RECOMMENDED ACTION AND JUSTIFICATION:

Deny the applicant/appellants appeal of the frontage improvement conditions related to Parcel A of LDA 1478 based upon Section II.D.1.a.4 of the County Road Improvement and Circulation Policy which requires the construction of curb, gutter, and sidewalk along the project site County road frontage.

See attached memorandum

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Negative action would result in not granting the appeal and the Planning Commission’s condition remaining as written.

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
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<tbody>
<tr>
<td>A. Budgeted current FY</td>
<td>List the attachments and number the pages consecutively:</td>
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<tr>
<td>B. Total anticipated Costs</td>
<td>Memorandum with attachments</td>
</tr>
<tr>
<td>C. Required additional funding</td>
<td>1. Letter from Appealant</td>
</tr>
<tr>
<td>D. Internal transfers</td>
<td>2. Appeal Packet</td>
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<tr>
<td>COSTS:</td>
<td>3. Planning Commission Staff Report</td>
</tr>
<tr>
<td>A. Unanticipated revenues</td>
<td>4. Planning Commission Minutes</td>
</tr>
<tr>
<td>B. Reserve for contingencies</td>
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<tr>
<td>C. Source description:</td>
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Balance in Reserve Contingencies, If Approved:

$________

CLERK’S USE ONLY

Res. No.: 97-21  Ord. No.:
Vote - Ayes: _______  Noes: _______
Absent: _______
☐ 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

By: ____________________

Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:

This item on agenda as:

☑ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted for Comment
☐ Returned for Further Action

Comment: ____________________

A.O. Initials: ____________________
TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: BITTNER/VERLEY PLANNING COMMISSION APPEAL; RES. 97-81

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on March 11, 1997

ACTION AND VOTE:

11:16 a.m. Ed Johnson, Planning Director;
PUBLIC HEARING to Consider Appeal #96-9, Appeal of Planning Commission
Conditions of Approval on LDA 1478, Bittner/Verley, Applicants/Appellants
BOARD ACTION: Jay Pawlek, Associate Planner, presented staff report.

- Ed Johnson, Jaw Pawlek, and Mike Edwards/Public Works Director, responded to
  questions from the Board relative to existing improvements and proposed changes to meet
  the conditions imposed by the Planning Commission; requirements that would result if
  new development is proposed in the future on Parcel A; flexibility in the required
  improvements to build the sidewalk, curb and gutter to the existing alignment of the road;
  existing degree of slope for the driveways and changes that would occur with the required
  improvements; and relative to the setback to the existing structures.

- Public portion of the hearing was opened and input was provided by the following:
  - Lou Bittner, representing the applicant/appellant, advised that with the
    required improvements, the asphalt driveways will have to be re-done and it will result in a
    much steeper slope, and work on the driveway to the garage will make the garage
    inaccessible by vehicle; and further advised that they do not have a problem with the
    required improvements for parcel B.

- Ed Verley, applicant/appellant, advised that he was present.

- Staff responded to additional questions and requests for clarification from the Board
  relative to the width of the existing road and whether driveways exist or could be installed
  across the street (Charles Street) from the subject parcels; whether improvements could be
  made in alignment with the existing road without removing the tree and redesigning the
  driveways; whether Charles Street is up to standard grade; whether there is room to make
  the improvements on the other side of Charles Street; and relative to requirements for a
  sidewalk.

- Ed Johnson provided staff wind-up and advised that Public Works has flexibility in the
  way the conditions are written; stated if the conditions are waived, it would require
  findings as to why the waiver is in the public interest; and recommended that the appeal be
  denied.
- Public portion of the hearing was closed and Board commenced with deliberations. (M)Reilly, (S)Stewart (who passed the gavel), to uphold the appeal, and direct that in the event of future development of change in use of parcel A, the requirements would be imposed, was held pending further discussion. Staff responded to additional questions as to whether drainage is an issue for the gutters; relative to consideration of waiving the requirement for a sidewalk to lessen the impact on the driveways; and whether there would be a continuation of the sidewalk in the future. Supervisor Reilly withdrew her motion. Further deliberation was held. Supervisor Balmain requested an opportunity to look at the site. Jeff Green, County Counsel, advised that individual Board members could look at the site without any discussion with each other or with the applicant or the agent, or the Board could continue the meeting and reconvene at the site for everyone to be present. Board concurred with having the ability to look at the site individually during the lunch recess. Hearing was continued to 1:30 p.m.

