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

Staff recommends that the Board open the public hearing and continue the hearing to Tuesday, January 21, 1997 at 10:00 a.m.

Recommendation is based upon notice requirements for appeals, as established by County Appeals Procedures. This public hearing was noticed properly in the Gazette; however, the property owner notice was not given in a timely manner.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None.

LIST ALTERNATIVE:

ALTERNATIVE: None, unless the appellant agrees to continue the hearing to a date outside of the 50 day time limit during which an appeal hearing must be set in accordance with Appeal Procedures. January 21 is day #48 from the date the appeal was accepted as complete.

COSTS: (X) Not Applicable
A. Budgeted current FY $________
B. Total anticipated Costs $________
C. Required additional funding $________
D. Internal transfers $________
COSTS: ( ) 4/5th Vote Required
A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source description:________________________________________________________________________
Balance in Reserve Contingencies, If Approved: $________

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

1. Memorandum to Board with Attachments:
   Appellant's Notice of Appeal
   2. Assumptions for Impact Fee Calculation
   3. Impact Fee Calculation
   4. Calculation of Road Frontage Improvements
   5. Planning Commission Minutes of 11/15/96

CLERK'S USE ONLY
Res. No.: 97-44
Ord. No.: ______

Vote - Ayes: _______  Noes: _______  Absent: _______  Abstained: _______
☐ Approved  ☐ Denied
☐ Minute order Attached  ☐ No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ______________________
ATTEST: ______________________
MARGIE WILLIAMS, Clerk of the Board

By: ______________________________________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

☐ Recommended  ☐ Not Recommended
☐ For Policy Determination  ☐ Submitted for Comment
☐ Returned for Further Action
Comment: ________________________________________________

A.O. Initials: __________

Action Form Revised 10/95
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO:            ED JOHNSON, Planning Director
FROM:          MARGIE WILLIAMS, Clerk of the Board
SUBJECT:       APPEAL NO. 96-8; JUDITH MOORE, APPLICANT/DICK SEAMAN, APPELLANT; RES 97-44

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 4, 1997

ACTION AND VOTE:

11:01 a.m. Ed Johnson, Planning Director;
PUBLIC HEARING to Consider Appeal No. 96-8; Appeal of Planning Commission’s Condition of Approval for Land Division Application No. 1476; Judith Moore, Applicant-Appellant; Dick Seaman, Agent (Continued from 1/14/97)
BOARD ACTION: Ed Johnson presented an overview of the appeal issues and advised that action on this matter will set a precedent for future decisions relative to road frontage improvements and in-lieu fees. Jean Clark, Assistant Planner, reviewed the details of the appeal and the Planning Commission’s decision. Staff responded to questions from the Board relative to road frontage improvement requirements and in-lieu fees and designation of road segments being impacted by the land division; actual construction costs to bring Carter Road to a Class II standard for the affected portion and the cost for in-lieu fees; and process of getting an engineer’s estimate and review by Public Works. Mike Edwards, Public Works Director, advised that the in-lieu fee has not been set - it would be based on an engineer or contractor’s estimate, and he feels the $14,000 in the staff report may be high. Staff further responded to questions from the Board relative to calculating the in-lieu fees.

Public portion of the hearing was opened and input was provided by the following:
- Dick Seaman, agent for the applicant/appellant, stated the subject parcel has a mobile home at one end which the owners rent and they are building a residence on the other end; however, in order for them to obtain CalVet financing on the new residence, it has to be on its own parcel - CalVet will not allow the second structure (mobile home) to be on the same parcel with the residence; the land division is not creating any additional impact on Carter Road and two dwellings are allowed on the existing parcel; he referred to the Road Circulation Policy and advised of a subdivision that occurred previously where no improvements have been made and subsequently no impacts to the roads; stated he does not feel Carter Road is unsafe in its current condition even though it is not constructed to County standards - if so, Public Works would have done something about it; stated he felt
it was unfair to require these owners to pay a fee just because their property fronts a County road and others with property behind this parcel would not have to pay a fee if they divided; stated he feels the County should want an impact fee that would affect all properties versus a road frontage fee that affects selected parcels as all parcels create an impact; stated he feels the road impact occurs when people reside on the property; noted that not all pieces of property will be fully developed; and requested that the proposed fee be waived, and that if a fee is charged, that it should be proportional to the increased usage impact on Carter Road by the people who live there and not include the other roads. Mr. Seaman responded to questions from the Board relative to the proposed size of the two parcels, access to the second parcel by an easement road; and noted that without the land division, the new structure is legal - it is the land division that triggers the fee.

