

MARIPOSA COUNTY RESOLUTION NO. 89-77

A RESOLUTION DENYING AN APPEAL AND UPHOLDING THE PLANNING
COMMISSION'S DECISION ON MAJOR SUBDIVISION NO. 5-23-88, GREELEY
HILL MAJOR SUBDIVISION

WHEREAS, an application for Major Subdivision No. 5-23-88
was submitted to Mariposa County on May 23, 1988, and a revised
map for the subdivision was submitted on September 20, 1988, and

WHEREAS, in accordance with Mariposa County Code Section
16.16.040, the Planning Commission is charged with the
responsibility of reviewing and taking action on Tentative
Subdivision Maps, and

WHEREAS, the Planning Commission considered the application
for Major Subdivision No. 5-23-88 at duly noticed public
hearings on November 4, 1988 and December 16, 1988, as required
by State Law and Mariposa County Code, and

WHEREAS, the County has adopted the Subdivision Code and
the Mariposa County Road Improvement and Circulation Policy to
provide direction relative to requiring fair and appropriate
road improvements, and

WHEREAS, County Staff and the public expressed concerns
regarding the adequacy of the County Road (Dogtown and Texas
Hill) to handle the increased traffic associated with this
subdivision, and

WHEREAS, the Planning Commission considered the
application of road improvements requirements on the County
Roads in accordance with County Code Section 16.20.210 and the
Mariposa County Road Improvement and Circulation Policy adopted

1 by the Board of Supervisors on August 9, 1988 and

2 WHEREAS, on December 16, 1988 the Planning Commission
3 approved the subdivision and required that the project
4 applicants improve Dogtown and Texas Hill Roads within the
5 boundaries of the subdivision, and

6 WHEREAS, the project applicants appealed these road
7 improvement requirements to the Board of Supervisors based upon
8 their contention that they were improperly applied and not
9 suited to the project, and

10 WHEREAS, the Board of Supervisors considered the appeal at
11 duly noticed public hearings on February 7, 1989 and February
12 21, 1989, where all facts relative to the appeal were presented.

13 NOW THEREFORE, BE IT RESOLVED that the Board of Supervisors
14 hereby finds that the road improvement requirements imposed by
15 the Planning Commission are in accordance with Mariposa County
16 Code and the Mariposa County Road Improvement and Circulation
17 Policy and hereby deny the appeal.

18 BE IT FURTHER RESOLVED, the Board of Supervisors
19 determination is based on the following findings:

20 1. The required road improvements are not in conflict with
21 health and safety and are reasonably related to the proposed
22 subdivision.

23 2. The required road improvements are necessary, in the
24 public interest, and required in conjunction with both proposed
25 and perspective development in the area.

26 3. The required road improvements are necessary to
27

1 mitigate potential significant environmental impacts
2 associated with the project as identified in the initial study
3 and negative declaration adopted by the Planning Commission. As
4 required by Section 15070(b) of the CEQA Guidelines, the
5 applicants agreed to incorporate this mitigation measure into
6 their project by letter dated July 15, 1988.

7 4. The required road improvements will be the basis for
8 further improvements and development activity or traffic
9 warrants.

10 BE IT FINALLY RESOLVED that based upon this action, the
11 conditions of approval applied to this subdivision by the
12 Planning Commission at their meeting of December 16, 1988
13 stand.

14 PASSED AND ADOPED by the Mariposa County Board of
15 Supervisors this 21st day of February, 1989 by the following
16 vote:

17 AYES: Erickson, Punte, Radanovich, Taber

18 NOES: Baggett

19 ABSTAINED: None

20 EXCUSED: None

Gertrude R. Taber

GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors

22 ATTEST:

23 *Margie Williams*
24 MARGIE WILLIAMS, Clerk of the Board

25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

26 *Jeffrey G. Green*
27 JEFFREY G. GREEN, County Counsel