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MARIPOSA COUNTY RESOLUTION NO. 89-191

A RESOLUTION UPHOLDING APPEAL

AND REQUIRING AN EIR FOR LAND DIVISION

APPLICATION NO. 1288 - KIRIAKOPOLOS, APPLICANT.

WHEREAS, The Planning Commission received an application for a Land Division Application to divide a 30 acre parcel into three 10 acre parcels; and

WHEREAS, The Planning Commission conducted a public hearing on the application; and

WHEREAS, The Planning Commission denied the application due to environmental concerns; and

WHEREAS, the Board of Supervisors conducted a Public Hearing on the applicants appeal of the project denial.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby upholds the appeal and directs that further processing of this application occur upon submittal and certification of an Environmental Impact Report.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 25th day of April, 1989, by the following vote:

AYES: BAGGETT, ERICKSON, RADANOVICH, TABER, PUNTE

NOES: None

ABSENT: None

ABSTAINED: None

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Gertrude P. Taber
GERTRUDE TABER, CHAIRMAN Mariposa
County Board of Supervisors

ATTEST:

Margie Williams
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffrey G. Green
Jeffrey G. Green, County Counsel

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

Res. 89-191

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: APPEAL HEARING, LDA No. 1288, KIRIAKOPOLOS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 25, 1989

ACTION AND VOTE:

APPEAL HEARING, consideration of Planning Commission's denial of LDA No. 1288, Kiriakopolos, applicant/appellant. Chairman opened the hearing and continued it to after the Fire Department Workshop.

Continued APPEAL HEARING, consideration of Planning Commission's denial of LDA No. 1288, Kiriakopolos, applicant/appellant. Tony Lashbrook, Planning Director, presented staff report. Public portion of hearing was opened. John Kiriakopolos, appellant, advised that at this time the property does not have access; reviewed his application for a permit to grade a driveway, and the cost impacts of hiring an engineer; and creation of the parcel. Questions by Board of Mr. Kiriakopolos concerning present access; historical irrigation ditch; and whether an engineer has designed access to the property. Questions by Board of staff concerning location of property; historical irrigation ditch; letter from Karen Donaldson with regards to staff requirements for road improvements; and relative to access. Persons speaking in support of the appellant: none. Persons speaking in opposition to the project: Dell Bressler, neighboring property owner and recently retired from the NPS Road Maintenance, expressed concern with erosion that has occurred with the former parcels that were created on this hill, and the impact that this division would have; stated he would not object if the engineering grades could be achieved; roads need to be able to handle fire trucks, etc.; concerned with drainage problems that he feels would be created; commented on the maintenance

agreement that currently exists with the property owners, and the appellant's unwillingness to participate; stated he felt more information should be obtained on the historic ditch and that it should be maintained; and commented on a way he felt the road could be built from an engineering standpoint. Comments or questions from the general public: Sherry Evans, neighboring property owner, advised that they cannot access their road in the winter, and fire engines are unable to reach the grade now; feels the historic ditch should be reviewed; commented on CDF's recommendation of water storage tanks; and the high fire danger in the area due to the brush. Mr. Kiriakopolos stated he does not intend to put in any driveway that would exceed 20% grade. Question by Mr. Bressler of staff concerning access to the property and what controls driveway construction from the paved road. Public portion of the hearing was closed. Board commenced deliberations. Questions by Board of staff relative to percolation testing requirements; driveway standards; and alternative actions available to the Board. Question by Board of County Counsel relative to EIR requirements. On motion of Radanovich, seconded by Erickson, Res. No. 89-191 passed and adopted upholding the appeal and requiring a focused EIR on the issues raised in the hearing and specified in staff report for LDA 1288, Kiriakopolos, applicant/appellant. Ayes: Unanimous. Hearing was closed.

cc File