- Judith Moore, applicant-appellant, advised that their loan for the new residence is based on their wages and an additional fee is a financial hardship, especially since she is currently unemployed with the closure of Yosemite due to the flood and she is concerned that they could lose their house; and she does not feel that they would get another loan to include this fee under the current circumstances. Mrs. Moore responded to questions from the Board relative to processing the loan and the final parcel map and coordinating with the Planning process.

- Harry Moore noted that they need to retain the mobile home for the rental income to meet the income requirements for the loan.

- Mr. Wolf stated he is in a similar situation and his project is on hold pending the outcome of this matter - they have a parcel with two houses and are splitting it; in the process they are trading a parcel and now they fall under this provision and are being asked to improve Old Highway for the length of their parcel; this improvement will involve moving utility facilities, mailboxes and fencing, and they are not creating any additional impact with their project; stated he felt the project being considered today is also a no impact situation; and stated he feels the fee is logical if there is an impact and another process should be found.

- Jan Hamilton, Realty World, noted that the builder asked her to be present for this hearing; advised that Leroy Radanovich spoke at the Board of Realtors meeting recently and mentioned that new ways would be looked at to address the impacts; and urged the Board to consider the applicant’s situation in this matter.

- Mr. Wolf further stated they have been trying to sell their property and it is too expensive with two residences - that is why they are trying to divide the property.

Persons speaking in opposition to the project: none.

Comments of a general nature: none.

Staff responded to the input provided and to questions from the Board relative to imposition of the road frontage fee for parcels that front County roads and not for parcels that are set back in, and relative to variations. Jeff Green, County Counsel, noted that if you are on a parcel served by an access other than a County frontage road, the applicant would need to pay for off-site improvements for the easement road; and responded to questions from the Board relative to the possibility of working out a payment schedule with the applicant, and whether this matter could be revisited if the policy changes in the future.

Board commenced with deliberations. (M)Parker, (S)Balmain, Res. 97-44 adopted denying appeal with regards to the off-site improvement requirements; all other conditions imposed by the Planning Commission remain in force; direction was given for Public Works Director to work with the property owners to come up with an identified cost for the road improvement to bring the property frontage on Carter Road to a Class II standard, and to work out a payment schedule, and to bring the matter back to the Board.
if an agreement is not reached; allow the property owners the opportunity to have the costs reviewed by an engineer; and further direction was given that if the Road Circulation Policy is amended in the future in such a manner that it would result in a reduction of the costs, then the payments would be reduced accordingly. Discussion was held relative to collateral for the payments. Ayes: Balmain, Stewart, Parker; Noes: Pickard; Excused: Reilly. Mrs. Moore noted that they are getting ready to retire and their finances are limited. Hearing was closed.

cc: Mike Edwards, Public Works Director
    Jeff Green, County Counsel
    File
TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: APPEAL NO. 96-8; JUDITH MOORE, APPLICANT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED this Order on January 14, 1997

ACTION AND VOTE:
10:30 a.m. Ed Johnson, Planning and Building Director;
A) PUBLIC HEARING to Consider Appeal No. 96-8; Appeal of Planning Commission's Condition of Approval for Land Division Application No. 1476; Judith Moore, Applicant/Dick Seaman, Appellant

BOARD ACTION: Based on recommendation from Planning Director, hearing was opened and continued to February 4, 1997, at 10:30 a.m.

cc: File
MEMORANDUM

January 9, 1997

TO: Board of Supervisors

FROM: Jean Clark, Assistant Planner
       Ed Johnson, Planning Director

RE: Appeal No. 96-8 - Extension Request

   Land Division Application 1476; Judith Ann Moore, Applicant;
   Richard Seaman (Freeman and Seaman), Agent and Appellant

This memorandum revises the recommended action on Appeal No. 96-8 in the Board packet for January 14, 1997. (Folder # 7A)

The appellant (and agent for the applicant) has requested the public hearing on the appeal be continued until February 4, 1997. The letter of request is attached.