12:08 p.m. Lunch

1:30 p.m. Board reconvened and continued with deliberations. Staff responded to questions from the Board relative to ability to save the tree; ability to require off-site improvements; and advised that there is room across the street to install the improvements. (M)Pickard, to deny the appeal based on information that Public Works is able to mitigate the alignment of the sidewalk to the existing street alignment versus the existing easement, died due to lack of a second. Board concurred with reopening the public portion of the hearing to ask the applicant’s agent about off-site improvements. Lou Bittner responded to questions from the Board relative to off-site improvements along 12th Street to Bullion Street, and advised that he does not know if it would be feasible to make the requested improvements by the American Legion Hall, and he believes that the use on parcel A will change in the future given the current land use zoning and then the requirements could be imposed. Mike Edwards further advised that improvements by the American Legion Hall could require a retaining wall and may not be a simple project. (M)Stewart (who passed the gavel), (S)Reilly, Res. 97-81 adopted requiring the improvements on parcel B, and upholding the appeal and waiving the requirements with regards to parcel A. Regulations relative to future use and improvements to parcel A will dictate imposition of the requirements. Ayes: Reilly, Balmain, Stewart; Noes: Parker, Pickard. Hearing was closed.

cc: Mike Edwards, Public Works Director
    File
MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Ed Johnson, Planning Director
       Jay Pawlek, Associate Planner

RE: Appeal 96-9, Bittner / Verley (LDA 1478)

Recommended Action:

Deny the applicant/appellants appeal of the frontage improvement conditions related to Parcel A of LDA 1478 based upon Section II.D.1.a.4 of the County Road Improvement and Circulation Policy which requires the construction of curb, gutter, and sidewalk along the project site County road frontage.

Project History:

- December 6, 1996 the Mariposa County Planning Commission approved LDA 1478 with condition #4 which requires the applicant to complete approximately 80 feet of frontage improvements on Parcel A consisting of curb, gutter, and sidewalk (pursuant to Section II.D.1.a.4).

- December 16, 1996 the applicant appealed this Land Division condition stating that “to build the curb, gutter, and sidewalk at road level, at the location required, requires removal of two existing driveways and replacing them at a new level”.

Discussion:

LDA No. 1478 (Verley) proposes to split an 18,000 sq.ft. parcel located across Charles Street from the “Happy Burger”. The proposed division locates the existing 4 unit apartment complex on Parcel A and the vacant portion of the property in Parcel B. Pursuant to Section II.D.1.a.4 of the County Road Improvement and Circulation Policy the Planning Commission required the applicant to complete curb, gutter, sidewalk, and
parking lane along Parcel B's frontage on both Charles Street and 12th Street prior to issuance of a Building Permit (this parcel is currently vacant), but after filing the final parcel map. However because Parcel A is already built upon the Planning Commission required the applicant to construct curb, gutter, and sidewalk along this parcel's frontage on Charles Street prior to recordation of the Parcel Map.

Frontage improvements are intended to insure that County roadways and sidewalks are of adequate capacity and design to meet the needs of development. Frontage improvements insure that the applicant (who is gaining some benefit from the project) pays the cost of providing adequate new roadway and/or sidewalk and that the cost is not born by the County in general. The County Road Improvement and Circulation Policy requires frontage improvements for "new residential subdivisions with a minimum parcel size of less than 40 acres or one quarter-quarter section".

The applicant is appealing this condition because of the difficulty which construction of the improvements creates for the existing apartment development. The applicant/appellant feels that "these improvements are far beyond any anticipated use and cause undo hardship, they are completely impractical at this location". Particularly the construction of the improvements would require the removal of one tree and the reconstruction of the two existing driveways. Due to the location of the existing pavement and the easement the frontage improvements will be located several feet below the grade of the existing apartment building. The frontage improvements are proposed to be located off of the surveyed centerline of the road instead of the location of the existing pavement (this insures that curb, gutter, and sidewalks will line up throughout the town).
January 24, 1997

Mariposa Co. Board of Supervisors
Mariposa, CA

re: LDA 1478
finding #4

Dear Supervisors:

In conjunction with the above application we had asked for a waiver to street improvements along one parcel due to impractica-
bility of changing the configuration.

