COUNTY of MARIPosa
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
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BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: KRS SCHENK, Planning Director
FROM: MARIE WILLIAMS, Clerk of the Board

SUBJECT: A) PUBLIC HEARING to Consider General Plan Amendment No. 2008-86, an Amendment to the Land use Classification of an Approximately 411-acre Portion of a 1,561.22-acre Parcel from the Agriculture/Working Landscape Land Use to the Natural Resources Land Use; The Project Site is North of the Bear Valley Planning Area, on the East and West Sides of State Highway 49 North; Address is 7585 Highway 49 North; Portion of APN 008-060-003. County of Mariposa Project Proponent; Michael Mondo, Property Owner

RESOLUTION 08-266

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA

ADOPTED THIS Order on June 17, 2008

ACTION AND VOTE:

Kris Schenk, Planning Director;

A) PUBLIC HEARING to Consider General Plan Amendment No. 2008-86, an Amendment to the Land use Classification of an Approximately 411-acre Portion of a 1,561.22-acre Parcel from the Agriculture/Working Landscape Land Use to the Natural Resources Land Use; The Project Site is North of the Bear Valley Planning Area, on the East and West Sides of State Highway 49 North; Address is 7585 Highway 49 North; Portion of APN 008-060-003. County of Mariposa Project Proponent; Michael Mondo, Property Owner

BOARD ACTION: Sarah Williams, Deputy Planning Director, presented the staff report and clarified that this is an amendment to the General Plan and not to the zoning ordinance. Staff responded to questions from the Board and advised that no objections were received from the Agricultural Advisory Committee members and that the Fish and Game fees are not waived for a County application.

The public portion of the hearing was opened and input was provided by the following:

Anita Starchman Bryant, Starchman & Bryant Law Offices – agent for the applicant, commended Sarah Williams for her staff report and efforts to correct this mapping error that occurred during the General Plan hearing process; and she provided input on the project.

Ruth Sellers asked if this is the site of the old Goldenbell Mining Company. Sarah Williams responded that this parcel is a part of the site that included four different parcels.

Ruth Catalan asked what would be allowed in the land use classification. Sarah Williams responded with the list of Extent of Uses for the Natural Resources and the Agricultural/Working Landscape land use classifications.
The public portion of the hearing was closed and the Board commenced with deliberations. 
(M)Pickard, (S)Bibby, Res. 08-266 was adopted adopting a Negative Declaration and approving General Plan Amendment No. 2008-86 with findings as recommended by the Planning Commission/Ayes: Aborn, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Cc: Cathi Boze, Agricultural Commissioner
    Karen Robb, Farm Advisor
    File
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS RESOLUTION  

No. 2008-266 A resolution approving General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Mondo, property owner. Portion Assessor Parcel Number 008·060·003

WHEREAS a general plan amendment was initiated by the Board of Supervisors on the 1st day of April 2008 as a result of the Board of Supervisors Annual Review on the General Plan; and

WHEREAS that General Plan Amendment is known as General Plan Amendment No. 2008-86; and

WHEREAS General Plan Amendment No. 2008-86 is for property located at 7585 Highway 49 North just north of the Bear Valley Planning Area, for an approximately 411-acre portion of Assessor Parcel Number 008·060·003; and

WHEREAS the amendment area coincides with that portion of APN 008·060·003 which is currently in the Mountain General (MG) zoning designation; and

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

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 16th day of May 2008; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) 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 Staff Report, the Initial Study, and the comments of the property owner's agent; and

WHEREAS the Planning Commission adopted Planning Commission Resolution No. 2008-14 recommending approving of the project with findings; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 17th day of June 2008; and

WHEREAS a Board of Supervisors packet was prepared which included an updated Staff Report and Initial Study pursuant to the California Government Code, Mariposa
County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Initial Study, the recommendation of the Planning Commission, and the comments of the property owner’s agent.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Negative Declaration for General Plan Amendment No. 2008-86.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Monde, property owner.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Supervisor Aborn, seconded by Supervisor Bibby, this resolution is duly passed and adopted this 17th day of June, 2008 by the following vote:

AYES: Aborn, Turpin, Bibby, and Pickard

NOES: None

EXCUSED: Fritz

ABSTAIN: None

Lyle Turpin Chairman
Mariposa County Board of Supervisors

Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors

Approved as to Legal Form:

Thomas P. Guarino
County Counsel
EXHIBIT 1 – FINDINGS OF APPROVAL

1. The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

The General Plan Amendment is in the general public interest as it will result in the correcting the land use classification of property to what was discussed by the Board of Supervisors and staff during the General Plan update process. The amendment area has not and was not previously in an agricultural classification. This amendment is a mapping correction and is in the general public interest. This amendment provides a buffer area between existing smaller parcels and a much larger parcel designated for Agricultural/Working landscape uses, which is also in the general public interest. This amendment will provide for some additional potential housing area, should the site be subdivided in the future. There is no evidence that the project will have any impact on surrounding agricultural uses.

2. The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.

The project improves the Mariposa County General Plan with respect to providing a long or short term guide or basis for decision-making. The amendment makes the land use classification and the zoning designation consistent relative to minimum density and parcel size provisions, thus clarifying day-to-day decision making about allowable uses and minimum parcel sizes and density within the amendment area. The amendment clears up a remaining issue associated with the GIS mapping capabilities which have been discussed publicly since the fall of 2006.

3. The processing of this application conforms to the requirements of state law and county policy.

The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.

This project is consistent with Policy 5-2a, which states, “Ensure that development shall occur first where services are located.” Implementation Measure 5-2a(1) states, “Development shall grow outward from Planning Areas and Residential Areas with available services.” This project will create an area for slightly higher density development (40 acre minimum parcel sizes) in an area adjacent to the Bear Valley Planning area, which is designated as a community area in the county. Bear Valley has some developed services, including a store and a restaurant.

Goal 5-5 states, “Designate land areas to maintain the county’s agricultural/working landscape.” Policy 5-5a states, “Maintenance of the agricultural/working landscape
shall recognize the economic use of these lands, as well as their scenic and open space functions. Finally, Implementation Measure 5-5a(1) reads, “The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, timber, and minerals shall be the primary purpose. Staff reviewed the Mariposa County Soils Survey and received comments from staff at the Mariposa County Resource Conservation District. Based on the information from these sources, the vegetation type (mainly brush, but some small areas are in grass, oaks and digger pine) is not conducive to agricultural production or timber production. The soils are used mainly for watershed and wildlife habitat. Modifying the amendment area to the Natural Resources Land Use classification is not inconsistent with these goals, policies and implementation measures of the General Plan, based upon soils and vegetation in the amendment area.

Pursuant to Section 5.3.05.E(2), there is no project associated with this project at this time. Consequently, staff reviewed this project as “land proposed for open space” at this time. No special requirements were needed for review of the proposal for reclassification to the Natural Resource Land Use classification.

Goal 10-2 states, “Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character.” Policy 10-2a states, “Agriculture lands should be retained.” This project does not result in a significant loss of agriculture lands because the majority of the amendment area is not and has not been used for agricultural purposes. The parcel west of Highway 49 North is not fenced for cattle. The parcel east of Highway 49 North is fenced and has been used for cattle grazing, however less than 100 acres of the amendment area is on the east side of Highway 49 North. Soils and vegetation within the amendment area are not suitable for productive agricultural purposes based upon information in the Mariposa County Soils Survey and information from the District Conservationist from the Resource Conservation District. Further, the acreage within the amendment area is not suitable for productive mining based upon historic usage or adjacent land uses. The acreage within the current amendment area did not meet criteria for placement in the Agriculture/Working Landscape classification on the adopted 2006 General Plan Land Use Diagram.

Pursuant to Section 5.3.04.G and Implementation Measure 10-2a(1):

- “The amendment area is not within an area in which the majority of the surrounding parcels are being used or historically have been used for agriculture, timber or mineral purposes.” The majority of the 411-acre amendment area has not been used or historically used for agriculture, timber or mineral purposes. The majority of the parcels south of the project site are all 10 – 40 acre parcels (14 in the affected property owner notice area on Page 008-200) and are in the Bear Valley Planning Area and zoned for Mountain General or Mountain Home uses. The remainder of the project parcel, which will remain in the Agriculture Working Landscape land use designation, has had mining activities on it historically. The land use designation on this acreage will not change. The amendment will create
a buffer area between the smaller off-site residentially sized parcels and the remainder of the project site property which will remain in the AWL land use designation, and which may have mining potential.

- "The soils, vegetation, topography and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production." Based upon the Mariposa County Soil Survey Information and input from the District Conservationist at the Resource Conservation District, vegetation is mainly brush (up to 90% typically, for representative soils). Soils are shallow, with bedrock at a depth of 9 inches. Representative soils on-site are used mainly for watershed and wildlife habitat. In fact, the property on the west side of Highway 49 North, including the majority of the amendment area, has not been used for agricultural grazing purposes in the past (it is not even fenced).

- "There are no other lands within the proposed land use classification available for the proposed or similar project." There is no development proposed with the project. This application was discussed by the Planning Commission and initiated by the Board of Supervisors following the 2008 Annual Review of the General Plan.

- "The characteristics and size of the amendment area make it unsuitable for open space, conservation easements or other preservation opportunities which further implement the goals and policies of the General Plan." The 411-acre amendment area is part of a 1,561.22 acre parcel. Following the amendment, 1,150 acres of the parcel will remain in the AWL land use designation which will thus retain the majority of the existing parcel's open space and preservation opportunities. The 411-acre amendment area is proposed for the Natural Resources land use classification, which is specifically established for "for lands for open space, ... ecosystem conservation, watershed protection, environmental protection, conservation of natural resources... For the reasons listed above, this General Plan Amendment is consistent with, and implements many other goals and policies of the General Plan.

- "The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture / Working Landscape land use classification." There is no identification of the amendment area as being specifically worthy of preservation for agriculture or timber production or mining purposes. The historic mining operation area on the project parcel is not within the amendment area.

Pursuant to 8.9.03 3.1, "Whenever the County updates its...general plan...it shall ensure that enough land is set aside for all types of residential development..." This project will add the opportunity for 40 acre home sites north of the Bear Valley
planning area, accessible to State Highway 49 North, consistent with this provision of the Housing Element.

Pursuant to Goal 9-1, “All development shall have safe and adequate access.” While this project isn’t proposing any development project, it is the first step in enabling a higher density development project for the amendment area than allowed by the current land use designation. The amendment area has safe and adequate access in that it fronts Highway 49 North.

5. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The amendment area has suitable potential access pursuant to the State Fire Safe Standards and the Mariposa County Subdivision Ordinance and Road Improvement and Circulation Policy for 40 acre parcels. The amendment area has immediate frontage along State Highway 49 North, which has adequate capacity for increased residential development. The project parcel has power and telephone utilities supporting the existing improvements (used for office purposes), and there are power and telephone utilities to the south of the amendment area as well (serving existing residential development on parcels immediately adjacent to the amendment area). Parcels adjacent to the amendment area include those of sizes between 10 and 40 acres, which are compatible with the minimum density allowed by the Natural Resource classification. The Natural Resource classification is the obvious choice for a buffer land use between the Residential land uses and Agriculture / Working Landscape land uses.
23. ORDER DENYING REHEARING 01/08/08

24. ABSTRACT OF JUDGMENT – CIVIL AND SMALL CLAIMS 05/01/08
PROJECT: General Plan Amendment No. 2008-86. Proposal to change the land use classification of an approximately 411-acre portion of a 1,561.22 acre parcel from the Agriculture Working Landscape land use to the Natural Resources land use. The project site is north of the Bear Valley Planning Area, on the east and west sides of State Highway 49 North; 7585 Highway 49 North; portion APN 008-060-003.

PROPOsENT: County of Mariposa

PROPERTY: Michael Mondo

OWNER:

NOTICING: Gazette Ad: June 5, 2008
Mailed Notice: May 20, 2008
Posted Notice: May 20, 2008

COMMISSION ACTION: The Planning Commission adopted a resolution recommending that the Board of Supervisors adopt a resolution adopting a Negative Declaration and approving the project based upon the recommended findings

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

This project proposes a General Plan Amendment (GPA) on an approximately 411-acre portion of a 1,561.22 acre parcel. Currently, most of the rest of the entire parcel is in the Agriculture Working Landscape (AWL) land use classification, which has a minimum density of 160 acres or a legal quarter section in size. A small portion is in the Residential Land Use/Bear Valley Community Planning area. Currently, the zoning of the 1,561.22 acre parcel is split, with approximately 411 acres in the Mountain General zone (40 acre minimum parcel size), a small acreage in the Mountain Home zone (5 acre minimum parcel size) and the remainder in the Mountain Preserve (MP) zone (160 acre minimum parcel size). This project would change the 411 acre MG zoned portion of the property to the Natural Resources land use classification, which has a 40 acre minimum density.

The project was initiated for processing by the Board of Supervisors as a part of their recent Annual Review of the General Plan on April 1, 2008.

The Board of Supervisors is the action authority for the GPA.
PROJECT VICINITY MAP

GENERAL PLAN AMENDMENT
MARIPOSA COUNTY BOARD OF SUPERVISORS
MICHAEL MONDO, OWNER
APN: Portion 008-060-003
7585 Highway 49 North

MARIPOSA COUNTY PLANNING
5100 Bullion Street
P. O. Box 2038
Mariposa, CA 95338
209-966-5161
Project Description

A. Description of Project

This project proposes a General Plan Amendment (GPA) on an approximately 411-acre portion of a 1,561.22 acre parcel. Currently, the majority of the rest of entire parcel is in the Agriculture Working Landscape (AWL) land use classification, which has a minimum density of 160 acres or a legal quarter section in size. A small area is in the Bear Valley Planning Area, Residential land use classification.

Currently, the zoning of the 1,561.22 acre parcel is split, with approximately 411 acres in the Mountain General zone (40 acre minimum parcel size), a small portion in the Mountain Home zone (5 acre minimum parcel size) and the remainder in the Mountain Preserve (MP) zone (160 acre minimum parcel size).

