MARIPOSA COUNTY RESOLUTION NO. 90-155

A RESOLUTION UPHELDING APPEAL OF

PLANNING COMMISSION ACTION REQUIRING AN EIR FOR

LAND DIVISION APPLICATION NO. 1328

ROBERT LE DUC, APPLICANT

WHEREAS, an application was received for division of a 7.5 acre parcel into two 2.5 acre parcels and a 2.5 acre remainder; and

WHEREAS, the Planning Commission reviewed the application and determined that an EIR was necessary due to concerns regarding septic disposal and water quality/quantity; and

WHEREAS, the applicant appealed the Planning Commissions decision; and

WHEREAS, in accordance with County Environmental Review Procedures the Board of Supervisors is designated as the appeal body for environmental determinations of the Planning Commission; and

WHEREAS, the Board of Supervisors considered the appeal at a duly noticed public hearing that provided the appellant and other parties an opportunity to present their evidence.

NOW, THEREFORE, BE IT RESOLVED that the Mariposa County Board of Supervisors hereby upholds the applicants appeal, determines that there is insufficient information to make an environmental determination, and hereby refers this application back to the Planning Commission for an environmental determination once the design of the septic/sewer system is
approved by the Health Dept. and the proposed small community
water system is approved relative to water quality and quantity.

BE IT FURTHER RESOLVED that this action of the Board is
based upon the following findings:

1.) The EIR for Oak Knolls indicated that future
division was possible within the subdivision. (page 60)

2.) Requiring additional information and review by the
health department of the design of the septic/sewer system
should provide adequate information to develop mitigation of any
potential environmental impacts associated with sewage disposal.

3.) The EIR for Oak Knolls indicated that the degree of
interconnection and rate of recharge of the deep fractures and
porous strata are not known, making an estimate of the degree of
potential impact impossible.

4.) Water quantity and water quality will be tested and
approved by the Health Department prior to approval of the
subdivision.

PASSED AND ADOPTED by the Mariposa County Board of
Supervisors on the 27th day of March, 1990 by the following
vote:
AYES: TABER, PUNTE, RADANOVICH, ERICKSON, BAGGETT
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

ARTHUR G. BAGGETT, JR. CHAIRMAN
Mariposa County Board of Supervisors
ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel