

DEPARTMENT: Planning

BY: Duane Hall

PHONE: 966-5151

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

Resolution denying the appeal and upholding the Planning Commission's decision on Request for Amended Conditions on Major Subdivision Application No. 9/16/86 (Monte Vista Estates, Phases 2 and 3) to (1) deny the applicant's request to eliminate that portion of Condition No. 1A/B requiring an oil surface for the entire subdivision road and (2) deny the applicant's request to eliminate Condition No. 7D which requires that 70% of the parcels in the preceding phase of the subdivision have wells drilled with a minimum yield of 5 gallons per minute before the next phase can be recorded. The reasons for the Planning Commission's decision are contained in the attached memorandum to the Board.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On January 21, 1992 the Board acted to accept the non-timely appeal filed by the applicant on the Planning Commission's decision.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue matter for further discussion; (2) Uphold the appeal, approve requested amendments, and modify conditions of approval for subdivision application; (3) Require additional information from applicant.

NEGATIVE ACTION would result in upholding the appeal and overturning the Planning Commission's decision.

COSTS: (X) Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required Add'l funding \$ _____
D. Source: _____

SOURCE: () 4/5ths Vote Required
A. Internal Transfers \$ _____
B. Unanticipated revenues \$ _____
C. Reserve for contingency \$ _____
D. Description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

- SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Memo to Board
 2. Vicinity Map
 3. Tentative Map
 4. Appeal Letter
 5. Planning Commission Resolution No. 91-23
 6. Planning Commission Minutes
 7. Letters from Interested Parties
 8. Planning Commission Staff Report

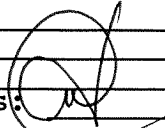
CLERK'S USE ONLY:
Res. No.: 92-74
Ord. No.: _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
() Approved () Denied
(X) Minute Order Attached

ADMINISTRATIVE OFFICER'S RECOMMENDATION

K Recommended
____ Not Recommended
____ For Policy Determination
____ Submitted with Comment
____ Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

DATE: _____
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: _____
Deputy

Comment: _____
A.O. Initials: 

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: PUBLIC HEARING - APPEAL BY ELWOOD ANDERSON

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on February 11, 1992.

ACTION AND VOTE:

Tony Lashbrook, Planning Director;
PUBLIC HEARING to Consider Appeal of Planning
Commission's Decision on Request for Amended Conditions
on Major Subdivision Application No. 9/16/86 (Monte
Vista Estates, Phases 2 and 3); Anderson, Applicant and
Appellant

BOARD ACTION: Duane Hall, Associate Planner, presented
staff report. County Counsel advised that the issue
concerning oiling of the road is not an appeal issue,
and the applicant/appellant concurred. Tony responded
to questions from the Board concerning well standards
and information in the Environmental Impact Report.
Elwood Anderson, applicant/appellant, presented his
appeal concerning the well requirements. Input from
the public was provided by Elmer Stroming, Barry
Bell/agent for the applicant on the EIR, Sam Davis,
Larry Stewart, Loweta Ransom, and Gary Dorman. Res.
92-74 adopted upholding the appeal, with the wells to
be drilled at the time of sale of each parcel and prior
to close of escrow, or prior to issuance of a building
permit for houses built prior to sale by appellants or
their heirs or assigns, with at least five gallons per
minute; with this action taken based on the finding
that evidence presented by the consultant satisfies the
EIR condition to demonstrate that there is sufficient
water for each of the three phases of the project/Ayes:
(M)Baggett, (S)Erickson, Punte, Taber; Noes:
Radanovich.

cc: File