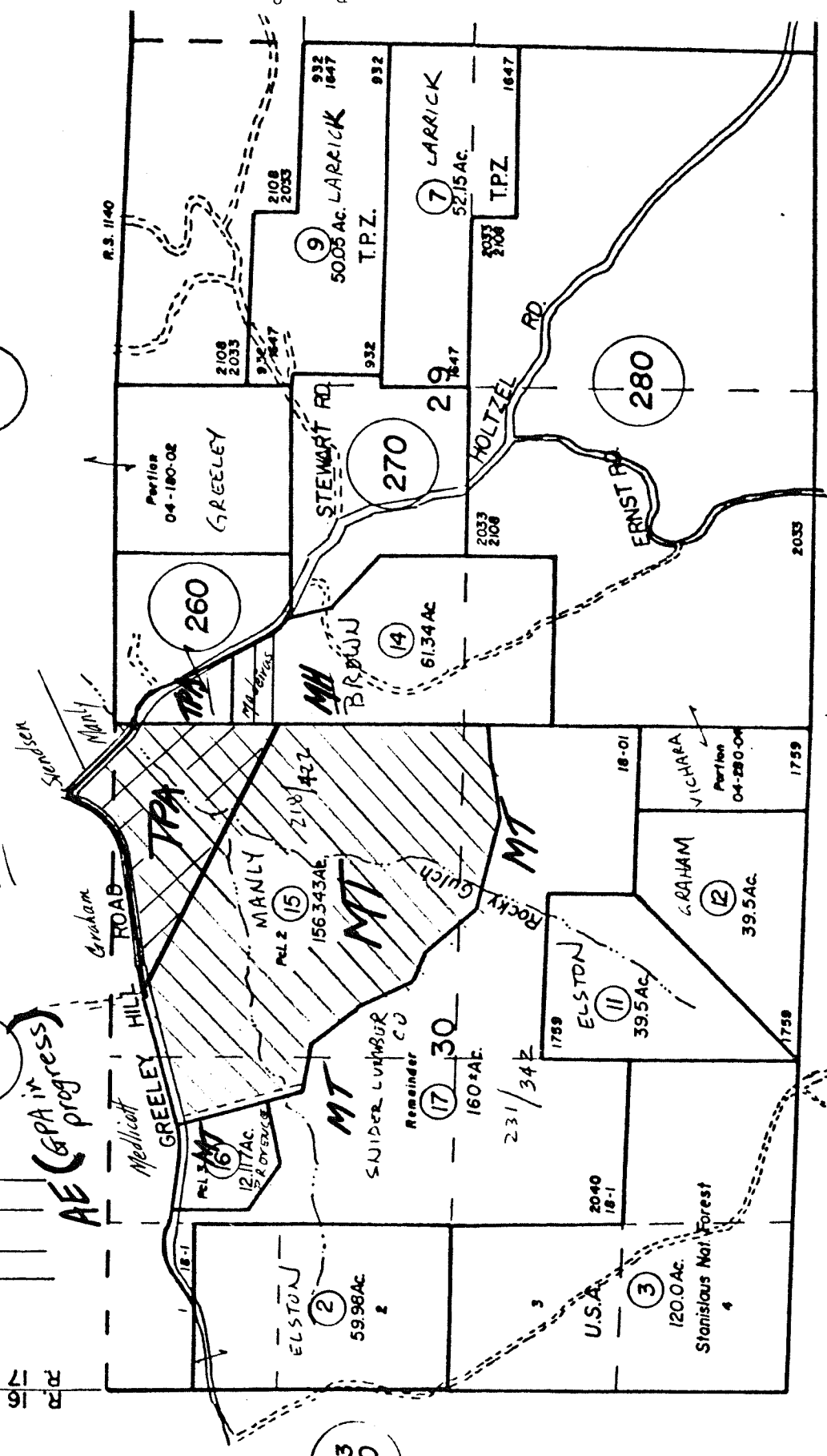
PORTION T. 2 S., R. 17 E., M.D.B.&M.
 ADJOINING LAND USE CLASSIFICATION,
 PROPERTY BOUNDARIES & LOCATION.

