

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2007-13

A resolution denying 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 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 privately-maintained roads have historically been required to comply with minimum road standards established by the County; and

WHEREAS the Mariposa County General Plan was adopted on December 18, 2006; and

WHEREAS Section 16.12.034 of the Mariposa County Subdivision Code requires that the Planning Department notify the applicant in writing of the completeness of the application not more than thirty days after receiving the application; and

WHEREAS any application that has not been deemed incomplete in writing within that thirty-day review period is automatically deemed complete; and

WHEREAS staff is required to determine whether an application is consistent with the General Plan in effect on the day that the project is accepted as complete for processing; and

WHEREAS staff had not determined that the application was complete for processing prior to the adoption of the General Plan; and

WHEREAS the project was received nineteen days prior to the adoption of the General Plan and therefore was not automatically complete by the time the Plan was adopted; and

WHEREAS therefore the project was deemed to be complete under the 2006 General Plan; and

WHEREAS the project is therefore subject to the provisions of the 2006 General Plan, including all requirements for adequate capacity; and

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

WHEREAS Parker Drive does not meet the minimum County standard of a Rural Class IIB SRA road that is necessary to serve the parcels along that road; and

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

WHEREAS the Planning Department wrote to the applicant on March 9, 2007, explaining that the applicant had the option to withdraw the application or to proceed to the Planning Commission hearing and have the application denied; and

WHEREAS the agent for the applicant requested that a public hearing be scheduled as soon as possible; and

WHEREAS a duly noticed public hearing was therefore scheduled for the 20th day of April 2007; and

WHEREAS the Planning Department reviewed Section 15061(b)(4) of the California Environmental Quality Act Guidelines, which states that an application is exempt from the provisions of CEQA if that application will be rejected or disapproved by a public agency; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Initial Study and 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 find that the project is exempt from the provisions of the California Environmental Quality Act; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Land Division Application No. 2006-347; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Ross, seconded by Commissioner Hagan, this resolution is duly passed and adopted this April 20, 2007 by the following vote:

AYES: Commissioners DeSantis, Hagan, Ross, and Skyrud

NOES: None

EXCUSED: Commissioner Rudzik

ABSTAIN: None



Skip Skyrud, Vice/Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS FOR DENIAL
Land Division Application No. 2006-347

1. Based upon consideration of the whole record, the Planning Commission is unable to make all of the required findings for approval of a tentative parcel map as established by Mariposa County Code, the Subdivision Ordinance, §16.16.040.B.3. In particular, the Planning Commission is unable to make the findings mandated by Section 16.16.040.B.3.e. The proposed map is not consistent with the applicable general plan as specified in California Government Code Section 66451. This is based upon consideration of the adequate capacity standard established by the Mariposa County General Plan.
2. The project was submitted on November 30, 2006. Section 16.12.34 of the Mariposa County Subdivision Code allows a thirty-day period to determine whether an application is complete; it is automatically determined to be complete at the end of the thirty-day period if staff has not informed the applicant in writing of the incomplete status of the application and the information needed to process the application. Mariposa County adopted the 2006 General Plan on December 18, 2006. The time between the project submittal and the new General Plan adoption is nineteen days. The project therefore is found to have been incomplete at the time of the adoption of the 2006 General Plan. This project therefore was accepted as complete after the General Plan adoption and is subject to the requirements of the 2006 General Plan, including the requirements for adequate road capacity.
3. The project proposes new residential parcels on a road which fails to meet the standards of adequate capacity as established by the Mariposa County General Plan. Road width standards are established for health and safety purposes and emergency response. There is no practical way for the applicant to improve Parker Drive to meet minimum standards for adequate capacity for this project, nor is there a practical or feasible alternative to this option.
4. The primary access to the site is from Pilot Peak Drive via Parker Drive. Parker Drive is a privately-maintained road; the road is too narrow to support two vehicles passing each other and the pavement in places is in disrepair. Parker Drive is eleven to thirteen feet in width from Pilot Peak Drive to the project site, other than one area that is eighteen feet in width and approximately twenty feet in length at the location of a culvert. Planning is not aware of any improvement programs planned for this road in the immediate future, other than routine maintenance and repairs. CDF road standards specify minimum travel lane width for roads for development, to allow two vehicles to pass, at 18 feet for travel lane width. According to CDF, the only acceptable mitigation to the narrow road conditions of Parker Drive, to provide the same practical effect, is a road which meets the minimum road requirements (including travel lane width) established by the State Fire Safe Standards. Limited areas of lesser width may be considered acceptable by CDF, when there are improved turnouts for passing and adequate sight distance between the improved turnouts at the area of lesser

width. The project does not propose improvements to Parker Drive. Public Works has evaluated the road according to County standards. Based on the number of parcels on the road and the parcels proposed by the project, Public Works has determined that there are 160 average daily trips on Parker Drive. The Mariposa County Road Improvement and Circulation Policy requires that roads with an ADT load of 160 shall meet a minimum standard of Rural Class II, consisting of 20 feet of travel lane width and a two foot shoulder on each side for a total width of 24 feet. Current access to the project site is not adequate for existing traffic or for the increase in traffic that would result from this land division.

5. Based upon consideration of the whole record, the Planning Commission is unable to find that the project may not have a significant effect on the environment, and is unable to make the Mandatory Findings of Significance established by the California Environmental Quality Act (CEQA) Guidelines, Section 15065. The project may have significant effects on Transportation/Circulation, and Human Health Hazards. The project may have significant adverse effects on emergency evacuation during a wildland fire event, thus exposing both residents of the area and responding fire personnel to a significant risk. The project site does not have adequate emergency access due to the inadequate road width.
6. The project and subsequent residential development of Parcel A, B, C, and D may result in human health and safety impacts, based upon the condition of Parker Drive, including road and encroachment improvements and width.
7. There is evidence in the record to suggest that the project will have potential significant impacts on traffic safety and human health hazards. There is evidence in the record to suggest that the project will have adverse indirect effects on human beings and the emergency response vehicles using Parker Drive. There is no county program in place to address cumulative impacts the project may have on traffic safety and resulting human health hazards. There is no guarantee that there will be a program in place, prior to issuance of a residential building permit on any of the proposed parcels. There is no mechanism available to limit residential building permits on the proposed project parcels, pending implementation of a county program to address cumulative traffic impacts. State law requires that the County may not limit the issuance of a residential building permit to parcels within residential zones in which residences are a permitted use, such as the four parcels proposed by this application.