The action taken by the Planning Commission was different than I understood at the meeting, we did however meet with the road dept. personel on site for clarification.

As it turns out the modifications are worse than originally thought!

To build the curb, gutter and sidewalk at road level, at the location required, requires removal of two existing driveways and replacing them at a new level.

It then requires the removal of existing black top 5-7 foot up the driveway and replacing it at a 1-12 slope, this then also puts the drive at a "left to right" extreme.

Further, the 2nd driveway is worse yet, in that to put in the improvements requires more removal than the first driveway. Upon replacement we find we have a driveway that is basically unusable - this renders the garage also unusable.

We are of the belief that not only are these improvements far beyond any anticipated use and cause undo hardship, they are completely unpractical at this location.

We believe that long time "policy" is a good thing, and have no quarrel with improvements required at different locations in conjunc-
tion with this L.D.A. We also believe policy is flexible in any given particular situation.

We are therefore asking that finding #4 as it relates to parcel A only, be waived.
Should anyone care to inspect the property first hand you may contact me at 966-2041 or Ed Verley at 966-5477. We are happy to accompany you and explain the dilemma.

Thank you for your time and effort in our behalf.

Best regards,

[Signature]

Lou Bittner
ATTACHMENT #2 APPEAL PACKET
MARIPOSA COUNTY
Appeals Processing Checklist

CLERK OF THE BOARD/PLANNING COMMISSION SECRETARY

Appellant
Name Louis W. Bittner/Edwin Kerley
Mailing
Address PO. Box 319
Mariposa, CA 95338
Telephone (Day) 966-2041

Decision being appealed:
Decision made by
Planning Commission

Application
LDA 1478

Decision appealed to:
☑ Board of Supervisors

Appeal received by
Board Clerk Staff
on
(at)

Forwarded to County Counsel on 12-14-96.
Clerk/Secretary OK

COUNTY COUNSEL

☑ APPEAL COMPLETE. Appeal timely filed and contains sufficient grounds.

___ APPEAL INCOMPLETE for insufficient grounds or other reasons. Appellant notified on __________.

___ Additional grounds or information received on __________. Appeal complete.

___ Additional grounds or information not received within 7 days. APPEAL NOT ACCEPTED AND DECISION BEING APPEALED IS FINAL. Appellant notified on __________.

___ Appeal not timely filed. APPEAL NOT ACCEPTED AND DECISION BEING APPEALED IS FINAL. Appellant notified on __________.

Appeal returned to Clerk/Secretary on 12-13-96

County Counsel OK
<table>
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<tr>
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<tr>
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<tr>
<td>Hearing scheduled for __________ (Date) at __________ (Time)</td>
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<tr>
<td>Last date to receive additional reasons, amendments, and supplements to appeal __________</td>
</tr>
<tr>
<td>Appellant notified of complete appeal and hearing date on __________ (Date).</td>
</tr>
<tr>
<td>Newspaper notice delivered on __________ (Date) and published on __________ (Date).</td>
</tr>
<tr>
<td>APO notices mailed on __________ (Date).</td>
</tr>
<tr>
<td>Staff report completed/forwarded for agenda on __________ (Date).</td>
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<tr>
<td>Appeal ___ approved/___ denied on __________ (Date).</td>
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<tr>
<td>Appellant notified of action on __________ (Date).</td>
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<td>Appeal file closed on __________ (Date).</td>
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**NOTES:**

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NOTICE OF APPEAL

APPELLANT / CONTACT PERSON

NAME Louis W. Bittner / Edwin Verley

MAILING ADDRESS P.O. Box 319 Mariposa Ca 95338

DAY TELEPHONE NUMBER 966-2041

☐ Check this box if the appeal form is being filed by additional appellants. Attach list with name, address, and signatures of appellants. You may designate two persons on the list to receive copies of all correspondence and staff reports related to the appeal. The list must contain a statement which states the person signing the list has reviewed the Notice of Appeal form.