This project would change the 411 acre MG zoned portion of the property to the Natural Resources land use designation, which has a 40 acre minimum density.

The property owner’s agent believed that this change should have been made during the General Plan adoption process (completed in December 2006), however it did not occur. The property owner’s agent commented that this change was discussed a number of times, including during the General Plan Annual review in 2007. Although there was one change made to the General Plan Land Use Diagram involving the Mondo property as a result of the 2007 Annual Review (for the Mountain Home zoned portion), no changes were made to the Mountain General zoned portion of the Mondo property. During the recent 2008 Annual Review of the General Plan, the agent again discussed the 411-acre area classification with the Planning Commission and the Board of Supervisors. Because the written record wasn’t clear about this particular 411 acre area (enabling the map change to be made administratively), the project was initiated for processing by the Board of Supervisors as a part of the Annual Review on April 1, 2008. There is written record about the classification of parcels with split zoning and about planning department staffing and GIS mapping capabilities. This project will make the land use designation and the zoning designation consistent for the approximately 411 acre portion (both will have the 40 acre density/minimum parcel size).

This 411-acre amendment area was not previously in the Agriculture Exclusive land use classification in the 1981 General Plan.

No project is proposed with the GPA. This project will only result in a change in the land use classification on the General Plan Land Use Diagram.

B. Project Background Data (for 411-acre amendment area)
Existing Zoning: Mountain General (MG)

Existing General Plan Designation:
Agriculture Working Landscape (AWL)

Current Use of Land:
Undeveloped (within amendment area)

Staff note: There are some improvements on the project parcel, apparently made as a result of exploratory mining and a proposed mining project in the 1980s (the Golden Bell project). There is a 40 x 60 steel building, with a 20 x 40 second story loft/office area. There is also some cyclone fencing and a septic system and well pressure system. These improvements are NOT within the amendment area. Additionally, the historic Josephine Mine also is located on the parcel. Again, this mine is not within the 411-acre amendment area.

Zoning of Adjacent Lands (to amendment area):
North/Northwest: remainder of 1,561.22-acre project parcel, Mountain Preserve (MP) zone
East/Northeast: remainder of 1,561.22-acre project parcel, Mountain Preserve (MP) zone
South: 610-acre parcel in Mountain Preserve (MP) zone (also in LCA)
10, 20, 29, and 40 acre parcels in the Mountain Home (MH) and Mountain General (MG) zones
Southwest: 11.82-acre parcel in Mountain General (MG) zone
West: 170-acre parcel Mountain Preserve (MP) and Mountain General (MG) zone

General Plan Designations of Adjacent Lands (to amendment area):
North: remainder of 1,561.22-acre project parcel, Agriculture Working Landscape (AWL) land use classification
East: remainder of 1,561.22-acre project parcel, Agriculture Working Landscape (AWL) land use classification
South: 610-acre parcel in Bear Valley Planning Area
10, 20, 29, and 40 acre parcels in the Bear Valley Planning Area (Residential and Natural Resources land use classifications)
West: 170-acre parcel Agriculture Working Landscape (AWL) land use classification
Site: 
Topography

The project site has slopes ranging from 5% to 33% (measured from USGS topography map). Slopes on-site run toward tributaries of Hell Hollow, which flow into the Merced River near Bagby.

Site Soils and Vegetation:

Five soils types are found on-site, according to Mariposa County Soils Survey. Soils on-site are the:

MbH2 – the Maymen gravelly loam, over 75 percent slopes, eroded; soil permeability is moderate;

TbF2 – the Trabuco clay loam 15 to 50 percent slopes, eroded; soil permeability is slow;

HaG - Henneke extremely rocky clay loam 15 to 75 percent slopes; soil permeability is slow;

AnE – Auburn very rocky loam, 15 to 30 percent slopes; soil permeability is moderate; and

AmG3 – Auburn rocky loam, 30-75 percent slopes; soil permeability is moderate.

Note, the slope designations in the descriptions of the soils in the Soil Survey are not consistent with the slopes as measured on the USGS Topography map.

The majority of the amendment area is in the Maymen series.

Excerpts from the Maymen description from the soils survey include:

"Vegetation is mainly brush, but some small areas are in grass, oaks and digger pine. In a representative profile, the soil is medium acid, brown gravelly loam 9 inches thick. Slaty bedrock is at a depth of 9 inches. Permeability is moderate. Available water capacity is 1.0 to 3.0 inches. The effective rooting depth is 8 to 20 inches. Maymen soils are used mainly for watershed and wildlife habitat. Some areas are used for grazing."

Dawn Afman, District Conservationist of the Mariposa County LPO (Limited Partnership Office) (Resource Conservation District) reviewed the project and stated that:
Potential Vegetation: The plant community is typically covered by 90% brush, 5% grasses and 5% forbs. The dominant woody species is chemise, buck brush, live oak, Manzanita, gray pine, blue oaks, buckeye and poison oak.

The common grasses consist of wild oats, soft chess brome, red brome and foxtail and rip gut brome. Lupine, mustard, popcorn flower, turkey mullein and brodiaea are common forbs. Disturbance to these plant communities can occur from fire, construction, and over grazing.

In favorable wet years herbage production can be as high as 3,000 pounds/acre for grazing and in droughts as low as 1,000 pounds/acre.

The soils are loams and stony rocky loams on fairly steep slopes. Due to the steep slopes once exposed to raindrop impact these soils will erode severely.

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**Project Analysis**

A. **Descriptions**

Descriptions of the Mountain Preserve and Mountain General Zones are included as attachments to this report.

Descriptions of the Agriculture Working Landscape and Natural Resources Land Use Classifications are included as attachments to this report.

The purpose of the Agriculture/Working Landscape land use classification is for lands for the production, extraction or harvesting of food, fiber, timber and minerals on large parcels of 160 acres or greater in size. This land use classification identifies lands where the primary use is the production of agriculture, timber, or mining for economic benefit, which incidentally have scenic value and appear as open space areas. Agriculture/Working Landscape lands are different from lands in public ownership and lands primarily used for resource protection, which are identified in the Natural Resources land use classification.

The purpose of the Natural Resource land Use Classification is for lands for open space, recreation, ecosystem conservation, watershed protection, environmental protection, conservation of natural resources, and protection of public health and safety.
B. **Agency Comments**

Requests for comments were sent to the following agencies: Mariposa County Public Works, Mariposa County Environmental Health, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Game, the Miwok Indian Council, Mariposa County Resource Conservation District (RCD), the Natural Resources Conservation Service, Mariposa County Unified School District, California Department of Forestry and Fire Protection, Pacific Gas & Electric, Hornitos Telephone, the JC Fremont Health District, the Agricultural Advisory Committee and Caltrans.

Responses were received from the following agencies: Mariposa County RCD (USDA, District Conservationist) (information about soils and vegetation on-site), Health Department (no concerns), Public Works (no concerns), Caltrans (no concerns), School District (no concerns), and Cal Fire (no concerns).

Since the General Plan Amendment is a policy level or legislative project and because there is no project associated with the request it is not surprising that many of the agencies do not have concerns.

C. **Processing of a General Plan Amendment**

General Plan Amendments require review by the Planning Commission at a noticed public hearing. The Planning Commission acts to make a recommendation to the Board of Supervisors. The Board of Supervisors takes action on a General Plan Amendment, also at a noticed public hearing.

Because this General Plan Amendment involves converting Agriculture Working Landscape to the Natural Resource land use classification, it would have been best to have scheduled the matter for formal comment by the Agricultural Advisory Committee. This wasn’t done because the project was pre-scheduled for the May 15, 2008 Planning Commission public hearing by the Board of Supervisors (as part of the General Plan Amendment schedule, approved by the Board on April 1, 2008); the amendment is the processing of an oversight (mapping failure) by planning staff (it would’ve been preferable to have been done administratively, had the Board of Supervisors minutes reflected discussion and direction regarding this specific amendment area); and the amendment area was never in the Agriculture Exclusive zone or Agriculture Exclusive land use classification as part of the 1981 General Plan.

All of the Agricultural Advisory Committee members received notice regarding the project, the Planning Commission public hearing, and the Board of Supervisors public hearing. All of the Agricultural Advisory Committee members also received copies of the Planning Commission staff report and initial study.
Prior to the Planning Commission public hearing, staff discussed the project with the Chairman of the Agricultural Advisory Committee, who didn’t have concerns regarding the project based upon the information in the staff report (purpose of project) and because the land was not agriculture land.

Should the Board of Supervisors determine that formal input of the Agricultural Advisory Committee is critical to the processing of the application, the Board of Supervisors may direct staff to obtain input from the Agricultural Advisory Committee on the application. The Planning Commission didn’t determine that this was necessary, based upon consideration of this information and review of project site photos.

D. **Environmental Determination**

A General Plan Amendment is subject to environmental review pursuant to the California Environmental Quality Act (CEQA). The Planning Commission recommends adoption of a Negative Declaration. Because there is no project associated with the amendment, because the zoning within the development area is already a 40-acre minimum, and because the amendment is processing or correcting a mapping failure by staff, there are no impacts associated with the amendment to the land use designation. The potential impacts are associated with any future development of the site pursuant to the Mountain General permitted uses and minimum parcel size, which are subject to further environmental review (for discretionary decisions).

The County will have to pay the Department of Fish and Game fees for the filing of a Negative Declaration for this project. Filing fees are 1,876.75 as of 1/1/08, and the County Clerk fees are $50.00 as of 1/1/08. These fees are adjusted annually, effective on the first day of January, each year.

E. **Findings to Review Project Application**

The Mariposa County General Plan and the Mariposa County Zoning Ordinance establish findings which must be made before a General Plan Amendment application may be approved.

In order to approve an amendment to the General Plan, ALL of the required findings in must be made.

Recommended findings supporting approval of the project are provided in this report.

F. **General Discussion Supporting Recommendation**

Staff’s recommendation is based upon the following:
1. There is evidence that the Board of Supervisors had been presented with this request on successive occasions. The Board of Supervisors did change the land use classification in 2007 for another area within the parcel for this property owner. This is arguably a further oversight by staff in the mapping or understanding of the amendment area. The processing of this amendment serves to correct a mapping designation by staff.

2. Based upon the soils and vegetation information available from both the Mariposa County Soils Survey and staff (the District Conservationist) at the Mariposa County Resource Conservation District, the amendment area is not suitable for either agricultural grazing uses or timber production, which would be uses appropriate for the Agriculture/Working Landscape.

3. The historic mining operation on this project parcel is not included in the amendment area, and will remain in the Agriculture/Working Landscape Land use classification (the appropriate classification for a mining operation).

4. The headwaters of Hell Hollow are within the proposed amendment area. Hell Hollow is one of the major canyons feeding into the Merced River at Bagby. The Natural Resource Land Use Classification is established for ecosystem protection and watershed protection. This amendment is consistent with this purpose of the Natural Resource Land Use Classification.

5. The amendment area was not in the Agriculture Exclusive land use classification in the 1981 General Plan.

6. It is staff's belief that all findings can be supported for amending the land use for this amendment area.

G. **Summary and Recommendation**

The Planning Commission recommends that the Board of Supervisors adopt a resolution adopting a Negative Declaration and approving General Plan Amendment No. 2008-86 based upon the recommended findings.

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**Recommended Findings to Approve General Plan Amendment No. 2008-86**

The Mariposa County General Plan Section 4.3, Amending the General Plan, states, "The General Plan is policy based. The land use classifications are purposely broad and embrace a menu of zoning districts. Zone changes within the menu of consistent zones for a land use classification are feasible without a General Plan amendment. However, to change into a different land use classification requires a property owner or applicant to demonstrate
conditions have changed relative to the subject property substantiating findings necessary to
approve an amendment. Also, all land use classifications include “criteria for inclusion” for
lands to be added to the classification. This requires a property owner to demonstrate how
his or her property meets the requirements for inclusion in the new land use classification.
Applications to change from one land use classification to another must be found consistent
with both of these policies of the General Plan.”

Additionally, the Mariposa County Zoning Ordinance, Section 17.128.050 establishes
findings which must be approved in order to amend the General Plan.

Staff recommends General Plan Amendment Application No. 2008-86 be approved based
upon the following findings:

1. **The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.**

   The General Plan Amendment is in the general public interest as it will result in the correcting the land use classification of property to what was discussed by the Board of Supervisors and staff during the General Plan update process. The amendment area has not and was not previously in an agricultural classification. This amendment is a mapping correction and is in the general public interest. This amendment provides a buffer area between existing smaller parcels and a much larger parcel designated for Agricultural/Working landscape uses, which is also in the general public interest. This amendment will provide for some additional potential housing area, should the site be subdivided in the future. There is no evidence that the project will have any impact on surrounding agricultural uses.

2. **The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.**

   The project improves the Mariposa County General Plan with respect to providing a long or short term guide or basis for decision-making. The amendment makes the land use classification and the zoning designation consistent relative to minimum density and parcel size provisions, thus clarifying day-to-day decision making about allowable uses and minimum parcel sizes and density within the amendment area. The amendment clears up a remaining issue associated with the GIS mapping capabilities which have been discussed publicly since the fall of 2006.

3. **The processing of this application conforms to the requirements of state law and county policy.**

   The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.
4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.

This project is consistent with Policy 5-2a, which states, “Ensure that development shall occur first where services are located.” Implementation Measure 5-2a(1) states, “Development shall grow outward from Planning Areas and Residential Areas with available services.” This project will create an area for slightly higher density development (40 acre minimum parcel sizes) in an area adjacent to the Bear Valley Planning area, which is designated as a community area in the county. Bear Valley has some developed services, including a store and a restaurant.

