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MARIPOSA COUNTY RESOLUTION NO. 90-155

A RESOLUTION UPHOLDING APPEAL OF
PLANNING COMMISSION ACTION REQUIRING AN EIR FOR
LAND DIVISION APPLICATION NO. 1328
ROBERT LE DUC, APPLICANT

WHEREAS, an application was received for division of a 7.5 acre parcel into two 2.5 acre parcels and a 2.5 acre remainder; and

WHEREAS, the Planning Commission reviewed the application and determined that an EIR was necessary due to concerns regarding septic disposal and water quality/quantity; and

WHEREAS, the applicant appealed the Planning Commissions decision; and

WHEREAS, in accordance with County Environmental Review Procedures the Board of Supervisors is designated as the appeal body for environmental determinations of the Planning Commission; and

WHEREAS, the Board of Supervisors considered the appeal at a duly noticed public hearing that provided the appellant and other parties an opportunity to present their evidence.

NOW, THEREFORE, BE IT RESOLVED that the Mariposa County Board of Supervisors hereby upholds the applicants appeal, determines that there is insufficient information to make an environmental determination, and hereby refers this application back to the Planning Commission for an environmental determination once the design of the septic/sewer system is

1 approved by the Health Dept. and the proposed small community
2 water system is approved relative to water quality and quantity.

3 BE IT FURTHER RESOLVED that this action of the Board is
4 based upon the following findings:

5 1.) The EIR for Oak Knolls indicated that future
6 division was possible within the subdivision. (page 60)

7 2.) Requiring additional information and review by the
8 health department of the design of the septic/sewer system
9 should provide adequate information to develop mitigation of any
10 potential environmental impacts associated with sewage disposal.

11 3.) The EIR for Oak Knolls indicated that the degree of
12 interconnection and rate of recharge of the deep fractures and
13 porous strata are not known, making an estimate of the degree of
14 potential impact impossible.

15 4.) Water quantity and water quality will be tested and
16 approved by the Health Department prior to approval of the
17 subdivision.

18 PASSED AND ADOPTED by the Mariposa County Board of
19 Supervisors on the 27th day of March, 1990 by the following
20 vote:

21 AYES: TABER, PUNTE, RADANOVICH, ERICKSON, BAGGETT

22 NOES: NONE

23 ABSENT: NONE

24 ABSTAINED: NONE

25
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27 ARTHUR G. BAGGETT, JR. CHAIRMAN
28 Mariposa County Board of Supervisors

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ATTEST:

Margie Williams
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Jeffery G. Green
JEFFERY G. GREEN, County Counsel