

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 07-40

A resolution continuing the remanded Planning Commission public hearing for Land Division Application No. 2006-347; Frances Green, applicant. Assessor Parcel Number 015-400-005

WHEREAS an application for land division was received on November 30, 2006 from Frances Green for a property located at an unassigned address on Parker Drive in Ponderosa Basin, also known as Assessor Parcel Number 015-400-005; and

WHEREAS the project proposed to divide a parcel of 21.90 acres into four parcels of slightly over five acres each; and

WHEREAS pursuant to Government Code Section 65943, the project was deemed complete for processing on December 30, 2006; and

WHEREAS, the project is subject to the 2006 Mariposa County General Plan including all requirements for adequate capacity; and

WHEREAS the project is located on Parker Drive, a privately-maintained road of between eleven and thirteen feet in width between the project site and Ponderosa Court; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS in a memorandum dated February 28, 2007, the Public Works Department stated that Parker Drive did not meet the minimum standard for adequate capacity; and

WHEREAS based upon the agent's direction, a duly noticed Planning Commission public hearing was therefore scheduled for the 20th day of April 2007; and

WHEREAS a Staff Report was prepared for the April 20th 2007 public hearing pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the 20th day of April 2007 and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant and her agent; and

WHEREAS on the 20th day of April 2007, the Planning Commission of the County of Mariposa adopted Resolution No. 2007-13 with findings, denying Land Division Application No. 2006-347; and

WHEREAS pursuant to the County's adopted appeals procedures, the applicant was given twenty (20) calendar days to appeal this decision to the Board of Supervisors; and

WHEREAS the applicant filed their Notice of Appeal to the Board of Supervisors on the 10th day of May 2007 and that appeal is known as Appeal No. 2007-85; and

WHEREAS the appellant appealed the fact that the Planning Commission did not favorably consider their request for a continuance of the public hearing in order to give them an opportunity to present solutions for meeting the standards; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for Appeal No. 2007-85 for the 26th day of June 2007; and

WHEREAS a Staff Report was prepared for the appeal for the June 26th 2007 public hearing pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 2007-85 on the 26th day of June 2007 and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the appeal, and the comments of the appellant's agent; and

WHEREAS on the 26th day of June 2007, the Board of Supervisors of the County of Mariposa adopted Resolution No. 07-312a, granting Appeal No. 2007-85, and remanding the project back the Planning Commission for a determination of the appropriate length of a continuance, and

WHEREAS the effect of the Board's action on the appeal was to overturn the Planning Commission's denial action because the action "backed-up" the processing of the project to the point in the Planning Commission hearing where the agent requested the continuance; and

WHEREAS a duly noticed Planning Commission public hearing for the remanded hearing was scheduled for the 21st day of September 2007; and

WHEREAS a Staff Report was prepared for the September 21st 2007 public hearing pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the 21st day of September 2007 and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant and her agent.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby continue the public hearing for Land Division Application No. 2006-347 to Friday November 16th 2007 at 9:00 a.m. or as soon thereafter as possible in order to consider additional information from the applicant and agent, including solutions for meeting the standards of a Rural Class IIB SRA road.

BE IT RESOLVED THAT the Planning Commission directs that staff fully notice the public hearing on Friday November 16th 2007 at 9:00 a.m. or as soon thereafter as possible.

BE IT RESOLVED THAT this action is based upon consideration of the action taken by the Board of Supervisors on Appeal No. 2007-85.

BE IT FINALLY RESOLVED that, should acceptable solutions be presented by the applicant and agent, the applicant shall be responsible for complying with all other processing requirements for this project, including all requirements of County Code and State Law.

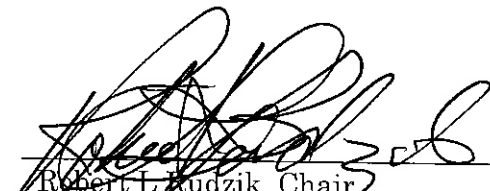
ON MOTION BY Commissioner Skyrud seconded by Commissioner Francisco, this resolution is duly passed and adopted this 21st day of September 2007 by the following vote:

AYES: Francisco, Rudzik, Skyrud and DeSantis


NOES: Ross

EXCUSED: None

ABSTAIN: None


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:


Carol Suggs, Secretary to the
Mariposa County Planning Commission