Goal 5-5 states, “Designate land areas to maintain the county’s agricultural/working landscape.” Policy 5-5a states, “Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions.” Finally, Implementation Measure 5-5a(1) reads, “The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, timber, and minerals shall be the primary purpose. Staff reviewed the Mariposa County Soils Survey and received comments from staff at the Mariposa County Resource Conservation District. Based on the information from these sources, the vegetation type (mainly brush, but some small areas are in grass, oaks and digger pine) is not conducive to agricultural production or timber production. The soils are used mainly for watershed and wildlife habitat. Modifying the amendment area to the Natural Resources Land Use classification is not inconsistent with these goals, policies and implementation measures of the General Plan, based upon soils and vegetation in the amendment area.

Pursuant to Section 5.3.05.E(2), there is no project associated with this project at this time. Consequently, staff reviewed this project as “land proposed for open space” at this time. No special requirements were needed for review of the proposal for reclassification to the Natural Resource Land Use classification.

Goal 10-2 states, “Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character.” Policy 10-2a states, “Agriculture lands should be retained.” This project does not result in a significant loss of agriculture lands because the majority of the amendment area is not and has not been used for agricultural purposes. The parcel west of Highway 49 North is not fenced for cattle. The parcel east of Highway 49 North is fenced and has been used for cattle grazing, however less than 100 acres of the amendment area is on the east side of Highway 49 North. Soils and vegetation within the amendment area are not suitable for productive agricultural purposes based upon information in the Mariposa County Soils Survey and information from the District Conservationist from the Resource Conservation District. Further, the acreage within the amendment area is not suitable for productive mining based upon historic usage or adjacent land uses. The acreage within the current amendment area did not meet criteria for placement in the Agriculture/Working Landscape classification on the adopted 2006 General Plan Land Use Diagram.
Pursuant to Section 5.3.04.G and Implementation Measure 10-2a(1):

- "The amendment area is not within an area in which the majority of the surrounding parcels are being used or historically have been used for agriculture, timber or mineral purposes." The majority of the 411-acre amendment area has not been used or historically used for agriculture, timber or mineral purposes. The majority of the parcels south of the project site are all 10 – 40 acre parcels (14 in the affected property owner notice area on Page 008-200) and are in the Bear Valley Planning Area and zoned for Mountain General or Mountain Home uses. The remainder of the project parcel, which will remain in the Agriculture Working Landscape land use designation, has had mining activities on it historically. The land use designation on this acreage will not change. The amendment will create a buffer area between the smaller off-site residentially sized parcels and the remainder of the project site property which will remain in the AWL land use designation, and which may have mining potential.

- "The soils, vegetation, topography and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production." Based upon the Mariposa County Soil Survey Information and input from the District Conservationist at the Resource Conservation District, vegetation is mainly brush (up to 90% typically, for representative soils). Soils are shallow, with bedrock at a depth of 9 inches. Representative soils on-site are used mainly for watershed and wildlife habitat. In fact, the property on the west side of Highway 49 North, including the majority of the amendment area, has not been used for agricultural grazing purposes in the past (it is not even fenced).

- "There are no other lands within the proposed land use classification available for the proposed or similar project." There is no development proposed with the project. This application was discussed by the Planning Commission and initiated by the Board of Supervisors following the 2008 Annual Review of the General Plan.

- "The characteristics and size of the amendment area make it unsuitable for open space, conservation easements or other preservation opportunities which further implement the goals and policies of the General Plan." The 411-acre amendment area is part of a 1,561.22 acre parcel. Following the amendment, 1,150 acres of the parcel will remain in the AWL land use designation which will thus retain the majority of the existing parcel's open space and preservation opportunities. The 411-acre amendment area is proposed for the Natural Resources land use classification, which is specifically established for "for lands for open space, ... ecosystem conservation, watershed protection, environmental protection, conservation of natural resources... For the reasons listed above, this General Plan
Amendment is consistent with, and implements many other goals and policies of the General Plan.

- "The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture / Working Landscape land use classification." There is no identification of the amendment area as being specifically worthy of preservation for agriculture or timber production or mining purposes. The historic mining operation area on the project parcel is not within the amendment area.

Pursuant to 8.9.03 3.1, "Whenever the County updates its...general plan...it shall ensure that enough land is set aside for all types of residential development..." This project will add the opportunity for 40 acre home sites north of the Bear Valley planning area, accessible to State Highway 49 North, consistent with this provision of the Housing Element.

Pursuant to Goal 9-1, "All development shall have safe and adequate access." While this project isn't proposing any development project, it is the first step in enabling a higher density development project for the amendment area than allowed by the current land use designation. The amendment area has safe and adequate access in that it fronts Highway 49 North.

5. The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The amendment area has suitable potential access pursuant to the State Fire Safe Standards and the Mariposa County Subdivision Ordinance and Road Improvement and Circulation Policy for 40 acre parcels. The amendment area has immediate frontage along State Highway 49 North, which has adequate capacity for increased residential development. The project parcel has power and telephone utilities supporting the existing improvements (used for office purposes), and there are power and telephone utilities to the south of the amendment area as well (serving existing residential development on parcels immediately adjacent to the amendment area). Parcels adjacent to the amendment area include those of sizes between 10 and 40 acres, which are compatible with the minimum density allowed by the Natural Resource classification. The Natural Resource classification is the obvious choice for a buffer land use between the Residential land uses and Agriculture / Working Landscape land uses.
Attachments to Staff Report:

1. Vicinity Map
2. Existing Zoning Maps in Vicinity of Project Site
3. General Plan Land Use Diagrams (vicinity of amendment area)
4. Soils Map (vicinity of amendment area)
5. Topographic Map
6. Mariposa County Code, Chapter 17.36, Mountain Preserve Zone
7. Mariposa County Code, Chapter 17.28, Mountain General Zone
8. Mariposa County General Plan excerpt, Agriculture/Working Landscape Land Use Classification
9. Mariposa County General Plan excerpt, Natural Resource Land Use Classification
10. Planning Commission Resolution
11. Draft Board of Supervisors Resolution
12. Correspondence
A. PROJECT APPLICATION INFORMATION:

Project Title: General Plan Amendment No. 2008-86

Project Location: Located on both sides of Highway 49 North; 7585 Highway 49 North; north of the Bear Valley Community Planning Area; portion of projected Sections 16 and 17 (Las Mariposas Grant), T.4S., R. 17 E., M.D.B. &B. portion APN 008-060-003

Project Description: Proposed General Plan Amendment (GPA) on an approximately 411-acre portion of a 1,561.22 acre parcel. Currently, most of the rest of the entire parcel is in the Agriculture / Working Landscape (AWL) Land Use Classification, which has a minimum density of 160-acres or a legal quarter section in size (a small portion is in the Residential Land Use/Bear Valley Community Planning Area). Currently, the zoning of the 1,561.22 acre parcel is split, with approximately 411 acres in the Mountain General Zone (40 acre minimum parcel size), a small acreage in the Mountain Home zone (5 acre minimum parcel size), and the remainder in the Mountain Preserve (MP) zone (160 acre minimum parcel size). This project changes the 411 acre MG zoned portion of the property to the Natural Resources Land Use Classification, which has a 40 acre minimum density.

Project Proponent: Name: County of Mariposa Board of Supervisors
Address: P.O. Box 784, Mariposa, CA 95338
Phone Number: 209-966-3222

Property Owner: Michael Mondo

Lead Agency: County of Mariposa Board of Supervisors

General Plan (amendment area): Agriculture / Working Landscape

Zoning (amendment area): Mountain General
Land use:

Land use on the project parcel is undeveloped, with the exception of some improvements made as a result of exploratory mining and a proposed mining project in the 1980s (the Golden Bell project). There is a 40 x 60 steel building, with a 20 x 40 second story loft/office area. There is also some cyclone fencing and a septic system and well pressure system. The historic Josephine Mine also is located on the property. These improvements are not on the 411-acre amendment area (they are on the project parcel however). The 411-acre amendment area is undeveloped.

Site Characteristics:

According to the Mariposa County Soils Survey and the District Conservationist from the Resource Conservation District, vegetation for the representative soils on-site is mainly brush, but some small areas are in grass, oaks and digger (gray) pine. The plant community is typically covered by 90% brush, 5% grasses and 5% forbs. The dominant woody species is chemise, buck brush, live oak, Manzanita, gray pine, blue oaks, buckeye and poison oak.

In a representative profile, the soil is medium acid, brown gravelly loam 9 inches thick. Slaty bedrock is at a depth of 9 inches. Permeability is moderate. Available water capacity is 1.0 to 3.0 inches. The effective rooting depth is 8 to 20 inches.

Surrounding land uses are undeveloped, large lot residential and agricultural (grazing) on parcels ranging in size from 10 to 600 acres.

Notes about Discussion of Impacts:

The property owner’s agent for this project believed that this change to the amendment area’s land use classification should have been made during the General Plan adoption process (completed in December 2006), however it did not occur. The property owner’s agent commented that this change was discussed a number of times, including during the General Plan Annual Review in 2007. Although there was one change made to the General Plan Land Use Diagram involving the Mondo property as a result of the 2007 Annual Review (for the Mountain Home zoned portion), no changes were made to the Mountain General zoned portion of the Mondo property. During the recent 2008 Annual Review of the General Plan, the agent again discussed the 411-acre area classification with the Planning Commission and the Board of Supervisors. Because the written record wasn’t clear about this particular 411 acre area (enabling the map change to be made administratively), the project was initiated for processing by the Board of Supervisors as a part of the Annual Review on April 1, 2008. There is written record about the classification of parcels with split zoning and about planning department staffing and GIS mapping capabilities. This project will make the land use designation and the zoning designation consistent
for the approximately 411 acre portion (both will have the 40 acre density/minimum parcel size). This project is arguably the processing of a further oversight by staff in the mapping or understanding of the amendment area discussed repeatedly by the Board of Supervisors regarding the Mondo property. Consequently, the impacts of the amendment are not significant.

**Document Date:** Updated May 20, 2008

**Contact Person:** Sarah Williams, Deputy Director
County of Mariposa Planning Department
5100 Bullion Street, Mariposa CA 95338
Phone: (209) 742-1215  Fax: (209) 742-5024
Email: swilliams@mariposacounty.org

**Additional Documents**
All of the documents cited and relied upon in the preparation of this Initial Study are available at the County of Mariposa Planning Department and are hereby incorporated into the record for this Initial Study.

**B. PROJECT IMPACT TO ENVIRONMENTAL FACTORS:**

(blank): no impact
L: Less than Significant Impact
M: Less than Significant Impact with Mitigation
PS: Potentially Significant

---

Aesthetics
Biological Resources
Hazardous Materials
Mineral Resources
Public Services
Utilities/Service Systems
Agriculture Resources
Cultural Resources
Hydrology/Water Quality
Noise
Recreation
Mandatory Findings of Significance
Air Quality
Geology/Soils
Land Use/Planning
Population/Housing
Transportation/Traffic
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**D. TABLE OF CONTENTS**

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Section B--ENVIROMENTAL CHECKLIST ...............................................................5

Section C--Mandatory Findings of Significance ...............................................25
Section A
CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

√ 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ 4) I find the proposed project MAY have a "potentially significant impact" or "Less Than Significant With Mitigation" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: Sarah Williams
Title: Deputy Director
Signature: ____________________________

Date: ____________________________
Updated 5/20/08

Representing: County of Mariposa
## Section B
### ENVIRONMENTAL CHECKLIST
#### EVALUATION OF ENVIRONMENTAL IMPACTS

<table>
<thead>
<tr>
<th>I. AESTHETICS</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>(\sqrt{\text{ }})</td>
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<tr>
<td>b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
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<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
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</table>

1.a **Scenic Vista** A significant impact would be one that has a substantially adverse effect on a scenic vista. This project does not change any scenic vista. There is no development which results from this project. *Thus, there are no impacts.*

1.b **Scenic Resources** A significant impact would be one that substantially damages scenic resources such as trees, rock outcroppings and historic buildings within a state highway. The California Department of Transportation (Caltrans) administers the California Scenic Highway Program. The project to amend the land use classification on 411 acres is not on or visible from a scenic highway. *Thus, the project will have no impact.*

1.c **Visual Character** A significant impact would be one that substantially degrades the existing visible character or quality of the site and its surroundings. The General Plan amendment project has no impact on site aesthetics. Residential development is allowed with the current land use classification and with the proposed land use classification. The county has not established building design or landscape requirements for site built homes, mobile homes or manufactured homes; therefore, the threshold of impact is set quite high. *Thus, the project will have no impacts.*

1.d **Create Light or Glare** A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. This project will not create any potential significant increase of light and glare. *Thus, there are no impacts.*
II. AGRICULTURE RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td><img src="image1" alt="Table Cell" /></td>
<td><img src="image2" alt="Table Cell" /></td>
<td><img src="image3" alt="Table Cell" /></td>
<td><img src="image4" alt="Table Cell" /></td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td><img src="image5" alt="Table Cell" /></td>
<td><img src="image6" alt="Table Cell" /></td>
<td><img src="image7" alt="Table Cell" /></td>
<td><img src="image8" alt="Table Cell" /></td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td><img src="image9" alt="Table Cell" /></td>
<td><img src="image10" alt="Table Cell" /></td>
<td><img src="image11" alt="Table Cell" /></td>
<td><img src="image12" alt="Table Cell" /></td>
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</tbody>
</table>

2.a Convert Farmland to Non-Agricultural Use A significant impact would be one that converts farmland designated as "prime," "unique" or "farmland of statewide importance" to nonagricultural uses. Soils on site have been mapped according to the USDA Soil Survey of Mariposa County and the amendment area is not on any prime or unique farmland or farmland of statewide importance. Only the land on the east side of Highway 49 North has been fenced to allow grazing. Land on the west side has not been fenced and has not been used for agricultural purposes. The amendment area has not been used for timber management purposes. The project to change the land use classification to the Natural Resources classification will have no impact on the adjacent Williamson Act contracted property (south of the easternmost 80 acre portion of the 411-acre amendment area). Thus, there is no impact.

