

Decision to cancel SR26-Olive Orchard Road work stands

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The Calaveras County Board of Supervisors last week denied an appeal by a half-dozen west Calaveras residents concerning road improvements at State Route 26 and Olive Orchard Road.

The board at its Sept. 22 meeting voted 2–2 on the appeal filed by Clyde Clapp, Don Kuhn, Don Most, Lora Most Carol Parks and Joyce Techel. Supervisor Cliff Edson and Steve Kearney voted against the appeal, while Debbie Ponte and Chris Wright voted in favor. Supervisor Michael Oliveira was absent. The appellants needed at least three votes to override an Aug. 13 decision by the Calaveras County Planning Commission.

The planning panel by a 3-2 vote at the August meeting backed a request by Olive Orchard Estates subdivision developer Ryan Voorhees to eliminate some previously agreed upon mitigation measures to pave the way for approval of the subdivision. Those measures were offsite road improvements on State Route 26 and Olive Orchard Road.

Those improvements were widening of approximately 1.25 miles of Olive Orchard Road and installation of left turn lanes on the SR 26 intersection at Olive Orchard Road/Garner Place.

The subdivision was approved Dec. 20, 2004, by the Board of Supervisors and Voorhees in 2012 asked for modifications to the mitigation measures.

Planning Director Peter Maurer told the board the county code allows modification requests and as part of Voorhees request, an independent traffic impact analysis was prepared.

The study determined the 47 homes planned for Olive Orchard Estates Subdivision did not generate enough traffic to cause significant impacts to Olive Orchard Road and the intersection with SR26.

In addition, the county Public Works and Caltrans concurred with the planning staff's conclusion that, absent a significant adverse impact, the Olive Orchard Road widening and left turn lane improvements were unnecessary.

“The time to legally challenge (development conditions) is long past,” said Techel in her presentation to the board.

“You’re going to be responsible for the accidents that happen there,” said Clapp, one of the appellants, who described the intersection as “dangerous and horrible and Olive Orchard Road as “a horse trail basically they paved over the top of it.”

Dave Tanner, speaking on behalf of Voorhees, said the developer agreed to the mitigation measures back in 2004 to prevent any prolonged delay in approval of the project. In the meantime, the county completed the traffic study and determined the earlier agreed upon measures were unnecessary.

Voorhees pays Road Impact Mitigation and Valley Springs Benefit Basin fees every time a building permit is pulled for construction of a home in Olive Orchard Estates. In addition, he has been paying for a bond to insure those offsite improvements would be covered, Tanner added.

Times have changed, Tanner said, and the bond has become very expensive, now at \$35,000 a year, and is a needless expense now that the county-directed traffic study has shown there is no justification.

How do we tell the developer “if it’s not needed you’re going to have to pay for it,” Tanner asked, “I don’t think it’s fair.”

Rancho Calaveras resident Peter Racz said the intersection “sometimes is a pain to cross,” but “the traffic is not that high” and it was unfair to force the developer to pay for “unjustified” conditions.

Supervisor Edson and Kearney wanted to refer the issue back to the planning panel for further consideration, but Ponte and Wright pushed for a decision at the board level. Ponte made a motion, seconded by Wright, but they did not have the third vote to approve the appeal.

“The appellants appreciate the supervisors who did support our appeal and we’re considering other options,” Techel said after the meeting.