

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

AGENDA DATE: Feb. 23, 1999
AGENDA ITEM NO.: 4

DEPARTMENT: Planning

By: Miguel Camacho
Assistant Planner

Phone: 966-5151

(Policy Item: Yes ___ No X)

RECOMMENDED ACTION AND JUSTIFICATION:

Staff recommends that the Board:

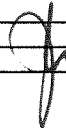
1. Adopt a resolution denying Appeal No. 99-1 based upon Public Works Department memo dated January 26, 1999; and
2. Adopt a resolution 1) waiving the Planning Commissions' condition to form a Zone of Benefit (Certificate of Compliance APN 009-150-026), and 2) requiring the applicant to record a Covenant of Non Protest for the future formation of a Zone of Benefit.

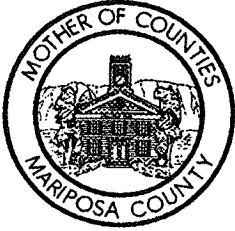
BACKGROUND AND HISTORY OF BOARD ACTIONS:

None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: 1. Grant appeal, and require applicant to address drainage problems caused by development outside of road easement; 2. Uphold the Planning Commission's condition requiring the formation of a Zone of Benefit for road maintenance.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated Costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>COSTS: () 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>C. Source description: _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p>SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:</p> <p>Memo to Board with Attachments</p> <ol style="list-style-type: none"> 1. <u>Notice of Appeal from John Campbell</u> 2. <u>Jeanene Skelly Letter</u> 3. <u>Vicinity Map</u> 4. <u>Memo from Michael Edwards, Director of Public Works</u> 5. <u>Planning Commission Minutes for 12/18/98</u> 6. <u>Staff Report for Conditional Certificate of Compliance 009-150-026</u>
<p>CLERK'S USE ONLY</p> <p>Res. No.: <u>99-62, 99-63</u> Ord. No.: _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p><input checked="" type="checkbox"/> Minute Order Attached <input type="checkbox"/> No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on File in this office.</p> <p>Date: _____</p> <p>MARGIE WILLIAMS, Clerk of the Board</p> <p>By: _____ Deputy</p>	<p>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</p> <p>This item on agenda as:</p> <p><input type="checkbox"/> Recommended</p> <p><input checked="" type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>ATTEST: _____</p> <p>A.O. Initials: </p>



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222


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ROBERT C. STEWART
GARRY R. PARKER

DISTRICT I
DISTRICT V
DISTRICT II
DISTRICT III
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning and Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: Appeal No. 99-1; John Campbell, Appellant; Jeanene Skelly; Res. 99-62 and Request for Waiver of the Zone of Benefit Consideration for Jeanene Skelly, Applicant; Res. 99-63

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 23, 1999

ACTION AND VOTE:

3:47 p.m. Ed Johnson, Planning and Building Director;

PUBLIC HEARING to Consider:

- Resolution Denying Appeal No. 99-1; John Campbell, Appellant; Jeanene Skelly, Applicant; Based Upon Public Works Department Memo Dated January 26, 1999
- Resolution Waiving the Planning Commissions' Condition to Form a Zone of Benefit (Certificate of Compliance APN 009-150-026), and Requiring the Applicant to Record a Covenant of Non Protest for the Future Formation of a Zone of Benefit

BOARD ACTION: Supervisor Reilly advised that the subject property is in her neighborhood and that she viewed the road improvements with Sarah Williams/Planning Manager, and Jeanene Skelly, applicant, and she does not have a conflict. Ed Johnson introduced the appeal, and Sarah Williams presented the staff report. Staff advised that John Campbell, appellant, had surgery and would not be appearing for the hearing; however, he is satisfied with the Planning Commission's recommendations. Staff responded to questions from the Board relative to status of the appeal. Chairman Pickard explained the hearing procedures. Staff responded to questions from the Board relative to inclusion of parcel No. 31 in the zone of benefit; location of the National Forest portion of the road and maintenance; and formation of a zone of benefit and costs. Erik Bruun responded to a question from the Board relative to the location of his driveway.

Public portion of the hearing was opened and input was provided by the following:

Erik Bruun clarified the locations of the driveways and stated he does not know the basis of the appellant's concern. He further stated that they are interested in a zone of benefit and they would like to be able to look at that as an option in the future, along with the possibility of a maintenance agreement.

Bob Lingle stated he feels the road is in good shape.

George Heiss stated his driveway is the one in question and he does not feel that the drainage is an issue any more. He responded to a question from the Board as to the location of his property.

Dora Bruun noted that the road is not used just by the residents – it is used by a lot of people to access the Forest Service land.

Delbert Brown, resident in the area, stated he does not feel there is any problem with erosion to the road, just a lack of maintenance. He stated he feels the applicant did an excellent job on the improvements, but it needs to be maintained.

Ken Melton cited his previous experience with a Certificate of Non Protest and stated he does not feel it should be a requirement, and that it could pose legal ramifications.

Public portion of the hearing was closed and Board commenced with deliberations. Sarah Williams clarified that the recommended action would not prevent the future filing of an application to form a zone of benefit or a maintenance agreement. (M)Parker, (S)Reilly, Res. 99-62 adopted denying Appeal No. 99-1 based upon Public Works Department memo dated January 26, 1999/Ayes: Unanimous.

4:24 p.m. Recess

4:34 p.m. (M)Reilly, (S)Balmain, Res. 99-63 adopted waiving the Planning Commission's condition to form a zone of benefit. Further discussion was held relative to the Covenant of Non Protest, and staff provided clarification. Motion was amended, agreeable with maker and second, to include the elimination of condition No. 5 relative to the Covenant of Non Protest which was made by the Planning Commission/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard. Hearing was closed.

cc: File