2.b Conflicts with Zoning for Agricultural Use or a Williamson Contract

A significant impact would be one that conflicts with agricultural zoning or a Williamson Act contract. The amendment area is currently designated Agriculture/Working Landscape, however it should have been designated Natural Resources. This amendment is a mapping correction. The amendment area has never been designated as Agricultural Exclusive (AE) (Mariposa County Zoning Map). Based on a review of County records, the Project site is not under a Williamson Act contract (Mariposa County Agricultural Preserve Map). There is no evidence to indicate that the amendment will create any land use conflicts with agricultural zoning or a Williamson Act Contract. The county has a "right to agricultural activity" ordinance, which protects existing agricultural activities from complaints from new residents. The project will have no impact.

2.c Convert Farmland to Non-Agricultural Uses A significant impact would occur if the project involves other changes in the existing environment, which due to their location or nature, could result in the conversion of farmland to non-agricultural uses.
The project site is essentially an amendment to correct a mapping error, to bring the classification into compliance with the current zoning designation. This amendment will not convert any farmland to non-agricultural uses. There is less than 100 acres of the amendment area on the east side of Highway 49 North which has been used for grazing in the past, and this will be returned to a 40-acre density General Plan classification (as it was previously). However this amendment is not found to be a conversion of land uses, only a conversion of land use classification to correct a mapping issue. There is no impact.

III. AIR QUALITY - [Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.]

Would the project:

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<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
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<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
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<td>√</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>√</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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<td>√</td>
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</table>

3.a Air Quality Plan  A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan, and, a significant impact would be one that violates any air quality standard or contributes substantially to an existing or projected air quality violation. Under the California Clean Air Act of 1988, districts designated as non-attainment for state Clean Ambient Air Quality Standards (CAAQS) must submit a plan for attaining or maintaining state standards for these pollutants.

The project site is located within the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Mountain Counties Air Pollution Control District (MCAPCD). The MCAPCD has not yet adopted recommended significance thresholds for air quality review of development projects subject to CEQA within District boundaries.
Mariposa County is classified as either attainment or unclassified status for all federal air quality standards. Therefore, the Mariposa County Air Pollution Control District has not prepared an attainment plan [Technical Background Report, Volume 3, Mariposa County General Plan]. Thus, the project, to change the land use classification, will have no impact.

3.b **Violation of Air Quality Standards** A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors). This project, to amend the land use classification, will lead to no increase in either Ozone or PM$_{10}$. No cumulative impact will occur ("Guide for Assessing and Mitigating Air Quality Impacts", SJVAPCD). Thus, the project will have no impact.

3.c **Net increase of any criteria pollutant** A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these population groups would reside for long periods. These groups include children, elderly, the acutely ill and the chronically ill, and typical land uses include schools, residential care facilities, and hospitals. The project site is not located in an area of the County with the sensitive receptors. Thus, the project will have no impact on sensitive receptors.

3.d **Sensitive Receptors** A significant impact would be one that creates objectionable odors or dust affecting a substantial number of people. The project is to amend the General Plan land use classification on a 411-acre portion of a parcel to correct a mapping error. This will not result in any odors or any dust emissions. The project will have no impact.

3.e **Objectionable Odors** This project will not create any odors. Thus, the project will have no impact.

<table>
<thead>
<tr>
<th>IV. BIOLOGICAL RESOURCES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
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<td>✓</td>
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<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies,</td>
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<td></td>
<td>✓</td>
</tr>
<tr>
<td>Regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</td>
<td></td>
<td>✓</td>
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<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td>✓</td>
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</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
<td>✓</td>
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<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td>✓</td>
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</tbody>
</table>

**4.a Candidate, Sensitive or Special Status Species**  
A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species. This project was sent to the California Department of Fish and Game (CDFG) for review for potential impacts on such species on or adjacent to the project site. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact any special status species. *Thus, the project will have no impact.*

**4.b Riparian or Other Sensitive Natural Community**  
A significant impact would be one that adversely affects riparian habitat or another sensitive natural community. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact any riparian or sensitive natural community. *Thus, the project will have no impact.*

**4.c Wetlands**  
A significant impact would be one that adversely affects wetlands. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or
development resulting from this amendment which could impact any wetlands on-site. Thus, the project will have no impact.

4.d Migration & Native Wildlife Nursery Sites A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, or with migration corridors. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact any migration of wildlife nursery sites. Thus, the project will have no impact.

4.e Ordinances and Policies Protecting Biological Resources A significant impact would be one that impairs and/or damages existing biological resources or conflicts with local ordinances and policies protecting local biological resources. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact or impair or damage existing biological resources or conflict with local ordinances and policies protecting biological resources. Thus, the project will have no impact.

4.f Conservation Plans A significant impact would be one that conflicts with any conservation plan. The project site is not part of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. Thus, the project will not impact an adopted conservation plan.

<table>
<thead>
<tr>
<th>V. CULTURAL RESOURCES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td></td>
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<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

5.a and b Historic and Archaeological Resources A significant impact would be one that would cause a substantial adverse change in the significance of an historic and/or archaeological resource. This project will amend the land use classification for a
portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact any historic or archaeological resource. Thus, the project will have no impact.

5.c **Paleontological Resource or Geologic Feature**  A significant impact would be one that would destroy a unique paleontological resource or site or a unique geologic feature. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could impact any paleontological resource or geologic feature. Thus, the project will have no impact.

5.d **Human Remains**  A significant impact would be one that disturbs human remains. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could result in any grading which would impact any human remains. Thus, the project will have no impact.

<table>
<thead>
<tr>
<th>VI. GEOLOGY AND SOILS -- Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
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</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>d) Be located on expansive soil, as</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

6.a Faults, Ground Shaking, Ground Failure and Landslides
A significant impact would be one that exposes people or structures to loss, injury or death from earthquake faults, ground shaking, ground failure and landslides. This project will amend the land use classification for a portion of the project parcel, and will not result in any change on the ground. There is no potential for any construction or development resulting from this amendment which could potentially result in an increased risk of exposure to people or structures to such loss, injury or death. *Thus, the project will have no impact.*

6.b Soil Erosion
A significant impact would be one that results in substantial soil erosion or loss of topsoil. This project results in no grading activities. *Thus there is no impact.*

6.c Unstable Soil
A significant impact would be one where soil becomes unstable as a result of the project. This project results in no grading activities. *Thus there is no impact.*

6.d Expansive Soils
A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. This project results in no grading activities. *Thus there is no impact.*

6.e Septic Systems
A significant impact would occur if septic tanks or systems are utilized in the project and the soil is unable to support their use. This project results in no need for use of septic tanks or systems. *Thus there is no impact.*

### VII. HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>✓</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>✓</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### 7.a Transport of Hazardous Materials

A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release of such material. The project does not involve the transport, use or disposal of hazardous material. **Thus, the project will have no impact.**

### 7.b Upset and Accident

A significant impact would be one that creates a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project does not involve the use or disposal of hazardous material; therefore, the
likelihood that a foreseeable upset or accidental event involving the release of hazardous materials occurring is not likely. *Thus, the project will have no impact.*

**7.c School Proximity** A significant impact would be one that emit hazardous emission or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes. Additionally, there are no schools within one-quarter mile of the project site. *Thus, the project will have no impact.*

**7.d Exposure from Existing Contaminated Sites** A significant impact would be one that is located on a listed contamination site and expose the public or the environment to the hazard. The amendment area is not listed on any Mariposa County Environmental Health Department list of hazardous sites. *Thus, there will be no impact.*

**7.e&f Hazards Near Airports and Airstrips** A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The amendment area is not within two miles of a public airport. The project will not result in any new development creating any increase or change in safety or hazards for persons relative to airports. *Thus, there will be no impact.*

**7.g Emergency Response Plans** A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The project, being an amendment in the land use classification, will result in no new construction or development. There are no potential impacts to emergency response plans resulting from this project. *Thus, there will be no impact.*

**7.h Risk of Wildland Fires** A significant impact would be one that exposes people or structures to a significant risk of wildland fires. This will not occur as a result of this project. See discussion under 7.g above. *Thus, there will be no impact.*

<table>
<thead>
<tr>
<th>VIII. HYDROLOGY AND WATER QUALITY</th>
<th>Potentially significant impact</th>
<th>Less than significant impact with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td>√</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8.a **Water Quality Standards** A significant impact would occur if the project degraded water quality in the area. No grading will occur as a result of this project, and there is no potential that any impacts will occur to water quality as a result of this project. *Thus, the project will have no impact.*

8.b **Changes in Groundwater Resources** A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge. No grading will occur as a result of this project, and there is no potential that any
change will occur to ground water resources as a result of this project. Thus, the project will have no impact.

8.c and d Changes in Course or Direction of Water A significant impact would be one that substantially alters drainage and surface flows in a manner that results in substantial erosion, siltation or flooding. The project will not result in any grading or development on-site, and not change any drainage and surface flows of the site. Thus, the project will have no impact.

8.e Stormwater A significant impact would result if the capacity of storm drainage facilities are caused to be exceeded or the project provides additional sources of polluted runoff. This project will not have any change on absorption rates, drainage patterns, or the rate and amount of runoff, because there will be no development on-site. Thus, the project will have no impact.

8.f Water Quality A significant impact would occur if actions and/or activities associated with the project would degrade water quality through discharge of pollutants, inappropriate clean-up of materials, or negligence towards enforcement of water quality regulations. The project changes the land use classification on a map and will not impact water quality. Thus, the project will have no impact.

8.g Housing in 100-year Flood Hazard Area A significant impact would occur if houses were put in a flood hazard area. No houses will result from this project. No change in density on-site will result from this project. A subdivision requires further discretionary review. Thus, this project will have no impact.

8.h Impeded or Redirected Flood Flows See discussion in 8.g

8.i Dam Failure A significant impact would occur if people or structures were exposed to a significant risk of loss, injury or death. The project site is not located within a Dam Inundation area and won’t result in any change in the potential number of persons on-site. Thus, there are no impacts.

8.j Seiche, Tsunami and Mud Flow Hazards A significant impact would occur from inundation by seiche, tsunami or mudflow. The County of Mariposa is not subject to inundation by tsunami or mudflow according to the General Plan Safety Element. “Seiche” is the overtopping of a dam caused by an earthquake. See the discussion on dam failure above. Thus, there are no impacts.

<table>
<thead>
<tr>
<th>IX. LAND USE AND PLANNING</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Page 16 of 25
9.a **Physically Divide an Existing Community**  
A significant impact would occur if the project physically divided an established community. The project does not propose any structures, land use classifications or other features that would physically divide an established community. *Thus, there are no impacts.*

9.b **Conformance with General Plan Designation, Zoning and Other Environmental Policies**  
A significant impact would occur if the project conflicted with an applicable general plan policy or regulation of an agency with jurisdiction over the project. The amendment area’s zoning classification is “Mountain General;” the amendment area is located within the Agriculture/Working Landscape Land Use Classification according to the 2006 General Plan. This project is an amendment to the General Plan classification, to ensure consistency between the land use and zoning classifications, minimum parcel sizes, and densities permitted in these designations and zones. *Thus, the project will have no impact.*

9.c **Conservation Plans**  
A significant impact would occur if the project conflicted with an applicable conservation plan. The Project site is not part of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. *Thus no impact will occur.*

### X. MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
10.a Mineral Resources in the Project Area A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state. The change in the land use diagram does not change the availability of mineral resources. Thus, the project will have no impact.

10.b Mineral Resources Summary A significant impact would occur if the project resulted in the loss of availability of a locally important mineral resource recovery site. There is no evidence to indicate the presence of mineral resources on the project site. Regardless, the change in the land use classification does not change this item. The current zoning designation allows for mining activities, as do both General Plan classifications. Thus, the project will have no impact.

<table>
<thead>
<tr>
<th>XI. NOISE</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip,</td>
<td></td>
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<td>√</td>
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</tbody>
</table>
would the project expose people residing or working in the project area to excessive noise levels?

11.a **Noise Policies, Ordinances and Standards** A significant impact would occur if the project resulted in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Changing a map results in no noise. The project will have no impact.

11.b **Ground-Borne Noise Impacts** A significant impact would result if the project exposed persons to or generated of excessive ground-borne vibration or ground-borne noise levels. The project will not generate ground-borne noise. Thus, the project will have no impact.

11.c **Permanent Increase in Ambient Noise** A significant impact would result if a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project occur. See discussion under 11.a. The project will have no impact.

11.d **Temporary or Periodic Increase in Ambient Noise** A significant impact would result if a substantial temporary or periodic increase in ambient noise levels occurs in the project vicinity above levels that exist without the project. See discussion under 11.a. The project will have no impact.

11.e and f **Exposure to Airport Noise** A significant impact would occur if there is exposure to excessive noise from public or private airports. The Yosemite-Mariposa Airport is at least 6 miles from the project site; airport noise is not a concern. Heliports do exist within the County. The heliport at the J.C. Fremont Hospital is used regularly; however it will not create a noise hazard for this site. Thus, there will be no impact.

<table>
<thead>
<tr>
<th>XII. POPULATION AND HOUSING</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td></td>
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</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>
12.a Population Growth Inducement A significant impact would result if the project induces substantial population growth in an area. Changing the map as proposed by this project results in no growth inducement. Thus, the project will have no impact.

12.b Displacement of Housing A significant impact would result if the project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project creates no new housing. Thus, the project will have no impact.

12.c Displacement of People A significant impact would result if the project displaced substantial numbers of people, necessitating the construction of replacement housing elsewhere. The project site is currently vacant. No displacement of persons will occur at all. Thus, the project will have no impact.

<table>
<thead>
<tr>
<th>XIII. PUBLIC SERVICES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</td>
<td></td>
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</tr>
<tr>
<td>a) Fire protection?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>b) Police protection?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>c) Schools?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>d) Parks?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>e) Other public facilities?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
</tbody>
</table>

13.a and b Fire and Police Services Improvement Impacts The proposed project would have a significant environmental impact if construction of emergency service public facilities that are needed to maintain adequate service levels for the proposed project creates a substantial adverse physical impact. No new services are needed based on the map change. The project will have no impact.

13.c School Improvement Impacts The proposed project would have a significant environmental impact if construction of public school facilities that are needed to
maintain adequate service levels for the proposed project creates a substantial adverse physical impact. No new schools are needed based on the map change. The project will have no impact.