The County appeals procedure states that, "...the hearing (for the appeal) shall be set not more than fifty (50) days from the date the appeal is accepted for processing, unless extended by the Board or Commission with the consent of Appellant and applicant, as necessary. In no event shall a hearing be set for a time later than ninety (90) days from the date the appeal is accepted for processing."

Staff recommends that the Board (1) extend the date for the appeal beyond the fifty (50) day timeline and (2) continue the public hearing to February 4, 1997 at 10:30 a.m.

Attachment
January 6, 1997
W.O.#: 960514

Mariposa Co. Planning Dept.
P.O. Box 2038
Mariposa, CA 95338

Attn: Jean Clark
Ref: Moore, LDA 1476, Appeal 96-8

Dear Jean:

Please reschedule the appeal date to February 4, 1997.

If you have any questions please give me a call.

Sincerely,

Richard Seaman
Richard A. Seaman

RAS/ec

by: C. Cardoso
January 3, 1997

MEMORANDUM

TO: Mariposa County Board of Supervisors

FROM: Jean Clark, Assistant Planner
       Ed Johnson, Director

SUBJECT: Appeal No. 96-8

Land Division Application 1476; Judith Ann Moore, Applicant;
Richard Seaman (Freeman and Seaman), Agent and Appellant

SUMMARY

Judith Ann Moore submitted a Land Division Application to subdivide 15.14 acres into
one parcel of 8.34 acres and a remainder of 6.8 acres. The remainder fronts on Carter
Road, a County maintained road. The parcel is accessed by a privately maintained
road easement.

Frontage improvements to Carter Road are required for the land division in accordance
with Section II.D.1 of the Road Improvement and Circulation Policy. Because the
length of the frontage was so short, the Planning Commission applied a condition which
required the payment of a road frontage improvement fee in lieu of the applicant’s
constructing road improvements along the frontage of the property on Carter Road.
The fees, one-half of the costs for improving Carter Road to a Rural Class II standard
(20 foot wide) along the entire frontage of the project site, would be utilized when
enough funds are available to improve an entire section of road. The condition requires
that the in-lieu fee be paid prior to recordation of the final map.

The applicant’s agent, Richard A. Seaman of Freeman and Seaman Land Surveyors, is
appealing the Planning Commission’s condition which requires in-lieu fees for the
frontage requirements.
Memorandum to Board, 1/3/1997

BACKGROUND

November 15, 1996  The Planning Commission approved the project with the requirement that an in-lieu road frontage improvement fee be paid.

November 25, 1996  The appeal was filed.

December 4, 1996  The appeal was accepted as complete.

DISCUSSION OF APPEAL ISSUES

The appellant's "Statement of Grounds of Appeal" is included as Attachment # 1. The appellant is requesting either that the road frontage fee be waived completely or that it be paid upon application for a development permit. He is also requesting that the in-lieu fee be an amount proportional to the number of parcels which utilize the on-site portion of Carter Road. Discussion of each of these three issues follows:

Waiver Of Fees

The appellant is requesting that the road frontage fee be waived completely.

Frontage improvements are required for subdivisions by the Road Improvement and Circulation Policy because many county roads are not adequate to handle the potential additional traffic created by land divisions. The frontage improvement requirement is an attempt to ensure that the land division projects which are impacting the county roads are paying something toward improving the county roads. The frontage improvement requirement only addresses that portion of the county road which actually "fronts" on the project site.

This project is small, creating only one additional parcel; however, the project will cause an impact to county roads. Incremental impacts created by minor land divisions in the county have caused continual deterioration of county roads. Based upon the purpose of the frontage improvement requirement, staff does not support the appellant’s request for a waiver.

Time For Application Of Fees

The appellant states that if a road improvement fee is to be imposed, it should not be imposed until a development permit is applied for.