☐ Check this box if appellant is also the application or permit applicant for the finding or decision being appealed.

APPEAL BODY

Decision, finding, or determination is being appealed to

☐ BOARD OF SUPERVISORS (Submit appeal form to Clerk of the Board of Supervisors)

☐ PLANNING COMMISSION (Submit appeal form to Planning Commission Secretary)

DECISION BODY

Decision, finding, or determination being appealed was made by

☐ PLANNING COMMISSION

☐ OTHER COUNTY COMMISSION OR BODY (Name)

☐ COUNTY DEPARTMENT HEAD OR OFFICIAL (Title)

DATE OF DECISION 12/6/96 (Date)
DECISION, FINDING, OR DETERMINATION BEING APPEALED
(Attach copy of decision / findings)

APPLICATION NUMBER OR
TYPE OF PERMIT

LDA. 1478

OTHER (Specify)

SPECIFIC CONDITIONS, FINDINGS, AND/OR PORTIONS OF DECISION OR
DETERMINATION BEING APPEALED

re: finding that sidewalk
APPLICANT UNDERSTOOD AT THE PC MEETING.
CURB & GUTTER ONLY ALONG EXISTING BLACK TOP ROAD WAY.

STATEMENT OF GROUNDS OF APPEAL

(If additional space is needed, attach additional sheets to Notice of Appeal form. The
grounds of appeal must clearly state those issues or portions of the finding, decision, or
determination being appealed. The Board of Supervisors or Planning Commission will
consider only those issues which are raised in the appeal form.)

APPLICANT UNDERSTOOD THE MOTION WAS
MODIFIED TO "CURB & GUTTER ONLY" ALONG
THE EXISTING BLACK TOP-SIDEWALK CONSTRUCTION
IS TOTALY UNPRACTICAL AT THIS LOCATION.

☐ Check this box if you request the right to submit additional reasons for appeal
and amendments or supplements to the appeal. This additional information
must be submitted no later than twenty five (25) calendar days prior to the
hearing date of the appeal.

[Signature]
SIGNATURE OF APPELLANT

[Signature]
DATE

12/16/96
PLANNING COMMISSION MEETING OF DECEMBER 6, 1996

SUMMARY AND RECOMMENDATIONS

Project: LAND DIVISION APPLICATION NO. 1478
Proposal: To subdivide an 18,200 sq.ft. parcel into 2 parcels (9,100 sq.ft. net each).
Location: The project site is located at the intersection of 12th Street and Charles Street in the Mariposa Town Planning Area (APN 013-121-006).
Applicant: Edwin and Jennie Verley
Agent: Lou Bitner
Recommendation: Staff recommends that the Planning Commission:
   a) Adopt a Notice of Exemption on the project;
   b) Approve Land Division Application No. 1478 with the recommended findings and conditions

Prepared by,  
JAY PAWLEK  
Associate Planner

Reviewed by,  
SARAH WILLIAMS  
Planning Manager
ED JOHNSON  
Planning Director
BACKGROUND

Existing Zoning: Professional Office (9,000 sq.ft. minimum parcel size)

General Plan: Mariposa Town Planning Area

Current Land Use: Northern portion contains an existing 4 unit apartment complex, southern portion is vacant.

Parcel History: Book 67, Page 540, M.C.R.

Site Topography: Parcel A is generally gently sloping uphill as you move away from Charles Street. At the western boundary of Parcel A there is a steep cut bank. Parcel B generally slopes upward, at approximately 20%, from the intersection of 12th and Charles to the north.

ANALYSIS

Access: Access to the project site is from Charles Street and 12th Street.

Site Density: The Professional Office zoning allows for multi-family residential uses, subject to a use permit. A 9,000 sq.ft. parcel potentially allows for the development of 4 apartment units. The existing development on Parcel A conforms to what is conditionally permitted under the existing zoning.

Setbacks: The applicant proposes that the line between Parcels A and B be located a minimum of 5 feet from the existing apartment building. This conforms to what is required under the existing zoning.