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EXHIBIT "A"

MANLY SPECIFIC PLAN

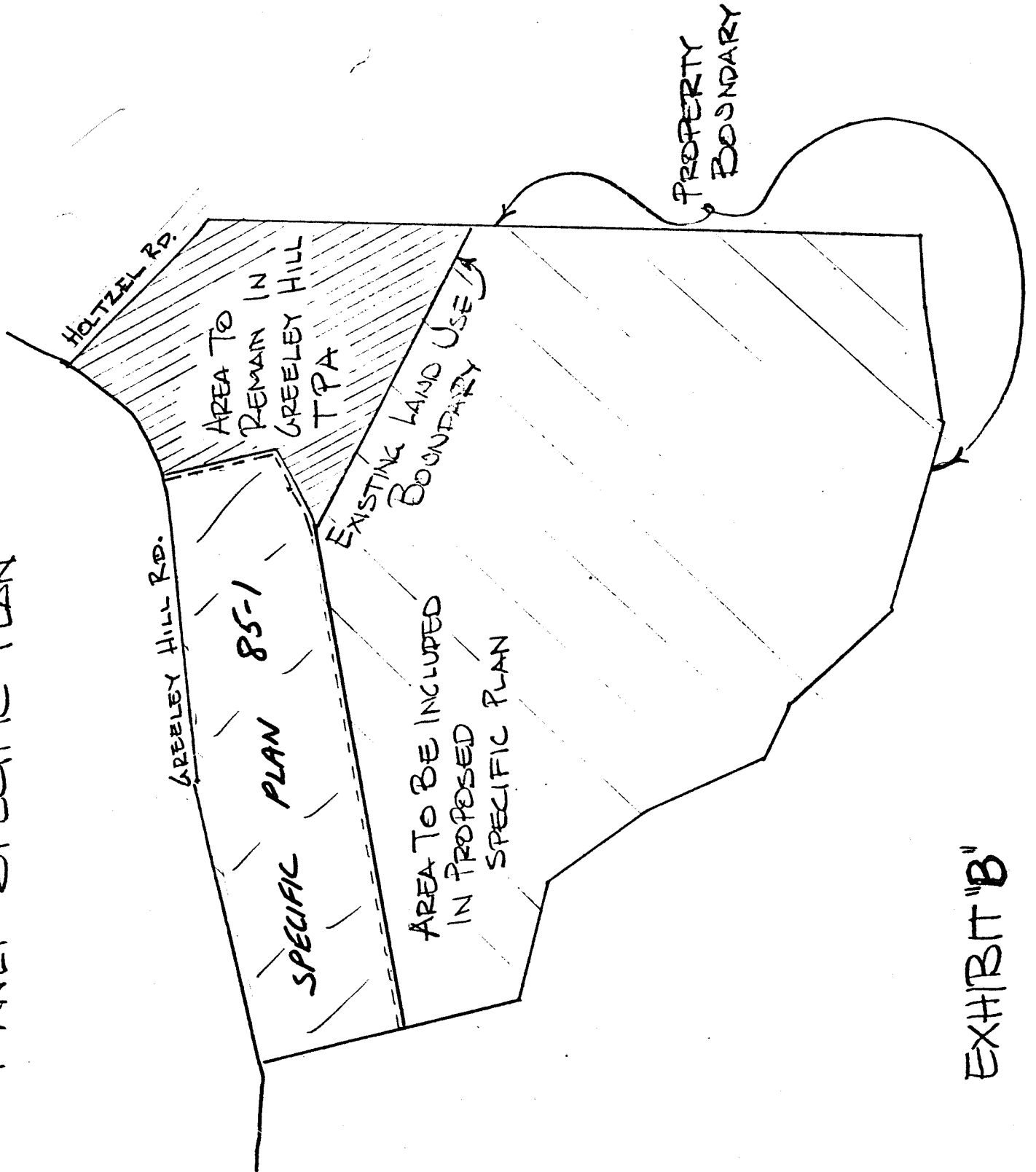