The project itself, the land division, is creating the potential for additional residential development on the project site. It is the potential additional residential development which causes the impacts on Carter Road (and other county roads). The in-lieu fee is intended to cover those impacts.
Memorandum to Board, 1/3/1997

By applying the fees to the project, and requiring that they be paid prior to map recordation, the land division project applicant will be paying the fees. If the fees were deferred until the time a development application is applied for, then the person who is carrying out the development would be paying the fees. There is no guarantee that the land division project applicant would be the person doing the development.

Requiring the frontage improvements (or fees) prior to map recordation is no different than requiring actual road improvements to privately maintained roads prior to map recordation. Road improvements for land divisions are rarely (if ever) deferred to the development stage.

For these reasons, staff does not recommend that the time for payment of fees be deferred until the development stage.

Amount Of Fees

The appellant states that the road improvement fee should be proportional to the entire potential usage of the road. He states there are approximately 45 parcels which use the portion of Carter Road which fronts the applicant's property, including the one (1) parcel the applicant is adding. The appellant states the road fee, if any, should only be 1/45 of the cost to improve the on-site portion of Carter Road. He feels that "any fee beyond the 1/45 could be, in a sense, looked at as a disproportionate tax or even a penalty."

Again, the purpose of the frontage improvement requirement in the Road Improvement and Circulation Policy is to address impacts land division projects are having to all county roads. Planning staff worked with Public Works staff to determine the impact (and corresponding cost) one additional parcel on Carter Road would have on the entire County road system leading from the project site (on Carter Road) to state highways 140 and 49. Staff used specific assumptions (contained in Attachment # 2), and an impact fee calculation (contained in Attachment # 3). The calculations utilizing the Road Improvement and Circulation Policy assume that the average number of vehicular trips per parcel per day equals 8 and the average number of residences per parcel equals 2. These figures then assume that the average number of vehicular trips per residence per day equals 4.

The Institute of Transportation Engineers (ITE), in their Transportation and Traffic Engineering Handbook (second edition, 1982), lists trip generation figures for a total of 44 town areas. The average number of trips per day per residence according to the ITE (for these 44 towns) equals 7.8 — almost double the figure utilized in the Road Improvement and Circulation Policy. Current ITE data list residential trip generation as up to 10 trips per day per residence.

(Although the ITE figures include data from large urban areas, ITE concludes that smaller communities report more trips per day than do larger ones.)
Memorandum to Board, 1/3/1997

Utilizing data from both the Road Improvement and Circulation Policy, and that from the ITE, we come up with a range of proportional costs which one additional parcel on Carter Road would be responsible for (to address impacts to all County roads from the parcel). The range is between $11,928 and $23,968. These numbers are important figures because the cost of the frontage improvements required for Carter Road should not exceed the costs of all proportional impacts to county roads.

Although staff does not have an engineered estimate for the costs of the actual frontage improvements required for Land Division Application No. 1476, utilizing the statistical assumptions contained in Attachment # 3, the costs could be as high as $14,796.

Based upon this range and based upon the figure of $14,796, it can be found that the frontage improvements to Carter Road required by the Planning Commission for Land Division Application No. 1476 are reasonable and proportional to the project's impacts to all county roads.

**CONCLUSION**

Staff recommends that the Board deny Appeal No. 96-8 and uphold the Planning Commission's condition No. 2 of Land Division Application No. 1476.
ATTACHMENT # 1

STATEMENT OF GROUNDS OF APPEAL
DECISION, FINDING, OR DETERMINATION BEING APPELED

(Attach copy of decision / findings)

APPLICATION NUMBER OR TYPE OF PERMIT

LDA 1476

OTHER (Specify)

SPECIFIC CONDITIONS, FINDINGS, AND/OR PORTIONS OF DECISION OR DETERMINATION BEING APPEaled

CONDITION NO. 2
Prior to recordation of the parcel map, the payment of a road frontage improvement fee, as determined by the Public Works Director, for future road improvements along that portion of the property fronting Carter Road, shall be paid in lieu of the requirement for the construction of road frontage improvements.