**13.d Park Improvement Impacts** The proposed project would have a significant environmental impact if construction of public park facilities that are needed to maintain adequate service levels for the proposed project create a substantial adverse physical impact. No new park facilities are needed for the proposed map change. The project will have no impact.

**13.e Road Improvement Impacts** The proposed project would have a significant environmental impact if construction of public road facilities that are needed to maintain adequate service levels for the proposed project create a substantial adverse physical impact. No new roads are needed for the map change. The project will have no impact.

**13.e Water and Sewer Public Facilities** The proposed project would have a significant environmental impact if construction of water and sewer public facilities that are needed to maintain adequate service levels for the proposed project create a substantial adverse physical impact. No new sewer and water facilities are necessary for this map project. The project will have no impact.

<table>
<thead>
<tr>
<th>XIV. RECREATION</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks recreational facilities such that substantial deterioration of the facility would occur or accelerated?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
<td></td>
<td></td>
<td>✔</td>
</tr>
</tbody>
</table>

**14.a Use of Existing Recreational Facilities** A significant impact would result if the project increased the use of existing recreational facilities and that increased use caused or accelerated substantial physical deterioration of those facilities. The project will result in no increase in the use of existing facilities. Thus, the project will have no impact.

**14.b Construction or Expansion of New Recreational Facilities** A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project does not include recreational facilities. Thus, the project will have no impact.
<table>
<thead>
<tr>
<th>XV.TRANSPORTATION/TRAFFIC Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
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</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
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</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td></td>
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</tbody>
</table>

15.a **Substantial Increase in Traffic Levels** A significant impact would result if the project caused an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. See discussion under 15.b.

15.b **Change in Level of Service Rating** A significant impact would result if the project caused level of service ratings (individually or cumulatively) to be exceeded. This project changes the classification for a land use on a map. No change in traffic of level of service ratings will occur by this project. *The project will have no impact.*

15.c **Change in Air Traffic Patterns** A significant impact would result if the project resulted in substantial safety risks due to changes in air traffic patterns. The project does not change air traffic patterns. *Thus, the project will have no impact.*
15.d **Creation of Hazards (by Design or Use)** A significant impact would result if the project produced hazards to safety from design features or incompatible uses. The Project is a map change which produces no hazards. *The project will have no impact.*

15.e **Impacts to Emergency Access** A significant impact would result if the project resulted in inadequate emergency access. There is no development proposed, resulting in a need or change in need for emergency access. *Thus, the project will have no impact.*

15.f **Impacts to Parking** A significant impact would result if the project results in inadequate parking. The project results in no need for any parking. *The project will have no impact.*

15.g **Impacts to Alternative Transportation** A significant impact would result if the project conflicted with alternative transportation policies, plans or programs. The project will not interfere with alternative transportation policies. *Thus the project will have no impact.*

<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
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</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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<td>√</td>
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</tbody>
</table>
16.a Water Treatment Requirements  A significant impact would result if the project caused water treatment requirements to be exceeded. The project requires no private septic systems. Thus, the project will have no impact.

16.b Impacts of Construction of Water and Wastewater Facilities  A significant impact would result if the project adversely affected the environment due to construction of new water, wastewater treatment or stormwater drainage facilities, or expansion of existing facilities. No construction or expansion of facilities is necessary for this project. Thus, the project will have no impact.

16.c Impacts of Construction of Storm-drainage Facilities  A significant impact would result if the project adversely affected the environment due to construction of new stormwater drainage facilities or expansion of existing facilities. No on-site or off-site construction will result from this project. The project will have no impact.

16.d Adequacy of Water Supply  A significant impact would result if the project demands a water supply that is not available from existing entitlements and resources. There is no water demanded by the project. Thus, the project will have no impact.

16.e Adequacy of Wastewater Treatment Plant  A significant impact would occur if the project results in a determination by the wastewater treatment provider that it has inadequate capacity. No wastewater treatment is necessary for a map change. Thus, the project will have no impact.

16.f Adequacy of Solid Waste Facilities (Landfill Capacity)  A significant impact would result if the project creates a disposal need that cannot be accommodated by the landfill. The recently completed and operational improvement plans for the county landfill are based on the anticipated growth of the county. Thus, the project will have no impact.

16.g Compliance with Solid Waste Regulations  A significant impact would result if the project is unable to comply with federal, state and local statutes and regulations related to solid waste. The project will have no impact.
## Section C
### MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Finding</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
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<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
<td>X</td>
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<tr>
<td>2. Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
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</table>

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td></td>
<td>X</td>
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<tr>
<td>3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### Impact Discussion & Conclusions:

There are no impacts related to the project. There is no construction associated with this project. There are no potential growth inducing impacts associated with this project because it is a map correction and clarification which was arguably intended to be made during the 2006 General Plan Update.

No plant communities and/or endangered species habitat will be removed or damaged as part of this project because it is a map change, and existing development is allowed based upon the existing zoning designation. The proposed land use is consistent with the existing zoning designation. No prehistoric, historic, or archeological resources will be affected by this project. No known endangered or rare species of plant, animal, or wildlife within the project area will be affected by the project.

No evidence has been presented that would suggest that the project, to correct the land use diagram for the General Plan, has the potential to achieve short-term goals to the disadvantage of long-term environmental goals. There are no significant impacts related to the project that are expected to cause substantial adverse effects on human beings either directly or indirectly. Based upon the environmental review conducted within this Initial Study, and the fact that no impact are identified as resulting from the project, a negative declaration will be adopted for the project.
Notice of Determination

To:  X  County Clerk  
County of Mariposa  
P.O. Box 247  
Mariposa, CA 95338

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

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

General Plan Amendment No. 2008-86; County of Mariposa

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Sarah Williams</th>
<th>(209) 742-1215</th>
</tr>
</thead>
<tbody>
<tr>
<td>none</td>
<td></td>
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</tr>
</tbody>
</table>

State Clearinghouse Number  Lead Agency Contact Person  Telephone

Project Location:  Approximately 411-acre portion of APN 008-060-003, located north of the Bear Valley Community Planning Area at 7585 Highway 49 North.

Project Description:  General Plan Amendment on an approximately 411-acre portion of a 1561.22 acre parcel. Currently, most of the rest of the entire parcel is in the Agriculture Working Landscape (AWL) land use classification, which has a minimum density of 160 acres or a legal quarter section in size. A small portion of the parcel is in the Residential land use classification / Bear Valley Community Planning Area. Currently, the zoning of the 1,561.22 acre parcel is split, with approximately 411 acres in the Mountain General zone (40 acre minimum parcel size), a small acreage in the Mountain Home zone (5 acre minimum parcel size), and the remainder in the Mountain Preserve (MP) zone (160 acre minimum parcel size). This project changes the 411 acre MG zoned portion of the property to the Natural Resources land use classification, which has a 40 acre minimum density.

This is to advise that the Mariposa County Board of Supervisors, as Lead Agency has approved the above described project on the 17th day of June, 2008 and has made the following determination regarding the above described project:

1. The project [□ will  X will not] have a significant effect on the environment.
2. □ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
   X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [□ were  X were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [□ was  X was not] adopted for this project.
5. Findings [X were  □ were not] made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration and record of project approval is available to the General Public at:

Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA 95338

SARAH WILLIAMS  Date  Title

Deputy Director
MARIPOSA COUNTY
NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

PROponent/Application: County of Mariposa (Michael Mondo, property owner) / General Plan Amendment No. 2008-86

Project Description: Change in the land use classification of an approximately 411-acre portion of a 1,561.22 acre parcel from the Agriculture Working Landscape land use to the Natural Resources land use. The project site is north of the Bear Valley Planning Area, on the east and west sides of State Highway 49 North; 7585 Highway 49 North; portion APN 008-060-003

No significant effect is based on the following findings:

Finding: The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

The General Plan Amendment is in the general public interest as it will result in the correcting the land use classification of property to what was discussed by the Board of Supervisors and staff during the General Plan update process. The amendment area has not and was not previously in an agricultural classification. This amendment is a mapping correction and is in the general public interest. This amendment provides a buffer area between existing smaller parcels and a much larger parcel designated for Agricultural/Working landscape uses, which is also in the general public interest. This amendment will provide for some additional potential housing area, should the site be subdivided in the future. There is no evidence that the project will have any impact on surrounding agricultural uses.

Finding: The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.

The project improves the Mariposa County General Plan with respect to providing a long or short term guide or basis for decision-making. The amendment makes the land use classification and the zoning designation consistent relative to minimum density and parcel size provisions, thus clarifying day-to-day decision making about allowable uses and minimum parcel sizes and density within the amendment area. The amendment clears up a remaining issue associated with the GIS mapping capabilities which have been discussed publicly since the fall of 2006.

Finding: The processing of this application conforms to the requirements of state law and county policy.
The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

**FINDING:** The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.

This project is consistent with Policy 5-2a, which states, “Ensure that development shall occur first where services are located.” Implementation Measure 5-2a(1) states, “Development shall grow outward from Planning Areas and Residential Areas with available services.” This project will create an area for slightly higher density development (40 acre minimum parcel sizes) in an area adjacent to the Bear Valley Planning area, which is designated as a community area in the county. Bear Valley has some developed services, including a store and a restaurant.

Goal 5-5 states, “Designate land areas to maintain the county’s agricultural/working landscape.” Policy 5-5a states, “Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions.” Finally, Implementation Measure 5-5a(1) reads, “The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, timber, and minerals shall be the primary purpose.” Staff reviewed the Mariposa County Soils Survey and received comments from staff at the Mariposa County LPO. Based on the information from these sources, the vegetation type (mainly brush, but some small areas are in grass, oaks and digger pine) is not conducive to agricultural production or timber production. The soils are used mainly for watershed and wildlife habitat. Modifying the amendment area to the Natural Resources Land Use designation is not inconsistent with these goals, policies and implementation measures of the General Plan, based upon soils and vegetation in the amendment area.

Pursuant to Section 5.3.05.E(2), there is no project associated with this project at this time. Consequently, staff reviewed this project as “land proposed for open space” at this time. No special requirements were needed for review of the proposal for reclassification to the Natural Resource Land Use designation.

Goal 10-2 states, “Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character.” Policy 10-2a states, “Agriculture lands should be retained.” This project does not result in a significant loss of agriculture lands because the majority of the amendment area is not and has not been used for agricultural purposes. The parcel west of Highway 49 North is not fenced for cattle. The parcel east of Highway 49 North is fenced and has been used for cattle grazing, however less than 100 acres of the amendment area is on the east side of Highway 49 North. Soils and vegetation within the amendment area are not suitable for productive agricultural purposes based upon information in the Mariposa County Soils Survey and information from the District Conservationist from the Resource Conservation District. Further, the acreage within the amendment area is not suitable for productive mining based upon historic usage or
adjacent land uses. The acreage within the current amendment area did not meet criteria for placement in the Agriculture/Working Landscape classification on the adopted 2006 General Plan Land Use Diagram.

Pursuant to Section 5.3.04.G and Implementation Measure 10-2a(1):

- “The amendment area is not within an area in which the majority of the surrounding parcels are being used or historically have been used for agriculture, timber or mineral purposes.” The majority of the 411-acre amendment area has not been used or historically used for agriculture, timber or mineral purposes. The majority of the parcels south of the project site are all 10 – 40 acre parcels (14 in the affected property owner notice area on Page 008-200) and are in the Bear Valley Planning Area and zoned for Mountain General or Mountain Home uses. The remainder of the project parcel, which will remain in the Agriculture Working Landscape land use designation, has had mining activities on it historically. The land use designation on this acreage will not change. The amendment will create a buffer area between the smaller off-site residentially sized parcels and the remainder of the project site property which will remain in the AWL land use designation, and which may have mining potential.

- “The soils, vegetation, topography and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.” Based upon the Mariposa County Soil Survey Information and input from the District Conservationist at the Resource Conservation District, vegetation is mainly brush (up to 90% typically, for representative soils). Soils are shallow, with bedrock at a depth of 9 inches. Representative soils on-site are used mainly for watershed and wildlife habitat. In fact, the property on the west side of Highway 49 North, including the majority of the amendment area, has not been used for agricultural grazing purposes in the past (it is not even fenced).

- “There are no other lands within the proposed land use classification available for the proposed or similar project.” There is no development proposed with the project. This application was discussed by the Planning Commission and initiated by the Board of Supervisors following the 2008 Annual Review of the General Plan.

- “The characteristics and size of the amendment area make it unsuitable for open space, conservation easements or other preservation opportunities which further implement the goals and policies of the General Plan.” The 411-acre amendment area is part of a 1,561.22 acre parcel. Following the amendment, 1,150 acres of the parcel will remain in the AWL land use designation which will thus retain the majority of the existing parcel’s open space and preservation opportunities. The 411-acre amendment area is proposed for the Natural Resources land use designation, which is specifically established for “for lands for open space, ... ecosystem
conservation, watershed protection, environmental protection, conservation of natural resources... For the reasons listed above, this General Plan Amendment is consistent with, and implements many other goals and policies of the General Plan.

- "The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture / Working Landscape land use classification." There is no identification of the amendment area as being specifically worthy of preservation for agriculture or timber production or mining purposes. The historic mining operation area on the project parcel is not within the amendment area.

Pursuant to 8.9.03 3.1, "Whenever the County updates its...general plan...it shall ensure that enough land is set aside for all types of residential development..." This project will add the opportunity for 40 acre home sites north of the Bear Valley planning area, accessible to State Highway 49 North, consistent with this provision of the Housing Element.

Pursuant to Goal 9-1, "All development shall have safe and adequate access." While this project isn't proposing any development project, it is the first step in enabling a higher density development project for the amendment area than allowed by the current land use designation. The amendment area has safe and adequate access in that it fronts Highway 49 North.