Frontage Improvements: Frontage improvements are recommended along both Charles and 12th Streets. Parcel B’s frontage would be improved along both Charles and 12th Streets with a parking lane, curb, gutter, and sidewalk, and deferred until the time of construction. Parcel A’s frontage along Charles Street would be improved with a curb, gutter, and sidewalk, no parking lane is recommended due to terrain constraints. The applicant has requested that the improvements on Parcel A be deferred until issuance of a building permit. Staff does not support the deferral due to the developed nature of Parcel A and the unlikelihood of a major building permit application on this parcel in the near future.
Sewer and Water: Existing development on the project site is served by MPUD sewer and water. The existing water line run through Parcel B to serve the development on Parcel A. Staff recommends that prior to recordation of the parcel map that either the water line be relocated to within a Public Utility easement, or an easement acceptable to MPUD be created to encompass the existing lines. Any future development will be required to tie into MPUD.

MPUD has requested that, prior to the parcel map being recorded, the applicant be required to pay the current lien on the total parcel, which has been assessed for the Saxon Creek Water project. As an alternative, the applicant may segregate and apportion the existing assessment in accordance with MPUD Bond Counsel requirements. This is intended to insure that the subdivision does not create a situation where payment of MPUD fees are avoided. MPUD did not express any difficulty in serving eventual development of the subdivided Parcel B.

Power and Phone: Existing power and phone lines cross Parcel B to serve Parcel A. Staff recommends that prior to recordation of the parcel map that either the lines be relocated to within a Public Utility easement, or an easement for public utility purposes be created to encompass the existing lines. If the lines are relocated, they will be required to be underground.

Parking Parking for the four existing apartment units is currently all located on Parcel A. A total of 5 parking spaces are available completely out of travel lanes (2 in carport, 2 in front of building, and 1 in garage). A grade difference between Parcel B and Parcel A makes it unlikely that additional parking for the existing complex could be provided on Parcel B. While the parking on-site does not comply with the current parking lot design standards the separation of the parcels will not make the situation substantially worse due to the topographic situation.
Environmental Review: Based upon compliance with the development standards of the Mariposa TPA and the Mariposa Specific Plan EIR the project is exempt from environmental review.

FINDINGS

1) The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the County’s General Plan as a whole, will not obstruct the achievement of the Plan’s purpose and is in conformance with the General Plan. This finding is made in accordance with Section 2.600 et.seq., of the Mariposa County General Plan Consistency Policies and Procedures and with Section 16.04.020 of the County Subdivision Ordinance.

The project is consistent with the Land Use Element in that the project is compatible with existing and proposed uses of the area. Residential uses could be developed in accordance with the basic development and density standards applicable to the specific site.

The project parcels contain adequate sites for housing, as encouraged by the Housing Element.

Future development on the project site will comply with the standards of the Mariposa Town Planning Area Specific Plan and Specific Plan EIR.

2) The subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act, Title 16 (the County Subdivision Ordinance), and the Subdivision Standards of the Mariposa TPA Specific Plan, specifically the processing of tentative and parcel maps.

3) For the purposes of public health, safety, and welfare and the orderly development of the surrounding area, and in accordance with Circulation Element goals and the County Road Improvement and Circulation Policy, the required road improvements to 12th and Charles Streets are necessary prior to recordation of the parcel map or prior to issuance of a building permit.

4) Pursuant to Section 15182 (CAC) of the California Environmental Quality Act (CEQA) Guidelines and Section 65457 (CGC) of the California Planning and Zoning Laws, the project is exempt from the requirements of CEQA. This finding is supported by the following:

   a) As documented by the staff report, the project is consistent with the Mariposa TPA Specific Plan for which an Environmental Impact Report has been certified.
b) Substantial changes have not occurred with respect to the circumstances under which the EIR was certified.

c) There is no new information which demonstrates the project will result in significant adverse environmental impacts not discussed in the EIR or significant impacts which are substantially more severe than discussed in the EIR.

5) The propose subdivision is located in the Professional Office (9,000 sq.ft. minimum parcel size) land use classification established by the Mariposa Town Planning Area Specific Plan. The Subdivision has been reviewed for compatibility relative to the objectives, policies, general land uses, and programs established by the Mariposa Town Planning Area Specific Plan and the County General Plan, as evidenced by the discussion in the staff report, and is found to support, accomplish, or have no effect on the policies, and standards of the Specific Plan or General Plan as a whole and will not obstruct the achievement of the Plans purpose.

