

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: June 28, 1994
AGENDA ITEM NO.: 5-A

DEPARTMENT: Planning BY: Duane Hall PHONE: 966-5151

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

(1) Adopt resolution approving the agreement to amend Development Agreement No. 89-1 and denying the requested reduction in application fees; and (2) Waive first reading and introduce ordinance amending Development Agreement No. 89-1 and County Ordinance No. 749.

This recommendation is based on the recommendation for approval by the Planning Commission and the findings contained in Planning Commission Resolution No. 94-08.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Ordinance No. 749 on July 24, 1989 thereby approving Development Agreement No. 89-1 on the subject property.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue matter; (2) Approve requested reduction in application fees; (3) Approve amendment with modifications; (4) Deny amendment.

NEGATIVE ACTION would result in amendment not being approved, and applicant not being able to finalize subdivision application until expiration of agreement (October 1995).

COSTS: (X) Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Board Memo
2. Letter from application re: application fees
3. Draft ordinance
4. PC Resolution No. 94-xxx
5. PC Staff Report

CLERK'S USE ONLY:
Res. No.: 94-266 Ord. No. _____
Vote - Ayes: _____ Noes: _____
Absent: _____ Abstained: _____
() Approved () Denied
(X) 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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment: _____
A.O. Initials: da

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board *frw*
SUBJECT: Ordinance Amending Development Agreement
Number 98-1 and County Ordinance Number 749;
Inter-County Title Company and
Kenneth E. Melton, Applicants
Resolution Number 94-266

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on June 28, 1994

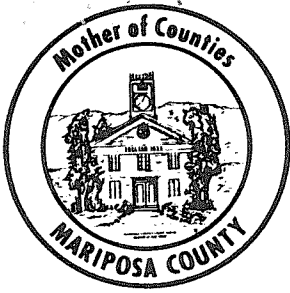
ACTION AND VOTE:

2:28 p.m. Ed Johnson, Planning & Building Director;

A) PUBLIC HEARING to Consider an Amendment to
Development Agreement Number 89-1 to Restrict Permitted and
Conditional Uses on APN 13-010-60 to One Single Family
Residential Dwelling Per Parcel; Inter-County Title Company
and Kenneth E. Melton, Applicants

BOARD ACTION: Duane Hall/Associate Planner, presented staff
report. Duane Hall and Ed Johnson responded to questions
from the Board concerning the previous process for this
project and processing requirements at this time; and road
standards. Public portion of the hearing was opened.
Robert Lobaugh/applicant, presented his request for waiver
of the fees. Public portion of the hearing was closed.
Board commenced with deliberation. Mike Edwards/Public
Works Director, responded to questions concerning the
construction of the road to County standards. (M)Parker,
(S)Taber, to approve amendment to the Development Agreement,
and not waive any fees, was withdrawn by maker, following
further discussion. (M)Erickson, (S)Parker, Res. 94-266
adopted approving the agreement to amend Development
Agreement No. 89-1; first reading was waived and an
ordinance introduced amendment Development Agreement No. 89-
1 and County Ordinance No. 749; and direction was given that
the public hearing portion of the fees in the amount of
\$305.00 be waived due to the repetitive nature of the
hearing/Ayes: Baggett, Balmain, Erickson, Parker; Noes:
Taber.

cc: File



Mariposa County Planning and Building Department

EDWARD J. JOHNSON
Director

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Mariposa, CA 95338
(209) 966-5151
FAX No. (209) 742-5024

MEMORANDUM

June 20, 1994

TO: Mariposa County Board of Supervisors

FROM: Duane Hall, Associate Planner *DH*

SUBJECT: Amendment to Development Agreement No. 89-1; Inter-County Title Company and Kenneth E. Melton, applicants

Recommendation

Staff recommends that the Board of Supervisors (1) adopt a resolution approving the agreement to amend Development Agreement No. 89-1 and denying the requested reduction in application fees; and (2) waive the first reading and introduce an ordinance amending Development Agreement No. 89-1 and County Ordinance No. 749.

Discussion

Amendment to Development Agreement: Information on the requested amendment is provided in the attached Planning Commission staff report. The Planning Commission at their June 17th meeting acted to adopt a resolution approving the requested amendment. The Commission resolution is also attached for your information. The Planning Commission did not receive any input from the applicant or other interested parties at the hearing.

Requested Reduction in Application Fees: The applicant has submitted the attached letter requesting a reduction of \$305 in the application fees for the project. The application fees for the project are \$373 and consists of \$40 for environmental review, \$305 for a base rate hearing costs since this is a cost accounting application, \$20 for APO notification, and \$8 for a County Recorder Fee. It should be noted that fees for staff time expended in the review of the project were not required for this project since it was staff's determination that the staff time necessary to prepare the staff report and Board agenda packet is covered under the base rate hearing costs.

The Board of Supervisors may waive or reduce application fees if it finds that such a waiver or reduction is equitable and in the public interest. It is staff's opinion that these required findings cannot be made for the requested reduction in application fees, and staff recommends denial of the request. The requirement to amend the development agreement is a result of a condition of approval for a major subdivision application on the subject property and was directly related to a request by the subdivision applicant to reduce the required road improvements for the project. The major subdivision and the requested amendment to the development agreement (which is necessary to finalize the subdivision) is a benefit to the applicant, and there is no benefit to the County or the general public. Since this application is tied to a project which will benefit the applicant, a reduction in the application fees will not be equitable or in the public's interest.