RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No_X_)

Adopt a resolution denying the appeal and upholding the Planning Commission’s decision to approve Major Subdivision Application No. with the adopted findings and conditions.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

No previous action by the Board of Supervisors on this project.

Planning Commission approved the project with findings and conditions of approval on June 4, 1993.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Continue matter with request for additional information;
2. Uphold the appeal and modify the conditions of approval;
3. Deny the project;

Negative action on the recommended action would result in the upholding of the appeal and would require modification to the required findings and conditions of approval for the project.

NOTE: In accordance with Section 66452.5 of the California Government Code, the Board of Supervisors must hold a hearing on this matter no later than July 24, 1993, and must render a decision not more than 10 days after the close of the hearing.
MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: APPEAL OF PLANNING COMMISSION DECISION TO CONDITIONALLY APPROVE MAJOR SUBDIVISION AP. NO. 2-24-93

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 13, 1993

ACTION AND VOTE:
PUBLIC HEARING, Appeal of Planning Commission Decision to Conditionally Approve Major Subdivision Ap. No. 2-24-93, Inter-County Title and Rich Cable/Applicants - Appellants
BOARD ACTION: Tony advised that the applicant/appellant wished to make a request of the Board prior to starting the hearing. Rich Cable/applicant-appellant, requested the hearing be continued to August 10, 1993, in hopes of having a full Board present. Tony advised of the timeframes to hear this matter. Mr. Cable waived the timeframe requirements for a decision to be rendered in this matter. (M)Taber, (S)Balmain, Board granted applicant/appellant’s request and continued the hearing to August 10, 1993, at 2:00 p.m./Ayes: Balmain, Erickson, Parker, Taber; Excused: Baggett.

cc: File
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
MIKE EDWARDS, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: MAJOR SUBDIVISION AP. NO. 2-24-93

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 10, 1993

ACTION AND VOTE:

Continued PUBLIC HEARING Appeal of Planning Commission Decision to Conditionally Approve Major Subdivision Ap. No. 2-24-93, Inter-County Title and Rich Cable/Applicants - Appellants (Continued From 7/13/93)

BOARD ACTION: Tony Lashbrook/Planning Director and Mike Edwards/Public Works Director, provided staff report and responded to questions by the Board. Persons speaking in support of the appeal: Ken Melton/agent for applicant-appellant, and Rich Cable/applicant-appellant. Ken Melton requested that the Board allow for the appellants to make their presentation after the public input process. Board concurred with following its adopted hearing procedures; and Ken proceeded with testimony on behalf of the appellants, stating they agree with wording given in the staff's report concerning appeal of condition No. 2/construction setbacks - drainage easements, and withdraw their appeal of this issue. Appellant and Board concurred with resolving issue of condition No. 7/engineering, at this time in the hearing. Copies of Business and Professions and Streets and Highways codes were distributed. Board concurred that engineered plans be required; and requested County Counsel research, in general, under what circumstances engineered plans are required by law for subdivision improvements and whether and under what circumstances the County Engineer can accept plans that are not engineered. Ken and Rich continued with reviewing other issues of their appeal, and withdrew portion of appeal requiring a tree preservation plan showing location of replacement trees, and requirement for wording on the map itself for construction setbacks/drainage easements. Ken requested that the Board deliberate and act on each issue individually, prior to taking final action. Board recessed at 5:05 p.m. and reconvened at 5:17 p.m. Persons speaking in opposition to the appeal: none. Persons speaking in opposition to the appeal: Ray Tarpley/representing MERG, and Janet Tarpley. Ken Melton
provided rebuttal. Public portion of the hearing was closed and Board commenced with deliberations. Board deliberated on each appeal issue individually. (M)Baggett, (S)Balmain, Res. 93-434 adopted granting the appeal in part and denying the appeal in part, with modified conditions, as follows:

- Condition No. 2/construction setbacks - appellants withdrew this portion of appeal based on staff report
- Condition No. 6/paved driveway access - Public Works will accept a rolled concrete curb and gutter design and defer construction of driveway until time of issuance of building permit, and conditions Nos. 6 and 7a are amended accordingly
- Condition No. 7/engineering requirements - condition remains unchanged
  - Condition No. 7a/paved pathway - condition remains unchanged - pathway can be asphalt
  - Condition No. 10(c)(1)/zone of benefit - condition remains unchanged
- Condition No. 15/placement of street lights - light to be placed at intersection of Spriggs Lane and Terrace View, with existing utility poles to provide for future placement of lights, if desired, and condition is amended accordingly
- Condition No. 18/tree preservation requirements - appeal granted on this issue with regards to any trees removed prior to the present ownership of this parcel based upon appellants statement that grading work was done by others, and condition is amended accordingly/Ayes: Unanimous.

cc: County Counsel
File
DEPARTMENT: Planning        BY: Roger Evans        PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Adopt a resolution denying the appeal and upholding the Planning Commission's decision to approve Major Subdivision Application No. 80-04-024 with the adopted findings and conditions.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

No previous action by the Board of Supervisors on this project.

Planning Commission approved the project with findings and conditions of approval on June 4, 1993.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Continue matter with request for additional information;
2. Uphold the appeal and modify the conditions of approval;
3. Deny the project;

Negative action on the recommended action would result in the upholding of the appeal and would require modification to the required findings and conditions of approval for the project.

NOTE: In accordance with Section 66452.5 of the California Government Code, the Board of Supervisors must hold a hearing on this matter no later than July 24, 1993, and must render a decision not more than 10 days after the close of the hearing.

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Memo to Board
2. Notice of Appeal/Grounds for Appeal
3. P.C. Minutes
4. P.C. Approval Letter w/comments
5. P.C. Staff Report w/attachments

CLERK'S USE ONLY:

Vote - Ayes: 34    Noes: 0
Absent: 0   Abstained: 0
( ) 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: [ ]

Action Form Revised 5/92
TO: TONY LASHBROOK, PLANNING DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: APPEAL OF PLANNING COMMISSION DECISION TO CONDITIONALLY APPROVE MAJOR SUBDIVISION AP. NO. 2-24-93

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 13, 1993

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MARIPosa COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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   MIKE EDWARDS, PUBLIC WORKS DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: MAJOR SUBDIVISION AP. NO. 2-24-93

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on August 10, 1993

ACTION AND VOTE:

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cc: County Counsel
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