FINDING: The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

The amendment area has suitable potential access pursuant to the State Fire Safe Standards and the Mariposa County Subdivision Ordinance and Road Improvement and Circulation Policy for 40 acre parcels. The amendment area has immediate frontage along State Highway 49 North, which has adequate capacity for increased residential development. The project parcel has power and telephone utilities supporting the existing improvements (used for office purposes), and there are power and telephone utilities to the south of the amendment area as well (serving existing residential development on parcels immediately adjacent to the amendment area). Parcels adjacent to the amendment area include those of sizes between 10 and 40 acres, which are compatible with the minimum density allowed by the Natural Resource classification. The Natural Resource classification is the obvious choice for a buffer land use between the Residential land uses and Agriculture / Working Landscape land uses.

FINDING: There are no impacts related to the project.
There is no construction associated with this project. There are no potential growth
inducing impacts associated with this project because it is a map correction and
clarification which was arguably intended to be made during the 2006 General Plan
Update.

No plant communities and/or endangered species habitat will be removed or
damaged as part of this project because it is a map change, and existing
development is allowed based upon the existing zoning designation. The proposed
land use is consistent with the existing zoning designation. No prehistoric, historic,
or archeological resources will be affected by this project. No known endangered or
rare species of plant, animal, or wildlife within the project area will be affected by
the project.

No evidence has been presented that would suggest that the project, to correct the
land use diagram for the General Plan, has the potential to achieve short-term goals
to the disadvantage of long-term environmental goals. There are no significant
impacts related to the project that are expected to cause substantial adverse effects
on human beings either directly or indirectly. Based upon the environmental review
conducted within the Initial Study, and the fact that no impact are identified as
resulting from the project, a negative declaration will be adopted for the project.

No significant effect is based on review procedures of the following County Departments or
Divisions:

☐ Building Division ☐ County Health Department
☒ Planning Commission ☒ Public Works Department

Other: Mariposa County Unified School District, California Department of Forestry and
Fire Protection (Cal Fire), Miwuk Nation, Caltrans, California Department of Fish and
Game, Mariposa County Resource Conservation District, PG&E, and Hornitos Telephone

No significant effect was found, based on review of the project.

See approval adopted by Board of Supervisors Resolution No. 2008-__

________________________________________
Initial Study was prepared by Sarah Williams, Deputy Planning Director and is on file at
Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

SARAH WILLIAMS, Deputy Director Date
Mariposa Planning

[Signature]
GENERAL PLAN AMENDMENT
MARIPOSA COUNTY BOARD OF SUPERVISORS
MICHAEL MONDO, OWNER
APN: Portion 008-060-003
7585 Highway 49 North

MARIPOSA COUNTY PLANNING
5100 Bullion Street
P. O. Box 2039
Mariposa, CA 95338
209-966-5151
ATTACHMENT 2

Existing Zoning Maps

AE = Agriculture Exclusive
MG = Mountain General
MH = Mountain Home
MP = Mountain Preserve
PD = Public Domain
PS = Public Sites
TPA = Town Planning Area
ATTACHMENT 3
Existing Land Use Diagram
ATTACHMENT 4
Chapter 17.36

MOUNTAIN PRESERVE ZONE (MPZ)

Sections:

17.36.010 Mountain preserve zone (MPZ).

17.36.010 Mountain preserve zone (MPZ).

The Mountain Preserve Zone (MPZ) as designated on the Mariposa County land use map, is applied to lands that are suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and some timber.

A. Development standards for the MPZ. Development standards for the MPZ shall be as follows:

1. Uses:

   a. Permitted uses: Residential, non-commercial recreation, mining, milling or mineral processing when in conformance with the Surface Mining Act and county code, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).


   c. Prohibited uses: All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title. (Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MPZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than one hundred sixty (160) acres or a legal quarter section in gross area.

3. Density: Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 7
Chapter 17.28

MOUNTAIN GENERAL ZONE (MGZ)

Sections:

17.28.010 Mountain general zone (MGZ).

17.28.010 Mountain general zone (MGZ).
The Mountain General Zone (MGZ) as designated on the Mariposa County land use map, is applied to lands characterized by terrain that is less suitable for moderate or high residential densities or intense use, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification.

A. Development standards for MGZ.

Development standards for the MGZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential, non-commercial recreation, mining and rock processing in conformance with Surface Mining Act, county code and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).
   b. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails. (Ord. 816 Sec.VII, 1991).
   c. Prohibited uses: All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.08.030 of this Title. (Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MGZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. Density: Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 8
5.3.04 AGRICULTURE/WORKING LANDSCAPE LAND USE CLASSIFICATION

A. Purpose

The Agriculture/Working Landscape land use classification defines lands for the production, extraction, or harvesting of food, fiber, timber, and minerals on large parcels of 160 acres or greater in size. These lands and their historically and economically important activities are a major contributing factor to the County's character. The Agriculture/Working Landscape classification incorporates both the County's traditional ranch lands and timberlands at the mid-elevations of the County west of Yosemite National Park. This land use classification identifies lands where the primary use is the production of agriculture, timber, or mining for economic benefit, which incidentally have scenic value and appear as open space areas. Agriculture/Working Landscape lands are different from lands in public ownership and lands primarily used for resource protection, which are identified in the Natural Resources land use classification.

B. Extent of Uses

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings on large parcels, agri-tourism uses in conjunction with the primary agriculture production use of the property, agriculture, timber, and mining activities requiring large acreages for production activities, and processing. Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include feed lots, lumber mills, and other uses associated with the primary uses that are known to have characteristics which require site specific compatibility review. Lands under Williamson Act contract are subject to the terms and conditions of the contract.

In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches, and organizational camps. In addition, the County permits through a discretionary review (conditional use permit) the creation of resort or visitor uses, which are secondary to the primary uses of agriculture, timber, and mining production. Agritourism is a permitted use when in conjunction with the primary agriculture production use of the property. Such agritourism uses support the County's goal of encouraging agriculture and regional visitor businesses. Review criteria for the agritourism use will include but not be limited to biosecurity, compatibility for neighboring agriculture uses, and availability of proper infrastructure. A reclassification to Rural Economic/Resort is required to approve a resort or visitor-oriented ranch as the primary use in the Agriculture/Working Landscape land use classification. Agritourism uses in the Agriculture/Working Landscape should be compatible with the surrounding primary uses.
C. Consistent Zoning Districts

The following zoning districts are consistent with the purpose of the Agriculture/Working Landscape land use classification:

- Agriculture Exclusive
- Mountain Preserve
- General Forest Industrial Mining
- Public Domain
- Public Sites

The Board of Supervisors has determined that for parcels within the Agriculture/Working Landscape land use designation on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Agriculture/Working Landscape land use classification.

D. Population Density and Building Intensity

*Maximum dwelling units:* Two (2) dwelling units per one hundred and sixty (160) acres of gross land area or a legal quarter section of land; or one (1) dwelling unit per legally existing lot or parcel of less than one hundred and sixty (160) acres of gross land area or a legal quarter section of land. Lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contracts.

*Maximum building intensity:* Ten (10) percent lot coverage or per approved discretionary permit to a maximum of seven hundred thousand (700,000) square feet of structure coverage per parcel. On Agriculture/Working Landscape parcels of less than one hundred and sixty (160) acres or a legal quarter section of land for which a specialty agriculture use is proposed, the discretionary permit may establish a larger lot coverage of up to thirty (30) percent based on site specific conditions, project needs, and appropriate environmental review.

*Minimum parcel size for new subdivisions:* One hundred and sixty (160) acres of gross land area or legal quarter section of land.

*Average population density:* 0.02 persons per acre of gross land area.
E. Development Standards

E(1) INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

F. Criteria for New Lands to Be Included

Lands proposed for Agricultural use:

The application must be presented with a recommendation by the Agricultural Advisory Committee indicating the proposed agricultural use requires the policy protections of the Agriculture/Working Landscape classification and, if applicable, meets standards for Williamson Act contracts.

Lands proposed for timber Management:

Minimum 160 acres and compliance with state regulation.

Lands proposed for mineral resource production:

The proposal must be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

G. Criteria for Lands Proposed To Be Removed From the Agriculture/Working Landscape Land Use Classification

The General Plan provides for long-term preservation of agricultural uses. The purpose of this section is to establish significant criteria which are applicable to any proposal to change a land use classification from Agriculture/Working Landscape to another land use classification.

Small lot or parcel sizes diminish commercial scale agricultural use potential of an area. The smaller parcels, when sited in close proximity to working agricultural lands create potential conflicts when the accepted agricultural practices are at variance with perceived rural residential lifestyles. The inclusion of lands under Williamson Act contract and within the Agriculture Exclusive zoning district as Agriculture/Working Landscape lands in a community plan is to reinforce the need to preserve and conserve these lands. With the Mariposa County 20-year Williamson Act contract, no Agriculture Preserve is eligible for exit from its contract during the 20-year life of the General Plan through 2026, unless the parcel filed a notice of non-renewal.

Land may be considered for reclassification to a Rural Economic land use designation if the land is not restricted by a Williamson Act contract, or is not within an Agricultural Exclusive zone, or if the land is not within a Timber Preserve zone. The reclassification shall meet the criteria for Rural Economic land use classification as provided in Section 5.4.03.
Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification will be approved unless the Board of Supervisors adopts the following findings:

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.
ATTACHMENT 9
5.3.05  N A T U R A L  R E S O U R C E  L A N D  U S E  C L A S S I F I C A T I O N

A. Purpose

The Natural Resource land use classification defines lands for open space, recreation, ecosystem conservation, watershed protection, environmental protection, conservation of natural resources, and protection of public health and safety.

B. Extent of Uses

The primary uses in the Natural Resource land use classification include lands in public ownership, single-family dwellings on large parcels of 40 acres or greater in size, ranches, farms, vineyards, public access, timber management and harvesting, natural resource-compatible recreation access, and land conservation uses or easements. An ecotourism resort may be permitted with a discretionary approval. Churches and organizational camps are allowed subject to a discretionary permit.

C. Zoning Consistency

The following base zoning districts are consistent with the purpose of the Natural Resource land use classification:

- Agriculture Exclusive
- General Forest
- Mountain General
- Public Domain
- Public Sites

The Board of Supervisors has determined that parcels within the Natural Resource Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Natural Resources land use classification.

D. Population Density and Building Intensity

- Maximum dwelling units: One (1) dwelling unit per forty (40) acres of gross land area or legal quarter quarter section of land.
- Maximum building intensity: Ten (10) percent lot coverage for residential or recreation development or per approved discretionary permit. If resource-related, non-residential lot coverage exceeds twenty five (25) percent, a conditional use permit is required.
- Minimum parcel size for new subdivisions:
- Average population density: Forty (40) acres of gross land area or legal quarter quarter section of land.
  0.08 persons per acre of gross land area.
E. Development Standards

E(1) INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

E(2) CRITERIA FOR NEW LANDS TO BE INCLUDED

To be approved for the Natural Resources land use classification, the subject property must be proposed for a zoning district consistent with the purpose of this classification.

Lands proposed for Agricultural use:

Lands proposed for timber management:
Lands proposed for mineral resource production:

Lands proposed for open space or conservation purposes:

The application will be presented with a recommendation by the Agriculture Advisory Committee indicating why the proposed agricultural use requires the policy protections of the Natural Resource classification. Comply with state regulations.

The proposal will be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2. No special requirements.
STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2008-14  
A resolution recommending approval of General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Mondo, property owner.  
Portion Assessor Parcel Number 008-060-003

WHEREAS a general plan amendment was initiated by the Board of Supervisors on the 1st day of April 2008 as a result of the Board of Supervisors Annual Review on the General Plan; and

WHEREAS that General Plan Amendment is known as General Plan Amendment No. 2008-86; and

WHEREAS General Plan Amendment No. 2008-86 is for property located at 7585 Highway 49 North just north of the Bear Valley Planning Area, for an approximately 411-acre portion of Assessor Parcel Number 008-060-003; and

WHEREAS the amendment area coincides with that portion of APN 008-060-003 which is currently in the Mountain General (MG) zoning designation; and

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

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 16th day of May 2008; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) 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 Staff Report, the Initial Study, and the comments of the property owner’s agent.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a Negative Declaration and approve General Plan Amendment No. 2008-86, County of Mariposa, proponent.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Francisco, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 16th day of May, 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud and DeSantis
NOES: None
EXCUSED: None
ABSTAIN: None

[Signature]
Skip Skyrud Chairman
Mariposa County Planning Commission

Attest:
[Signature]
Carol Suggs, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1 - RECOMMENDED FINDINGS OF APPROVAL

1. **The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.**

   The General Plan Amendment is in the general public interest as it will result in the correcting the land use classification of property to what was discussed by the Board of Supervisors and staff during the General Plan update process. The amendment area has not and was not previously in an agricultural classification. This amendment is a mapping correction and is in the general public interest. This amendment provides a buffer area between existing smaller parcels and a much larger parcel designated for Agricultural/Working landscape uses, which is also in the general public interest. This amendment will provide for some additional potential housing area, should the site be subdivided in the future. There is no evidence that the project will have any impact on surrounding agricultural uses.

2. **The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.**

   The project improves the Mariposa County General Plan with respect to providing a long or short term guide or basis for decision-making. The amendment makes the land use classification and the zoning designation consistent relative to minimum density and parcel size provisions, thus clarifying day-to-day decision making about allowable uses and minimum parcel sizes and density within the amendment area. The amendment clears up a remaining issue associated with the GIS mapping capabilities which have been discussed publicly since the fall of 2006.

3. **The processing of this application conforms to the requirements of state law and county policy.**

   The processing of this project application has been in accordance with all requirements pursuant to state law and county policy.

