

DEPARTMENT: Public Works

By: Michael Edwards

Phone: 966-5356

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes x No    )

Resolution amending the Mariposa County Road Circulation and Improvement Policy to delete Section II.D.1.a(4), Frontage Improvement Requirements to County Roads for New Residential Subdivisions, retroactive to February 1, 1997.

This action is recommended because of several issues which have arisen recently at the Board and Planning Commission hearings. The issues include concerns with fairness related to the magnitude of the improvement required versus length of frontage, size of subdivision and relative traffic impact; disputes over the cost of the improvement; concern with current practice in some cases to collect a fee in the amount of the estimated cost of improvement in lieu of actual construction; recent Board and Planning Commission decisions to direct staff to negotiate a payment program for the in-lieu fee, the staff time involved and security and collection (in case of default) procedures; and recent State Supreme Court decisions requiring a higher degree of nexus between impact and required improvements.

Staff additionally recommends that the Board direct staff to fully explore this issue and make recommendations for establishing a traffic impact fee utilizing data from the recently completed traffic model. One of the primary purposes of the traffic model was to be the basis for traffic impact fees and address issues such as frontage improvements for residential subdivisions.

Staff recommends that the County Road Frontage Improvement Policy for commercial and industrial development remain as shown on Attachment #1. The frontage improvements for these types of development typically include curbs, gutters, sidewalks and parking lanes that directly benefit the project, are usually not deferred and for which a nexus between improvement cost and impact can be found.

#### BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 4, 1997 the Board denied the applicant's appeal to delete frontage improvement conditions for LDA #1476, Judith Moore, Applicant-Appellant. However, the Board directed staff to work out a payment schedule with the applicant and return to the Board if an agreement could not be reached. Staff subsequently met with the applicant without significant results (refer to following item, this Agenda).

Following the Board's decision on LDA #1476, the Planning Commission acted on one residential LDA in a similar fashion, directing staff to work out a payment schedule on an estimated \$1,000 frontage improvement. It acted on another application where staff and the applicant had agreed upon a cost of \$500 for an in-lieu frontage improvement fee, but the Commission reduced it to \$150.

Staff time to deal with these issues, absent a well-defined policy, has become significant and, in some cases, a greater cost than the in-lieu fee.

The last revision to the Road Circulation and Improvement Policy was in 1993 and dealt with revisions to the zone of benefit requirement for onsite roads.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

1. No action. the current policy will remain and the Board, Planning Commission and staff will expend considerable time dealing with the issue on a case-by-case basis.
2. Direct staff to seek some other means of addressing the issue.

<p><b>COSTS:</b> (x) Not Applicable</p> <p>A. Budgeted current FY \$ _____</p> <p>B. Total anticipated costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p><b>SOURCE:</b> ( ) 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for contingencies \$ _____</p> <p>Source description: Balance in Reserve Contingencies, if approved: \$ _____</p>	<p><b>SPECIAL INSTRUCTIONS:</b> List the attachments and number the pages consecutively:</p> <p>1. Draft Revision to the Road Policy (1 pg)</p>
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<p><b>CLERK'S USE ONLY</b></p> <p>Res. No.: <u>92-171</u> Ord. No. _____</p> <p>Vote - Ayes: _____ Noes: _____</p> <p>Absent: _____ Abstained: _____</p> <p>( ) Approved ( ) Denied</p> <p>(x) Minute Order Attached ( ) No Action Necessary</p> <p>The foregoing instrument is a correct copy of the original on file in this office.</p> <p>Date: _____</p> <p>ATTEST: <u>MARGIE WILLIAMS, Clerk of the Board</u> County of Mariposa, State of California</p> <p>By: _____ Deputy</p>	<p><b>ADMINISTRATIVE OFFICER'S RECOMMENDATION:</b> This item on agenda as:</p> <p><input checked="" type="checkbox"/> Recommended</p> <p><input type="checkbox"/> Not Recommended</p> <p><input type="checkbox"/> For Policy Determination</p> <p><input type="checkbox"/> Submitted with Comment</p> <p><input type="checkbox"/> Returned for Further Action</p> <p>Comment: _____</p> <p>A.O. Initials: <u>  <i>jh</i>  </u></p>
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: MIKE EDWARDS, Public Works Director  
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*  
SUBJECT: AMENDING THE MARIPOSA COUNTY ROAD CIRCULATION AND  
IMPROVEMENT POLICY; RES. 97-171

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THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 13, 1997

ACTION AND VOTE:

Mike Edwards, Public Works Director;

A) Resolution Amending the Mariposa County Road Circulation and Improvement Policy to Delete Section II.D.1a.(4), Frontage Improvement Requirements to County Roads for New Residential Subdivisions, Retroactive to February 1, 1997  
(Continued from Policy on May 6, 1997)

**BOARD ACTION:** Discussion was held. (M)Pickard, (S)Balmain, Res. 97-171 adopted amending the Policy as recommended, and with direction given to staff to further study this issue and make recommendations for establishing a traffic impact fee utilizing data from the recently completed traffic model. Motion was amended, agreeable with maker and second, to include direction for the Planning Commission be included in the review process/Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

cc: Ed Johnson, Planning & Building Director  
Road Policy Book  
File

\*\*\*\*\* MARIPOSA COUNTY ROAD POLICY - 1997 \*\*\*\*\*

II.D. ROAD FRONTAGE & OFF-SITE IMPROVEMENTS

1. FRONTAGE IMPROVEMENTS:

a. County road: Where a project adjoins a County-maintained road, the road will be improved along the road frontage as indicated on Charts A & B and the County Improvement Standards. Improvements will be completed for:

- (1) All new *major residential*, commercial or industrial subdivision, at the time of subdivision.
- (2) New structures: upon application for a building permit for a new commercial, industrial or high-density residential structure where the use generates over 250 ADT \*, or
- (3) Remodels: upon application for a building permit resulting in the expansion of a commercial structure with an assessed value over 25% of the existing structure. Calculation of the 25% area will be based upon the preceding five-year period or less. This will apply where the use generates over 250 ADT. \*
- (4) ~~New residential subdivisions with minimum parcel size of less than 40 acres or one quarter-quarter section.~~

\* NOTE: These provisions should be implemented through amendments to the zoning ordinance.

b. Non-County Maintained Roads: Frontage improvements for non-county maintained roads shall be the same as required for on-site roads, in accordance with Charts A & B and County Standards.

c. State Highways: Caltrans should be contacted early in any planning for development projects which access state highways.