STATEMENT OF GROUNDS OF APPEAL

(If additional space is needed, attach additional sheets to Notice of Appeal form. The grounds of appeal must clearly state those issues or portions of the finding, decision, or determination being appealed. The Board of Supervisors or Planning Commission will consider only those issues which are raised in the appeal form.)

We are requesting either that the road frontage fee be waived completely or that it be paid upon application for a development permit. We are also requesting that the in lieu of fee be an amount proportional to the number of parcels which utilize the on-site portion of Carter Road. Our reasons for this appeal are:

- SEE ATTACHED -

☐ Check this box if you request the right to submit additional reasons for appeal and amendments or supplements to the appeal. This additional information must be submitted no later than twenty five (25) calendar days prior to the hearing date of the appeal.

[Signature]
SIGNATURE OF APPELLANT
Agent for Judith Ann Moore

[Signature]
DATE

4/13/93
STATEMENT OF GROUNDS APPEAL
CONTINUED...

1. At the Planning Commission meeting of November 20, 1996 the Public Works Director said that he felt the more appropriate time to collect the in lieu of fee would be when a development permit was applied for.

2. There is presently a mobile home rental on the Remainder and a primary residence under construction on Parcel A. This is allowed per 17.108.150. These 2 residences will exist even if the land division is not completed. Therefore the land division itself creates no impact on the county road. The only potential impact will come from future development applications. The appropriate time to collect any impact fees is when there is an impact.

3. The impact of this land division will be that one additional Parcel will be using Carter Road. It is unknown if any additional residences will ever be constructed on that parcel or the Remainder. It could be that there will be no additional use of Carter Road ever as a result of this land division.

4. If the County is going to impose an impact fee in this case, then that fee should be proportional to the entire potential usage. There are approximately 44 parcels which use the portion of Carter Road which fronts Mrs. Moore's property. She proposes 1 additional parcel. The road impact fee, if any, should only be 1/45 of the cost to improve the on-site portion of Carter Road. Any fee beyond this could be, in a sense, looked at as a disproportionate tax or even a penalty.
ATTACHMENT # 2

ASSUMPTIONS FOR IMPACT FEE CALCULATION
ASSUMPTIONS FOR IMPACT FEE CALCULATION

1. Mariposa County residents want roads that will handle traffic at Level Of Service C (stable traffic flow with acceptable delays) or above.

2. Any one parcel will have two homes, each generating 4 daily trips each (e.g. two trips to town per home per day), for a total of 8 trips per parcel.

3. Residents on Carter Road will make trips based on the pattern shown in Attachment #3. Actual trips will probably include Silva to Cole and Triangle to Darrah and Triangle to State Highway 140 turning towards Yosemite. Any trips between the parcel and town would very likely use these routes.

4. Buildout traffic volumes on Carter at Triangle and Silva at State Highway 49 are based on excerpts from the 1989 Parcel Database report (available from staff upon request). Traffic model values may be more or less accurate than these.

5. Road improvements should be paid for in proportion to buildout estimated, to provide a common basis.

6. County road improvements will cost $477,000 per mile on average. (See Attachment #3.)

7. Highway improvements will cost $1 million per lane mile, in locations where they are needed.

8. State Highway 49 will never be any wider than 4 lanes. (The buildout model actually assumes the need for 6 to 8 lanes to maintain Level of Service C. County residents would prefer in this instance to [a] have less than Level of Service C, [b] stay home or [c] go elsewhere rather than deal with this kind of traffic if buildout volumes were ever reached.)

9. Each improvement will only be built once.
ATTACHMENT # 3

IMPACT FEE CALCULATION
IMPACT FEE CALCULATION

One mile new road, rolling to flat terrain (Hayward Road) = $369,900 (1994)

One mile road reconstruction, steep terrain (Ashworth Road) (including multi-plate culverts, etc.) = $524,400 (1994)

Average = $447,150

Carter Road - 2 miles x $447,150 = $894,000

Triangle Road, west - 2.7 miles x $447,150 = $1.2 million

Triangle Road, east - 9 miles = $4.0 million

Carleton & Silva Roads - 4.1 miles = $1.8 million

State Highway 49 - 4 miles * = $8 million

State Highway 140 - 3 miles * = $6 million

(* Assumed areas requiring 2 more lanes due to increased traffic)