4. **The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County general plan as follows.**

   This project is consistent with Policy 5-2a, which states, “Ensure that development shall occur first where services are located.” Implementation Measure 5-2a(1) states, “Development shall grow outward from Planning Areas and Residential Areas with available services.” This project will create an area for slightly higher density development (40 acre minimum parcel sizes) in an area adjacent to the Bear Valley Planning area, which is designated as a community area in the county. Bear Valley has some developed services, including a store and a restaurant.
Goal 5-5 states, "Designate land areas to maintain the county's agricultural/working landscape." Policy 5-5a states, "Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions. Finally, Implementation Measure 5-5a(1) reads, "The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber, timber, and minerals shall be the primary purpose. Staff reviewed the Mariposa County Soils Survey and received comments from staff at the Mariposa County LPO. Based on the information from these sources, the vegetation type (mainly brush, but some small areas are in grass, oaks and digger pine) is not conducive to agricultural production or timber production. The soils are used mainly for watershed and wildlife habitat. Modifying the amendment area to the Natural Resources Land Use designation is not inconsistent with these goals, policies and implementation measures of the General Plan, based upon soils and vegetation in the amendment area.

Pursuant to Section 5.3.05.E(2), there is no project associated with this project at this time. Consequently, staff reviewed this project as "land proposed for open space" at this time. No special requirements were needed for review of the proposal for reclassification to the Natural Resource Land Use designation.

Goal 10-2 states, "Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character." Policy 10-2a states, "Agriculture lands should be retained." This project does not result in a significant loss of agriculture lands because the majority of the amendment area is not and has not been used for agricultural purposes. The parcel west of Highway 49 North is not fenced for cattle. The parcel east of Highway 49 North is fenced and has been used for cattle grazing, however less than 100 acres of the amendment area is on the east side of Highway 49 North. Soils and vegetation within the amendment area are not suitable for productive agricultural purposes based upon information in the Mariposa County Soils Survey and information from the District Conservationists from the Resource Conservation District. Further, the acreage within the amendment area is not suitable for productive mining based upon historic usage or adjacent land uses. The acreage within the current amendment area did not meet criteria for placement in the Agriculture/Working Landscape classification on the adopted 2006 General Plan Land Use Diagram.

Pursuant to Section 5.3.04.G and Implementation Measure 10-2a(1):

- "The amendment area is not within an area in which the majority of the surrounding parcels are being used or historically have been used for agriculture, timber or mineral purposes." The majority of the 411-acre amendment area has not been used or historically used for agriculture, timber or mineral purposes. The majority of the parcels south of the project site are all 10 - 40 acre parcels (14 in the affected property owner notice area on Page 008-200) and are in the Bear Valley Planning Area and zoned for Mountain General or Mountain Home uses. The remainder of the project parcel, which will remain in the Agriculture Working Landscape
land use designation, has had mining activities on it historically. The land use designation on this acreage will not change. The amendment will create a buffer area between the smaller off-site residentially sized parcels and the remainder of the project site property which will remain in the AWL land use designation, and which may have mining potential.

- “The soils, vegetation, topography and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.” Based upon the Mariposa County Soil Survey Information and input from the District Conservationist at the Resource Conservation District, vegetation is mainly brush (up to 90% typically, for representative soils). Soils are shallow, with bedrock at a depth of 9 inches. Representative soils on-site are used mainly for watershed and wildlife habitat. In fact, the property on the west side of Highway 49 North, including the majority of the amendment area, has not been used for agricultural grazing purposes in the past (it is not even fenced).

- “There are no other lands within the proposed land use classification available for the proposed or similar project.” There is no development proposed with the project. This application was discussed by the Planning Commission and initiated by the Board of Supervisors following the 2008 Annual Review of the General Plan.

- “The characteristics and size of the amendment area make it unsuitable for open space, conservation easements or other preservation opportunities which further implement the goals and policies of the General Plan.” The 411-acre amendment area is part of a 1,561.22 acre parcel. Following the amendment, 1,150 acres of the parcel will remain in the AWL land use designation which will thus retain the majority of the existing parcel’s open space and preservation opportunities. The 411-acre amendment area is proposed for the Natural Resources land use designation, which is specifically established for “for lands for open space, ... ecosystem conservation, watershed protection, environmental protection, conservation of natural resources... For the reasons listed above, this General Plan Amendment is consistent with, and implements many other goals and policies of the General Plan.

- “The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture / Working Landscape land use classification.” There is no identification of the amendment area as being specifically worthy of preservation for agriculture or timber production or mining purposes. The historic mining operation area on the project parcel is not within the amendment area.
Pursuant to 8.9.03 3.1, "Whenever the County updates it...general plan...it shall ensure that enough land is set aside for all types of residential development..." This project will add the opportunity for 40 acre home sites north of the Bear Valley planning area, accessible to State Highway 49 North, consistent with this provision of the Housing Element.

Pursuant to Goal 9-1, "All development shall have safe and adequate access." While this project isn't proposing any development project, it is the first step in enabling a higher density development project for the amendment area than allowed by the current land use designation. The amendment area has safe and adequate access in that it fronts Highway 49 North.

5. **The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.**

The amendment area has suitable potential access pursuant to the State Fire Safe Standards and the Mariposa County Subdivision Ordinance and Road Improvement and Circulation Policy for 40 acre parcels. The amendment area has immediate frontage along State Highway 40 North, which has adequate capacity for increased residential development. The project parcel has power and telephone utilities supporting the existing improvements (used for office purposes), and there are power and telephone utilities to the south of the amendment area as well (serving existing residential development on parcels immediately adjacent to the amendment area). Parcels adjacent to the amendment area include those of sizes between 10 and 40 acres, which are compatible with the minimum density allowed by the Natural Resource classification. The Natural Resource classification is the obvious choice for a buffer land use between the Residential land uses and Agriculture / Working Landscape land uses.
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS RESOLUTION

No. 2008-__ A resolution approving General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Mondo, property owner. Portion Assessor Parcel Number 008-060-003

WHEREAS a general plan amendment was initiated by the Board of Supervisors on the 1st day of April 2008 as a result of the Board of Supervisors Annual Review on the General Plan; and

WHEREAS that General Plan Amendment is known as General Plan Amendment No. 2008-86; and

WHEREAS General Plan Amendment No. 2008-86 is for property located at 7585 Highway 49 North just north of the Bear Valley Planning Area, for an approximately 411-acre portion of Assessor Parcel Number 008-060-003; and

WHEREAS the amendment area coincides with that portion of APN 008-060-003 which is currently in the Mountain General (MG) zoning designation; and

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

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 16th day of May 2008; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, the California Environmental Quality Act (CEQA) 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 Staff Report, the Initial Study, and the comments of the property owner's agent; and

WHEREAS the Planning Commission adopted Planning Commission Resolution No. 2008-14 recommending approving of the project with findings; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 17th day of June 2008; and

WHEREAS a Board of Supervisors packet was prepared which included an updated Staff Report and Initial Study pursuant to the California Government Code, Mariposa
County Code, the California Environmental Quality Act (CEQA) and local administrative procedures; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, the Initial Study, the recommendation of the Planning Commission, and the comments of the property owner’s agent.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Negative Declaration for General Plan Amendment No. 2008-86.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve General Plan Amendment No. 2008-86, County of Mariposa, proponent, Michael Mondo, property owner.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Supervisor __________, seconded by Supervisor __________, this resolution is duly passed and adopted this 17th day of June, 2008 by the following vote:

AYES: 

NOES:

EXCUSED:

ABSTAIN:

________________________________________________________
Lyle Turpin Chairman
Mariposa County Board of Supervisors

Attest:

Margie Williams, Clerk of the Board
Mariposa County Board of Supervisors

Approved as to Legal Form:
Thomas P. Guarino
County Counsel
EXHIBIT 1 – FINDINGS OF APPROVAL

(insert findings as adopted by Board of Supervisors)
May 8, 2008

VIA HAND DELIVERY

Mariposa County Board of Supervisors
Mariposa County Planning Commission
5100 Bullion Street
Mariposa, CA 95338

Re: General Plan Amendment—Mondo property/Land Use Diagram error

Dear Commissioners and Supervisors:

Thank you for scheduling this matter for review as part of the Mariposa County General Plan amendment hearing by the Planning Commission on May 16, 2008 and the Board of Supervisors on June 10, 2008.

This request for a modification to the Mariposa County General Plan Land Use Classification Diagram ("Land Use Diagram") and the Mariposa County General Plan ("General Plan") was initially made prior to the adoption of the General Plan, in a letter dated October 16, 2006 for the Mondo Family Trust property ("Mondo Property") on Highway 49 North ("Exhibit A").

As stated in that letter and in a subsequent letter dated March 14, 2008 ("Exhibit B"), the Mondo Property consists of 1561.22 acres (APN 08-060-003). Approximately 411 acres of the Mondo Property is currently zoned Mountain General (40 acre minimum) and a small portion of that 411 acres is Mountain Home (5 acre minimum). The remainder of the Mondo Property is zoned Mountain Preserve (160 acre minimum).

Despite its split zoning, in the Land Use Diagram the entire 1561.22 acre Mondo Property was given an overlay of Agriculture/Working Landscape (160 acre minimum).

During the 2006 public hearings on the General Plan, Staff and the Board were made aware of several other properties in the County which contained split zoning, but the entirety of those parcels had been given only one land use designation on the Land Use Diagram, often reflecting the more restrictive zoning. For example, if a 100 acre parcel was zoned 60 acres Agriculture Exclusive (160 acre minimum) and 40 acres Mountain General (40 acre minimum), it was designated, in its entirety, as Agriculture/Working Landscape (160 acre minimum).
When this issue was brought to the Board, the Board gave direction to Staff to amend the Land Use Diagram so that parcels greater than 40-acres in size could have split land use designations reflecting the underlying zoning. Page 1 of the Conformed Agenda for the October 11, 2006 Board hearing reflects the parcels that were changed at that time pursuant to the Board’s direction (see “Exhibit C” providing that Staff “may not have caught all of the parcels and they will consider further amendments”).

The Board’s direction concerning split land use designations was also reflected in the adopted General Plan, which states “Parcels of 40 acres or larger in size may be designated on the Land Use Diagram with more than one General Plan land use classification. Classification boundaries are intended to coincide with zoning boundaries whenever possible and shall follow legally defined boundaries.” (Please see “Exhibit D” General Plan Section 5.3 Land Use Classifications. Bullet 7).

On or about December 6, 2006, before the final hearing on General Plan the Planning Director assured both Supervisor Turpin and Don Starchman that the portion of the Mondo Property, approximately 411 acres, currently zoned Mountain General had not been properly mapped and that it, in fact, should have been designated as Natural Resource “to reflect the current zoning.” This issue was to be brought back to the Board of Supervisors on March 20, 2007 to be corrected.

However, the March 20, 2007 correction only addressed the Mondo Property Mountain Home land and the adjacent Mountain Home land owned by Mariposa County. Once again, at that hearing Director Schenk indicated that there had been a mapping error and that he lacked trained staff to make the correction on the map requested for the Mondo Property. (Please see “Exhibit E” Board of Supervisors Minute Order stating “Kris Schenk apologized for the Mondo property issue, and he advised that they plan to further review the maps and bring back any other corrections.”).

We are not requesting, nor have we ever requested that the Community Planning Study Area Land Use Diagram boundaries be modified to take in the 411 acres zoned Mountain General. Rather, we are requesting that the Land Use Diagram be corrected to reflect the underlying Mountain General zoning (40 acre minimum) of approximately 411 acres of the Mondo Property that was incorrectly designated on the Land Use Diagram as Agriculture/Working Landscape (160 acre minimum).
This change was granted to the properties listed in Exhibit C without dispute or challenge. We do not understand why the Mondo property has been treated differently and why this issue has not yet been resolved.

We were told by Director Schenk that this designation was a mapping error. We have brought this mapping error forward for correction on October 16, 2006, March 20, 2007, and March 14, 2008, and will be requesting this correction again on May 16, 2008.

Please direct Director Schenk to correct this obvious error to finally resolve this matter.

Sincerely,

[Signature]

Anita Starchman Bryant

ASB:asb

Attachments
October 16, 2006

VIA ELECTRONIC MAIL & HAND DELIVERY

Mariposa County Board of Supervisors:
Supervisor Lee Stetson, District One
Supervisor Lyle Turpin, District Two
Supervisor Janet Mankins-Bibby, District Three
Supervisor Dianne Fritz, District Four
Supervisor Robert Pickard, District Five
5100 Bullion Street
Mariposa, CA 95338

Re: Comment on General Plan Update
Request for Modification to Land Use Classification Map for APN 08-060-003
Mondo Family Trust

Dear Supervisors:

The purpose of this letter is to request a modification to the October 2006 Mariposa County Draft General Plan Land Use Classification Diagram ("October 2006 G.P. Diagram") and the October 2006 General Plan Update ("GPU") for the Mondo Family Trust property ("Mondo Property") on Highway 49 North.

The Mondo Property consists of 1561.22 acres (APN 08-060-003). Approximately 411 acres of the Mondo Property is currently zoned Mountain General (40 acre minimum) and a small portion of that 411 acres is Mountain Home (5 acre minimum). The remainder of the Mondo Property is zoned Mountain Preserve (160 acre minimum).

In the September 2005 Mariposa County Draft General Plan Land Use Classification Map ("September 2005 G.P. Map") a portion of the Mondo Property was given an overlay of Residential (5 acre minimum) and Natural Resources (40 acre minimum).

Now, in the October 2006 G.P. Diagram, the entire Mondo Property was given an overlay of Agriculture/Working Landscape (160 acre minimum).

The land use classification set forth for the Mondo Property is inconsistent with its existing zoning. Moreover, the land use classifications for the Mondo Property changed between the September 2005 G.P. Map and the October 2006 G.P. Diagram. This occurred without any public hearings. This occurred without any communications with the owner of the property. How were these changes made? Who gave the direction to make these changes? What were the parameters for making these decisions? Who
developed these parameters? Were there serial meetings between Staff and individual Board members in violation of the Brown Act? Will the Mondo Family Trust ever be noticed and given an opportunity to express their opinions prior to the adoption of the General Plan? Why wasn’t this individual parcel addressed by Staff at the October 11 Public Hearing? The vast majority of affected landowners in this County are not represented by counsel that has reviewed this document and are not aware that their property will be subject to new restrictions which will adversely affect the use and enjoyment of their property.

