

DEPARTMENT: Public Works

By: Bruce A. Atkinson

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No X)

1. Cancel and terminate all actions associated with this Zone of Benefit application; and
2. Require the applicant to pay all fees associated with the County's processing of this application, prior to the recordation of the associated Parcel Map for Bjarne Kjaer.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On May 12, 1992, the Board of Supervisors adopted a Resolution of Intention to form a Zone of Benefit for the Parcel Map for Bjarne Kjaer. An application had been filed as a condition of approval of a five (5) parcel minor subdivision with legal access off of Elizabeth Lane and Trower Road. However, on May 5, 1992, the Mariposa County Board of Supervisors adopted a Resolution which allow, under certain circumstances, a exemption from the requirement to form a zone of benefit. The applicant has applied for, and received amended conditions for his land division. At their meeting of December 4, 1992, the Planning Commission approved the applicant's request to waive the zone of benefit requirement. Due to the lengthy processing associated with this application, the applicant has incurred expenses which have not been paid; these should be required to be paid prior to recordation of the associated Parcel Map. For additional information see attached letter from Public Works.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not honor the applicant's request, and insist on the formation of a zone of benefit for the maintenance of his land division road.

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5th Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve Contingencies, if approved: \$ _____

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

1. Memorandum from PWD _____

2. Letter from applicant dated 12-4-92 _____

CLERK'S USE ONLY

Res. No.: 92-654 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: Frickson 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: _____

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: LARRY POLLARD, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: ZONE OF BENEFIT - LDA 1367/LOBAUGH

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on December 8, 1992

ACTION AND VOTE:

Approval of Consent Agenda (See End of Minutes)
BOARD ACTION: Approved/Ayes: (M)Radanovich,
(S)Baggett, Punte, Taber; Excused: Erickson. (Item 4
was rescinded later this date, as applicant withdrew
request.)

Res. 92-654 adopted rescinding approval on CA-4/intent
to form a zone of benefit for LDA 1367/Lobaugh,
applicant, as agent for the landowner, as applicant
withdrew request/Ayes: (M)Radanovich, (S)Taber, Punte,
Baggett; Excused: Erickson.

cc:  File



COUNTY of MARIPOSA

4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356

DEPARTMENT OF
PUBLIC WORKS

Divisions of:
Design & Construction
Administration
Operations

December 7, 1992

Laurence Pollard
Director

MEMORANDUM

TO: Board of Supervisors

FROM: Bruce A. Atkinson, Special Projects Coordinator

RE: Request for Cancellation and Termination of all proceedings associated with the Zone of Benefit for the Parcel Map for Bjarne Kjaer

The Mariposa County Planning Commission met on this project on December 8, 1992 and has allowed a waiver of the Zone of Benefit requirement. The applicant has therefore requested that the Public Works Department "cancel all activity on the Zone of Benefit for Bjarne Kjaer" (see attached letter). The waiver of this zone of benefit could cause potential impacts on adjacent properties. Public Works staff has received several complaints from the owner's of these adjacent properties, regarding the applicant's use of roads not covered by easements or dedications. These owner's feel that if the zone of benefit is not used to maintain Elizabeth Lane, then the buyers of the parcels created by the Parcel Map for Bjarne Kjaer will eventually use the road through their properties. However, the Planning Commission's waiver of the zone of benefit condition, eliminates our ability to regulate this situation. The Public Works Department is therefore recommending the cancellation of this application, conditioned upon the applicant's payment of all unpaid processing fees associated with this application, prior to the recordation of the Parcel Map for Bjarne Kjaer.

DEC 4 02 PM 14:20 P. 01
MARIPOSA COUNTY DEPARTMENT
OF PUBLIC WORKS
ATTN: BRUCE ATKINSON
4639 BEN HUR ROAD
MARIPOSA, CA 95338

December 4, 1992

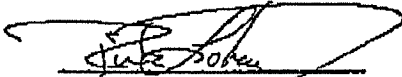
Re: Zone of Benefit
LDA 1367

Dear Bruce,

At the Planning Commission hearing today it was approved by the Commission that the Zone of Benefit requirement is waived and it is the desire of the applicant to cancel all activity on the Zone of Benefit for Bjarne Kjaer application.

Please refund any unused application fees to Bjarne Kjaer at P.O. Box 104 Catheys Valley, CA 95306.

Thank You,



Rick Lobaugh, Agent