(Continued)
IMPACT OF 1 MORE PARCEL ON CARTER ROAD
ASSUMING VOLUMES AS SHOWN

The chart below shows how the road frontage (impact) fee was calculated for the project applicant’s parcel on Carter Road. The map below indicates the percentage of traffic which it is assumed will use a certain section of road. Those percentages are converted to decimals in the chart under % of traffic @ buildout. The number 8 in the chart refers to the number of trips generated from one parcel in one day. See next page for a further explanation.

<table>
<thead>
<tr>
<th>Location</th>
<th>Volume @ buildout</th>
<th>% of traffic @ buildout</th>
<th>Share</th>
<th>Total Cost</th>
<th>Impact Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carter @ Triangle</td>
<td>890 **</td>
<td>8/890</td>
<td>.009</td>
<td>$ 894,000</td>
<td>$8,046</td>
</tr>
<tr>
<td>Triangle @ 140 (west)</td>
<td>12,780</td>
<td>8 x .8 x .7</td>
<td>12780</td>
<td>$ 1.2 million</td>
<td>$480</td>
</tr>
<tr>
<td>Triangle @ 49 S (east)</td>
<td>9,410</td>
<td>8 x .2</td>
<td>9410</td>
<td>$ 4 million</td>
<td>$800</td>
</tr>
<tr>
<td>Silva @ 49 S</td>
<td>2,850 **</td>
<td>8 x .8 x .3</td>
<td>2850</td>
<td>$1.8 million</td>
<td>$1,212</td>
</tr>
<tr>
<td>Hwy 49 S</td>
<td>62,795</td>
<td>8 x .8 x .3</td>
<td>62795</td>
<td>$ 8 million</td>
<td>$244</td>
</tr>
<tr>
<td>Hwy 140</td>
<td>23,455</td>
<td>8 x .8 x .7</td>
<td>23455</td>
<td>$ 6 million</td>
<td>$1,146</td>
</tr>
</tbody>
</table>

** TOTAL = $11,928

** Numbers based on Parcel Database calculations - actual model volumes can be substituted, when available.
<table>
<thead>
<tr>
<th>Location</th>
<th>Volume @ buildout</th>
<th>% of traffic @ buildout</th>
<th>Share</th>
<th>Total Cost</th>
<th>Impact Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Triangle @ 140 (west)</td>
<td>12,780</td>
<td>8 x .8 x .7 = .0004 x 1.2 million = $ 480</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the example above, after turning right from Carter Road onto Triangle, 12,780 cars will travel on Triangle Road to Highway 140 (represents total amount of traffic at buildout).

Under % of traffic @ buildout, the number 8 indicates the number of trips generated from one parcel in one day (the amount generated by the Land Division project).

The number .8 represents an assumption that 80% of traffic from the project site will travel west on Triangle as far as Carleton-Silva, and the .7 represents an assumption that the 70% will continue on to Highway 140.

| Triangle @ 49 S (east) | 9,410             | 8 x .2 = .0002 x 4 million = $ 800 |

In the example above, after turning left from Carter Road onto Triangle, 9,410 cars will travel on Triangle Road to Highway 49 South (represents total amount of traffic at buildout).

Again, the number 8 indicates the number of trips generated from one parcel in one day (the amount generated by the Land Division project).

The number .2 represents an assumption that the 20% of traffic from the project site will travel on Triangle heading east as far as Highway 49 South.
ATTACHMENT # 4

CALCULATION OF APPROXIMATE COST OF ROAD FRONTAGUE IMPROVEMENT TO CARTER ROAD
CALCULATION OF APPROXIMATE COST OF ROAD FRONTAGE IMPROVEMENT TO CARTER ROAD

462 feet (this project's frontage road length)

462 / 5280 (feet in one mile) = .08 (this project's road frontage as a percentage of a mile)

.08 x $369,900 (cost of one mile new road, rolling to flat terrain) = $29,592

$29,592 / 2 (one-half of the cost of the road frontage*) = $14,796

* Only one-half of the road easement lies on the applicant's parcel.
ATTACHMENT # 5

PLANNING COMMISSION MINUTES
FOR NOVEMBER 15, 1996
removed when the power line is extended. Seaman said the easement was a Public Utility Easement.

