

DEPARTMENT: Planning/Building BY: Tim Evans PHONE: 966-5151

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

Deny the appeal and uphold the Planning Commission's determination that retail sale of hay and feed, produced off site, on a 1.6 acre parcel is not secondary and related to the manufacturing and sale of horse tack and leather products and therefore not permitted as a Home Enterprise, and that outside storage of hay for the purpose of retail sale is not permitted as a home enterprise. This determination is based upon Section 17.108.070 of the Mariposa County Zoning Code.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

NONE.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Uphold appeal - determine that hay and feed sales are secondary to the manufacture and sale of tack and therefore are permitted. Outside storage of hay for sale remains a problem.
2. Continue matter for the purpose of obtaining additional information.

COSTS: () Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

- 1) Appeal
- 2) P.C. Minutes
- 3) Staff Report
- 4) APO Comments

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

CLERK'S USE ONLY: Res. No.: 93-68 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Absent: _____ Abstained: _____

() Approved () Denied

Minute Order Attached () No Action Necessary

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: _____

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

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: APPEAL HEARING - FAIRBANK

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on January 26, 1993

ACTION AND VOTE:

PUBLIC HEARING to Consider an Appeal of the Planning Commission's Decision that the Retail Sale of Hay and Feed is Not Allowed under the Provisions of a Home Enterprise on a 1.6 Acre Parcel Located at 9491 Merced Falls Road; Fairbank, Property Owner and Appellant
BOARD ACTION: Hearing was opened and continued to after the following item.

2:10 p.m. Continued PUBLIC HEARING to Consider Appeal of Planning Commission's Decision Concerning Retail Sale of Hay and Feed; Fairbank, Appellant
BOARD ACTION: Tim Evans, Senior Planner, provided staff report. Tony Lashbrook, Planning Director, provided input. Public input in support of the appeal was provided by: Attorney Richard Fairbank on behalf of the appellant; Robert and Celeste Fairbank, appellants; Ron Howenstine, and Mary Carpenter. Public input in opposition to the appeal was provided by: Harley and Shirley Wolfenbarger. Rebuttal was provided by Attorney Fairbank. (M)Balmain, (S)Taber, Res. 93-68 adopted upholding appeal, determining that the hay and feed sales are a secondary enterprise to the manufacture and sale of items based on the information provided; and directing that the property owner comply with storage requirements for the sale of hay/Ayes: Balmain, Erickson, Taber; Noes: Parker; Excused: Baggett.

cc: File