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 allows, 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

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: __________

Res. No.: 49-92-54
Vote - Ayes: __________
Noes: __________
Abstem: __________
Abstained: __________
Approved: ( ) Denied
( ) 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

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: LARRY POLLARD, PUBLIC WORKS DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
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
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.
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 Cathays Valley, CA 95306.

Thank You,

Rick Lobsigh, Agent