Discussion held on the location of the power pole.

On motion of Stewart, seconded by Radanovich, adopt a Notice of Exemption and approve Revised Land Division Application No. 1458 with the recommended findings and conditions. Motion carried unanimously.

5C. **Land Division Application 1476, Judith Ann Moore, Applicant.** Project Planner: Jean Clark, Assistant Planner. Proposal to subdivide 15.14 acres into 1 parcel of 8.34 acres and a remainder of 6.8 acres in the Bootjack area on Carter Road.

Clark presented staff report summary and recommendations. She also presented a memo to the Planning Commission stating the applicant has asked for a waiver to the grade requirements for the easement road. The Public Works Department and the Planning Department recommend that the waiver be allowed.

Richard Seaman, agent for the project, said the 15% grade would not be a problem. He said they had no problems with the findings, but that other counties do not impose conditions on the remainder. Discussion held on when deferred improvements had to be paid. Seaman stated the applicant had no intention of selling any parcels. He said it seems unfair to him for the applicant to pay to improve Carter Road when other parcels will use it. He hoped the in-lieu fees would be waived entirely.

**Public Portion of Public Hearing Opened.**

Jack Saulsbury questioned the type of improvements to Carter Road, as he is just across the road from the project. He said he doesn't feel Carter Road needs to be improved. It was brought out that the improvements would be half-width pavement or even possibly the Triangle Road and Carter Road intersection and that the Public Works Department would review cost estimates provided by the applicant.

Discussion held on the encroachment.

Betty Saulsbury stated the Triangle Road and Carter Road intersection was improved several years ago and did not need improving.

Ann Moore, applicant, questioned why they had to pay road improvements when they already pay taxes. She also questioned how many times road improvements have been paid for Carter Road. Mike Edwards, Public Works Department Director, present and said there was an unfairness issue and the County needs to address road impact fees.

**Public Portion of Public Hearing Closed.**

Discussion held on when the fees had to be paid and how much the fees would be.
On motion of Rudzik, seconded by Radanovich, to adopt a Negative Declaration for the project and approve Land Division Application No. 1476 with the recommended findings and conditions, including modifications to Condition #1 as follows: "(additions to condition in underlined text) 1. The easement from Carter Road to the westerly line of Parcel A shall be improved to a rural Class II standard and shall meet this standard at the time of parcel map recordation. The grade of the first 150' of the easement road from Carter Road shall not exceed 16%. The required road improvements shall be completed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards." Motion carried unanimously.

Commission recessed at 10:30 a.m.

Commission reconvened at 10:35 a.m.

**ACTION ITEMS:**

6A. Update of County Improvement Standards and Road Improvement and Circulation Policy. Committee Review Draft.

Dave Tucker, Public Works Department, presented a memorandum addressed to the Planning Commission outlining the significant changes proposed in the Improvement Standards and Road Improvement and Circulation Policy. He said the proposed County standards are now consistent with the MPUD standards and State law (i.e., Fire Safe Standards), that the maps are now on AutoCad and can be easily updated.

Discussion held on requiring pavement or gravel roads and how density affects this requirement.

Mike Edwards said the Planning Commission comments and recommendations were needed in 60 days.

Discussion held on changing "man hole" to "maintenance hole" and the document being categorized better. Tucker said the decision was made to only improve the current document, not completely re-write it.

**INFORMATION ITEMS:**

Commissioner Radanovich excused at 11:20 a.m.

Ed Johnson, Planning Director, briefed the commission on the Board of Supervisors activities on Permit Streamlining and Industrial Zoning. He said the Board had put aside the zoning changes until uses could be decided, that heavy industrial zoning would be prohibited, and that staff will be working on a list of permitted uses allowed by staff, the commission and board. He said that the Board voted 4 to 1 appeals will go to the Planning Commission before going to the Board of Supervisors.