

DEPARTMENT: Planning By: Sarah Williams, Planning Manager Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No X)

Resolution denying appeal and upholding Planning Commission's approval of a conditional certificate of compliance to APN 08-330-011.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES:

- 1) Grant appeal and approve an unconditional certificate of compliance;
- 2) Deny appeal and modify conditions applied to certificate of compliance.

NEGATIVE ACTION to the recommended action (approving an unconditional certificate of compliance) would mean that parcel would be considered legal for development as it exists today (no subdivision standards would be applied to parcel).

COSTS: (X) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated Costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

COSTS: () 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:

Memorandum to Board with Attachment:

1. Notice of Appeal

CLERK'S USE ONLY

Res. No.: 96-272 Ord. No.: _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

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: mw

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: RHONDA SCHERF, Deputy Clerk of the Board *RS*
SUBJECT: RESOLUTION NUMBER 96-272

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 11, 1996

ACTION AND VOTE:

10:32 a.m. Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider Appeal of Planning Commission's Approval of a Conditional Certificate of Compliance to APN 08-330-011; Joseph E. Lepetich, Applicant and Appellant

BOARD ACTION: Ed Johnson reviewed the subdivision process with regards to a Certificate of Compliance. Sarah Williams, Planning Manager, presented staff report and reviewed the specifics for the subject appeal, and presented the Planning Commission's recommendations. Staff responded to questions from the Board relative to water requirements; dates for creation of the parcels in the area - before and after the Subdivision Map Act became effective on March 4, 1972; previous and existing zoning for the area; width and status of easements to the subject parcel; and location of this parcel with regards to Bureau of Land Management (BLM) property. Public portion of the hearing was opened and input was provided by the following: Joe Lepetich/appellant, stated he did not feel that the Planning staff knew about the BLM road requirements and should not be discussing that issue; feels he has been caught in the middle of bureaucracy with this matter; commented on appeal procedure requirements for obtaining a copy of the record and providing material for the appeal; stated he feels his record provides a different story than what was presented by Planning staff; commented on his purchase of the property in 1971 from Mr. Worley - the road was built through the BLM land during Worley's ownership, and stated he feels the County was not prepared to administer the Subdivision Map Act in March 1972; referred to a meeting he had with Mr. Gimblin (former District Attorney and County Counsel) during his purchase process and stated he was not advised at that time of the Map requirements; stated he does not agree with the easement requirements and commented on prescriptive easements and advised that he would be willing to record a statement that no County

services are available with this parcel if that would satisfy the requirements; stated he feels there are other parcels that were created without following the Subdivision Map Act provisions and requested that they be pursued by Planning; and stated he disagrees with the statements in the letter received from Regis Schmittle. Mr. Lepetich responded to questions from the Board relative to the number of parcels and access and whether a certificate or permit exists; and Schmittle's statement relative to offer of deeded access. Persons speaking in support of the appellant: Hal Locke stated he was in the title and escrow business and handled transactions that occurred for this property and has knowledge based on that relative to this matter; stated there were two attempts to survey the original property, but neither were recorded; at the time the appellant was developing his property, all of the elements the Planning Commission is requesting today were in place; and stated this is considered wilderness property. Hal Locke responded to questions from the Board relative to the access through BLM property which has since been blocked. Persons speaking in opposition: none. General comments: Kate Uruburu asked whether BLM is aware of this matter. Mr. Lepetich offered rebuttal, stating Mr. Gimblin filed a subdivision in 1981 without fulfilling requirements of the Subdivision Map Act, and he was County Counsel at the time the Map Act was passed; stated he did not conspire to cheat anyone and has followed all laws; and commented that there are no provisions for determining radon content or UFO landings. Mr. Lepetich responded to question from the Board relative to accessibility of the easements. Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to the public input and responded to additional questions from the Board relative to easements and access through BLM property; division of parcels in the area; and status of development on the parcels. Supervisor Parker suggested BLM be contacted to determine if an agreement can be reached for access connecting to the existing easement through private property. (M)Reilly, (S)Taber, Res. 96-272 adopted denying the appeal and upholding the Planning Commission's determination; and requesting that negotiations be explored with BLM for access and maintenance to the parcel/Ayes: Unanimous.

cc: File