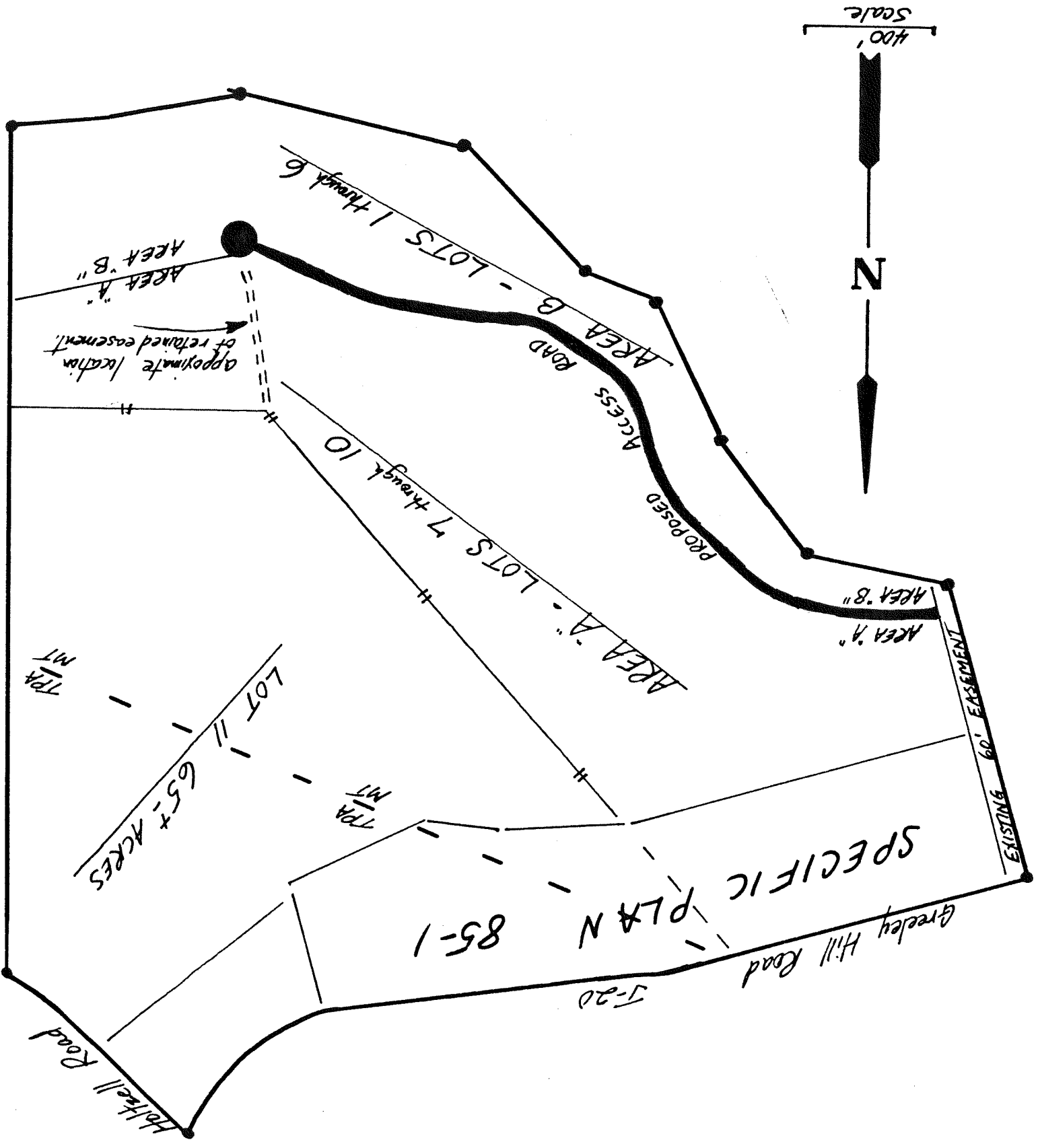


EXHIBIT "B"



MANLY SPECIFIC PLAN 2-88
EXHIBIT "C"

