RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution remanding Land Division Application No. 2003-283 (Moberly, applicant) for further consideration to the Planning Commission on the basis that the notice requirements of the County Code with respect to posting of the notice in three community places were not met.

A formal resolution is attached.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

A Public Hearing was scheduled on August 3, 2004, for the Board to consider an appeal of LDA 2003-283. During the hearing, staff pointed out that the notice requirements of the County Code with respect to posting of the notice in three community places were not met. The Board directed that a formal resolution be prepared to remand the matter to the Planning Commission.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No Current FY Cost: $       Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $  ______ 4/5’s vote
Additional Funding Needed: $  ______ 4/5’s vote
Source:  Internal Transfer
Unanticipated Revenue  ______ 4/5’s vote
Transfer Between Funds  ______ 4/5’s vote
Contingency  ______ 4/5’s vote
( ) General  ( ) Other

Resolution

CLERK’S USE ONLY:
Res. No.:     Ord. No. ____
Vote – Ayes: ___ Noes: ___  
Absent:  ______  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

COUNTY ADMINISTRATIVE OFFICER:
____ Requested Action Recommended
____ No Opinion
Comments:

CAO:  ________

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NO. 04-381

A RESOLUTION REMANDING LDA 2003-283 FOR FURTHER CONSIDERATION TO THE PLANNING COMMISSION

WHEREAS, a Public Hearing was scheduled on August 3, 2004, to consider a request to adopt a Resolution denying Appeal No. 2004-131 and upholding all of the Planning Commission’s actions and procedures related to and supporting approval of Land Division Application No. 2003-283, including the conditions of approval, the findings, the environmental determination, and procedures; Kevyn Moberly, applicant; David Mecchi, Caroleen Mecchi, and Beverly Mecchi, appellants; and

WHEREAS, during said Public Hearing, Planning staff pointed out that the notice requirements of the County Code with respect to posting of the notice in three community places were not met.

NOW, THEREFORE, BE IT RESOLVED that Appeal No. 2004-131 of Land Division Application No. 2003-283 is remanded to the Planning Commission.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors, a political subdivision of the State of California, this 10th day of August, 2004, by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PICKARD
NOES: NONE
ABSENT: PARKER
ABSTAINED: NONE

GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO, County Counsel