6) Infrastructure, facilities, and/or fee structures of the Mariposa Public Utility District are adequate to serve the proposed development. This is evidenced by the discussion in the staff report and comments from MPUD, which do not express an inability to serve the project.
RECOMMENDED CONDITIONS OF APPROVAL

1. The minimum parcel size of Parcels A and B shall be 9,000 square feet net exclusive of road easements and offers of dedication for road purposes.

   (Section 16.12.410, County Subdivision Ordinance)

2. Prior to final recordation of the land division map, the property owner is required to either pay the current balance of the lien associated with the total parcel or submit a segregation and apportionment of existing assessment acceptable to MPUD Bond Counsel.

   (MPUD Recommendation)

3. The property boundary between Parcels A and B shall be a minimum of 5 feet from the existing apartment building.

   (Planning Department Recommendation)

4. Prior to recordation of the parcel map, frontage improvements consisting of curb, gutter, and sidewalk shall be done in accordance with the County Road Improvement and Circulation Policy and the County Improvements along Parcel A’s Charles Street frontage. An encroachment permit shall be obtained from the Mariposa County Public Works Department prior to any work being done on or adjacent to Charles or 12th Streets.

   (Public Works Department Recommendation; Section D, Road Improvement and Circulation Policy)

5. Prior to recordation of the parcel map, a declaration shall be recorded and referenced on the parcel map which states, “Prior to issuance of a building permit to Parcel B frontage improvements consisting of a parking lane, curb, gutter, and sidewalk shall be completed along the parcels frontage on both Charles Street and 12th Street. Improvements shall be completed in accordance with the County Road Improvement and Circulation Policy and the County Improvement Standards and an encroachment permit shall be required from the Mariposa County Department of Public Works.”

   (Public Works Department Recommendation)

6. Prior to recordation of the parcel map existing utilities which cross Parcel B to serve Parcel A (including water, power, and phone) shall either be relocated or an easement acceptable to the affected utility shall be provided. If lines are relocated, the work shall be completed in accordance with the affected utilities design and specification requirements. Power and phone lines shall be underground.

   (Planning Department and MPUD Recommendation)
5 B. Land Division Application 1478, 2 parcels, Edwin and Jennie Verley, Applicants
Project Planner: Jay Pawlek, Associate Planner. Proposal to subdivide an 18,200 sq. ft. parcel into 2 parcels (9,100 sq. ft. each). Recommended Action: Approval with recommended findings and conditions.

Sarah Williams, Planning Manager, presented summary of staff report and recommendations. Discussion held on the request for waiver of improvements to the proposed parcel A.

Public Portion of Public Hearing Opened.

Lou Bittner, applicant’s agent, explained his reasoning for requesting the waiver, and said the improvements were impractical. He was advised that the improvements would be done in the right-of-way adjacent to the existing paved travel lane, not on the property line.

Public Portion of Public Hearing Closed.

On motion of Rudzik, seconded by Radanovich, adopt a Notice of Exemption on the project and approve Land Division Application No. 1478 with the recommended findings and conditions.

Recess at 10:05 a.m.

Reconvene at 10:10 a.m.

5 C. Major Subdivision Application No. 7-01-96, 30 parcels, Steve and Colleen Allison, Applicants. Project Planner: Jay Pawlek, Associate Planner. Proposal to subdivide 153.1 acres in the Bootjack Area into 30 lots of approximately 5 acres each. Recommended Action: Approval with recommended findings and conditions.

Ed Johnson, Planning Director, presented summary of staff report and recommendations.

Public Portion of Public Hearing Opened.

Richard Seaman, agent, present and said this project has been planned for two years, that there have been meetings with the Planning Department and Public Works Department, that the area is ideal for this type of subdivision. He also said that condition #4 needed to be modified to say the “Silva Road Encroachment”. He said they have requested a waiver of the Zone of Benefit requirement and instead have a road maintenance association.

Seaman said in reply to a letter submitted from an affected property owner, Jerry Paisley, regarding an access easement, that it was a civil matter and not an issue here.