Town Planning Area Land Use Description

Excerpt, Section 3.401 Mariposa County General Plan, 1983

3.401 Town Planning Areas

A. Throughout the County of Mariposa, there are 11 established communities, designated as Town Planning Areas (TPA), that serve the purpose of providing basic services, centers of commercial activity, and population concentration. These communities are listed alphabetically as follow:

1. Bear Valley
2. Bootjack
3. Mt. Bullion
4. Cathays Valley
5. Coulterville
6. El Portal
7. Fish Camp
8. Greeley Hill
9. Hornitos
10. Mariposa
11. Wawona

B. These town planning areas (TPAs) shall be subject to the following land use policies:

1. The town planning areas shall be considered centers of service, commerce, industry and population.
2. Specific Land Use policies shall be developed for each TPA indicating the location of low density residential, multi-family residential, commercial, and industrial land use; such specific land use policies shall be developed and implemented as appropriate and necessary to ensure orderly growth within each TPA.
3. Maximum feasible citizen participation shall be encouraged throughout the development and implementation within the TPAs.

A. General Description
The "MT" Classification, designated on the Mariposa County General Plan Land Use Map, is applied to lands with diverse development potential, as opposed to other classifications within which development policies are necessarily specific, to allow primarily for unique circumstances or needs within an area.

B. Development Policy

1. Uses

a. Permitted Uses

Permitted uses include residential, home enterprise, rural home industry, limited agriculture, public schools, parks, and other facilities including volunteer fire department facilities.

b. Other Uses

Other uses shall be considered permitted provided such uses are included within an approved specific plan which has been prepared for a subject site.

c. Prohibited Uses

- i. Wrecking, dismantling or junk yard or waste disposal site.
- ii. Mineral or construction material processing, quarrying or aggregate processing unless minimum mineral or construction material processing site standards can be met (see Section 3.606); to the same degree, on sites whereon mining has been established by approved permit, residential or otherwise uses that are incompatible with mineral or construction material processing, quarrying or aggregate processing uses shall be prohibited.
- iii. Outdoor rifle ranges, skeet or trap shooting or similar public or private shooting range uses.
- iv. Motorcycle or other vehicular racing or other similar uses.
- v. Feed lots or pig farming.

2.

Minimum Parcel or Lot Size
No parcel of real property shall be divided or split into two or more parcels by voluntary transfer, curt action, or other conveyance where any one of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-section in gross area unless an approved specific plan allows smaller parcel sizes for the subject site.

3.

Density
One single family residence per twenty acres or one-half of one legal quarter-section unless an approved specific plan allows a higher density for a subject site.

A. General Description

The "RR" Classification, as designated on the Matiposa County Land Use Map, is applied to lands best suited to rural residential development uses of a moderately high density located adjacent to or near town planning areas (TPAs) or in isolated rural areas where existing community sewer and/or water systems have been developed.

B. Development Policy

1. Uses

a. Permitted Uses

Permitted uses include residential, home enterprises, limited agriculture, public schools, public parks, and other public facilities including volunteer fire department facilities.

b. Conditional Uses

Other uses may be permitted subject to the provisions set forth in Section 3.403.C.

c. Prohibited Uses

1. Wrecking, dismantling or junk yard or waste disposal sites.
- ii. Kennels, animal hospitals, menageries.
- iii. Campgrounds and recreational vehicle parks, private airport land strips, helicopter landing pads excepting in conjunction with emergency medical facilities.
- iv. Commercial bulk storage of hazardous, flammable or explosive materials.
- v. Mineral or construction material processing, quarrying or aggregate processing.
- vi. Outdoor rifle ranges, skeet and trap shooting or similar public or private shooting range uses.
- vii. Motorcycle or other vehicular racing or other similar uses.
- viii. Feed lots, pig or poultry farming (as defined in Section 3.100).

2. Minimum Parcel or Lot Size

No parcel or real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one of the parcels so created will be less than two and one half (2 1/2) acres in gross area.

3. Density

One single family residence per two and one half (2 1/2) acres.