As stated above, the Mondo Property is designated as Agriculture/Working Landscape in the GPU. This changes the Mondo Property minimum parcel density from 40 acres (and some 5 acres) to 160 acres. If you look at Consistent Zoning Districts at the top of page 5-44, you will note that Mountain General is not included as being consistent with Agriculture/Working Landscape. Mountain General is listed on page 5-47 as being consistent with Natural Resources, which has a 40 acre land use density.

We have been told that the proposed land use designation as stated in the GPU does not change the zoning for Mariposa County properties if the GPU is adopted. We are told that the zoning does not change because the Mariposa County Zoning Ordinance (Title 17) has not yet been amended to comply with the GPU. However, whenever there is a conflict between the GPU (i.e. the Mondo Property’s new land use designation) and the current non-amended zoning ordinance (i.e. what is allowed under the “Mountain General” zoning), the California Government Code mandates that the GPU is the controlling document (Cal. Gov’t Code § 65860(c)). So, in essence, although the zoning of the Mondo Property has not been amended, the new land use designation will control with regard to what the Mondo Family Trust can and cannot do with the Mondo Property. In other words, even though Title 17 has not yet been amended, the GPU will essentially change the zoning of the Mondo Property through the GPU’s “land use designation.”

The Mondo Family Trust received no notice from Mariposa County that its property is proposed to be down-zoned under the GPU, nor has the Mondo Family Trust received an adequate explanation for the down-zoning.

On behalf of our client, the Mondo Family Trust, who has an existing 40 acre zoning, we are requesting that this obvious oversight be corrected and that the land use diagram for 411 acres of the Mondo Property be changed to Natural Resources and that portion zoned Mountain Home be changed to Residential.

Thank you for the opportunity to comment.

Sincerely,

Donald J. Sarchiman
Cc: Mike Mondo
Cary Griffith
Exhibit "B"

STARCHMAN & BRYANT
ATTORNEYS AT LAW
4750 Highway 49 South, Suite 1
Mariposa, California 95338

March 14, 2008

VIA HAND DELIVERY

Mariposa County Board of Supervisors
Mariposa County Planning Commission
5100 Bullion Street
Mariposa, CA 95338

Re: Comment on General Plan Annual Report

Dear Commissioners and Supervisors:

We would like to thank the Commissioners for their unanimous vote to continue the public hearing concerning the 2008 Annual Report on the Mariposa County General Plan ("Annual Report"). The continuation provided the public with adequate time to review and comment on the document.

The following are our comments concerning the Annual Report.

- Annual Report Circle Page 2, heading Amendments to the General Plan Made in 2007, paragraph 1: We again reiterate our October 16, 2006 request for a modification to the Mariposa County General Plan Land Use Classification Diagram ("Land Use Map") and the Mariposa County General Plan ("General Plan") for the Mondo Family Trust property ("Mondo Property") on Highway 49 North. The Mondo Property consists of 1561.22 acres (APN 08-060-003). Approximately 411 acres of the Mondo Property is currently zoned Mountain General (40 acre minimum) and a small portion of that 411 acres is Mountain Home (5 acre minimum). The remainder of the Mondo Property is zoned Mountain Preserve (160 acre minimum).

In the Land Use Map the entire Mondo Property was given an overlay of Agriculture/Working Landscape (160 acre minimum). Before the final hearing on General Plan the Planning Director assured both Supervisor Turpin and Don Starchman that the portion of the Mondo Property, approximately 411 acres, currently zoned Mountain General had not been properly mapped and that it, in fact, should have been designated as Natural Resource. This issue was to be brought back to the Board of Supervisors on March 20, 2007 to be corrected.

However, the March 20, 2007 correction only addressed the Mondo Property Mountain Home land and the adjacent Mountain Home land owned by Mariposa County. Once again, at that hearing Director Schenk indicated that there had been a mapping error and that he lacked trained staff to make the correction requested for the Mondo Property zoned Mountain General. This mapping correction should now
be scheduled for hearing by the Planning Commission on May 16, 2008 and the Board of Supervisors on June 10, 2008.

- Annual Report Circle Page 2, heading Amendments to the General Plan Made in 2007, paragraph 2: The Annual Report provides that the resolution from March 20, 2007, directing technical corrections to the General Plan text and land use diagrams, is included as Attachment A to the Annual Report. The Annual Report attached the resolution, but does not attach the resolution’s incorporated Exhibit A which outlines the approved technical corrections.

- Annual Report Circle Page 3, heading Amendments to the General Plan Made in 2007, top paragraph: The referenced amendment to the Mariposa Town Plan “to allow limited purpose drive-through windows for the Rite Aid Pharmacy” was not specific to the Rite Aid Pharmacy. In fact, at the public hearings concerning the amendment Dieter Dubberke was assured that the amendment was not specific to Rite Aid’s development application and that if the amendment was approved, that Mr. Dubberke could apply for a drive-through facility on his property.

- Annual Report Circle Page 6, title General Plan Implementation Priorities in Progress (2007 and 2008) item 3.) WILLIAMSON ACT CONTRACT REVISIONS: The County must continue to acknowledge that existing Williamson Act contracts cannot be changed unilaterally by the County. Any changes adopted by the County in the Williamson Act contracts can only be legally binding on new contracts. If the County attempts to force existing participants to sign new contracts which contain provisions that further restrict property rights, the County will precipitate mass non-renewals and weaken the program, rather than strengthen it.

- Annual Report Circle Page 6, title General Plan Implementation Priorities in Progress (2007 and 2008) item 4.) TITLE ZONING REVISIONS, paragraph bullet 1: Despite public testimony to the contrary at the Friday, March 7, 2008 Planning Commission hearing, the clustering allowed under the General Plan does not require open space easements. It does, however, restrict further subdivision of said property. See General Plan, page 5-40, 5.3.02 E. New Subdivisions (“[w]hen these criteria are applied for purposes of clustering parcels, the parcel(s) included in the density calculations shall be enforceably-restricted to prohibit future land division of such parcels.”).

- Annual Report Circle Page 6, item 4.) TITLE ZONING REVISIONS, paragraph bullet 3: As a practical matter, how can cell phone towers be sited such that they are not highly visible?

- Annual Report Circle Page 9, heading Other General Plan Accomplishments by County Agencies in 2007, Element 6, Economic Development: Under the County’s current economic situation it appears that the County is putting far more emphasis on regulating than on the growth of the economy. One short paragraph concerning the County’s progress towards developing our economy is woefully inadequate.
• Annual Report Circle Page 10, heading Other General Plan Accomplishments by County Agencies in 2007, Element 8, Housing, paragraph 3: This paragraph provides that “[t]he policies in the Housing Element generally call for local agencies to do all in their power to encourage the production of affordable housing, and to avoid and eliminate constraints to the development of housing.” (Emphasis added). This paragraph should include the 2008 figures concerning the development of Mariposa housing furnished by Commission Chair Skyrud at the March 7, 2008 Planning Commission hearing.

This paragraph also addresses the encouragement of affordable housing. Needless to say, additional restrictions in the implementation of the General Plan will have a negative effect on affordable housing.

During the Board of Supervisors’ hearings on the General Plan Update, at the direction of the Board, the consultant addressed the issue of allowing a third residence on larger parcels (our recollection is for those parcels exceeding 10 acres). The consultant informed the Board that additional environmental study would be necessary to address this issue. Because the Board felt the urgency of completing its General Plan Update, the proposal for allowing a third residence on larger parcels issue was not addressed by the Board. However, the Board was assured by the consultant and the Planning Department that it has four opportunities per year to amend the General Plan. An allowance for the construction of third residences on larger parcels should be considered at this time.

• Annual Report Circle Page 11, heading Other General Plan Accomplishments by County Agencies in 2007, Element 16, Safety, paragraph 1: At the March 7, 2008 Planning Commission meeting, it was stated that Public Works could furnish the referenced information (“[p]rogress has been made on master planning for the Mariposa-Yosemite Airport”). This information should be made an attachment to this document.

Thank you again for giving us the opportunity to comment.

Sincerely,

Donald J. Starchman

Anita Starchman Bryant

Cc: Clients (Via Email)
Exhibit "C"

MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

(Continued Meeting from October 10, 2006)

Time Description

9:11 a.m. Continued Meeting from October 10th Called to Order at the Mariposa County Government Center.

Pledge of Allegiance

Kris Schenk, Planning Director;
PUBLIC WORKSHOP to Consider the Revisions Contained in the October 2006 Draft General Plan and Environmental Impact Report (EIR), Accept and Evaluate Written Comments and Oral Testimony from the Public and Provide Direction for the Final Versions of the General Plan and EIR Volumes

BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, and Andy Hauge/Hauge Brueck Associates, were present.

Kris Schenk advised that the October 2006 draft version of the General Plan Update is the document being reviewed. He also noted that at the end of the workshop today, the workshop will be continued to October 17th, and at the conclusion of that workshop, the consultant and staff are looking for direction to prepare the final document for the public hearings before the Planning Commission on November 17th and then the Board of Supervisors for adoption on December 6th. He advised of the set of documents being reviewed: Volume I – Final Plan Policies; Volume II – diagrams/maps with planning study areas, and he advised of the process for planning advisory committees to review the boundary issues; Volume III – Technical Background Report, and he advised that there has been no substantive changes to this document since the last meeting on this; and Volume IV – environmental analysis, and he advised that this now contains responses to comments. He advised that comments on these documents will be accepted at any time while the Board is considering these documents. He advised that this workshop provides an additional opportunity for citizens to provide input relative to concerns, issues, or questions, etc., so that staff can put together the best document possible for the public hearing. He also noted that there is a provision in the State law that allows for amendments to the General Plan up to four times a year. The existing General Plan is now twenty-five years old.

Kris Schenk reviewed the direction the Board provided to staff on pending issues following the March 21, 2006, workshop relative to no down zoning, split parcels, 2 1/2 – acres in town planning areas, Native American consultation, Rural Character Protection alternative, churches and church camps, dead-end roads, Saxon Creek reference, noise standards enforcement, mining and agritourism in Ag/Working Landscape, state agency amendments, and other technical or diagram corrections. Kris Schenk advised that enlarged maps/land use diagrams were posted in the back of the room. Sarah Williams described the changes that were made as a result of the Board’s general direction for parcels greater than 40-acres in size with split land use designations; and she noted that they may not have caught all of the parcels and they will consider further amendments. The changes involve the following parcels: Touchon property off of Pendola Garden Road; two parcels for the Princeton Ranch – Aqua Fria/Mt. Bullion area; Dunn Ranch in Catheys Valley area; Benson Ranch in the Catheys Valley area; Long Ranch in the Old Highway area; Fleming property in the Ben Hur area; Radanovich property in the Ben Hur area; Bug Hostel off of Highway 140; and Hazel Green – two-40 acre parcels near Highway 120.

Chairman Stetson suggested that each chapter be reviewed and that public comment be provided as each chapter is reviewed. Discussion was held. Supervisor Turpin asked how the parcels that are smaller than 40-acres with split zoning will be addressed. Sarah Williams advised that text was added in Section 5.4.02 as follows: “The Board of Supervisors has determined that existing land use densities,
5.3 LAND USE CLASSIFICATIONS

California law requires General Plans to include diagrams designating the general distribution and location of land uses in the County. With no incorporated cities, the Mariposa County General Plan serves both the regional needs of the County and the more precise planning needs of the various towns, communities, and special planning areas. Land use classifications are used to generally identify the areas where the County desires specific types of existing and future land uses.

The General Plan has five land use classifications: Planning Area, Residential, Rural Economic, Agriculture/Working Landscape, and Natural Resources.

Land use classifications are different from base zoning districts. The purpose of a land use classification is to lay out the desired land use patterns of the County. The land use classifications may shift patterns of development in some areas of the County. The objective is to ensure that any new land uses, changes in land use, and/or development are both defensible and achieve the desired goals. Base zoning districts (zones) are implementation tools of the General Plan—they incorporate the Plan's purposes. The zones specify property rights by prescribing permitted uses. The zones prescribe property privileges through conditional uses, accessory uses, temporary uses, and site development standards. For example, in Mariposa County zoning designations, residential uses are permitted uses and churches and organized recreation camps are conditional uses.

General Plan law requires land use classifications to describe the extent of uses, population density, and building intensity for each category. As described below, Mariposa County's land use classifications include these components, as well as: purpose, consistent zoning classifications, and criteria for inclusion in the land use classification. Actual development standards, prescription of uses, and other requirements are implemented through the Mariposa County Code.

- The purpose defines the need for that classification and the reasons for its inclusion in the General Plan.
- The extent of uses defines the general characteristics of land use within a classification. The extent of uses does not supplement or override the prescribed, permitted, and conditional uses implemented through zoning. Rather, the "extent of uses" creates a sketch of conceptual uses, while specific uses are defined in the zoning and subdivision regulations.
- Zoning consistency establishes a menu or description defining which of the County's zoning districts are permitted within a land use classification.
- Population density is the theoretical maximum number of persons per acre of gross land area based on the maximum potential number of dwelling units and the most recent (Year 2000) Census number of persons per dwelling unit. Population density is a numeric calculation required by State law and has no regulatory purpose.
- Building intensity is based upon different characteristics that are appropriate for different types of uses. For residential development, building intensity is the number of dwelling units per acre of gross land area. For commercial, industrial, or public facility development, building intensity is the employee/user capacity of a facility.
This may be determined in square footage, lot coverage, traffic generation, or other defined factor in the explanation under a land use classification.

- Criteria for inclusion within a land use classification are policy statements applicable to the review of any application proposing to change a land use classification from one classification to another.

- Parcels of 40 acres or larger in size may be designated on the Land Use Diagram with more than one General Plan land use classification. Classification boundaries are intended to coincide with zoning boundaries whenever possible and shall follow legally defined boundaries.

- Parcels less than 40 acres shall be designated on the Land Use Diagram with one General Plan land use classification, the classification with the greatest area. Classification boundaries shall follow legally defined boundaries.

5.3.01 **PLANNING AREA LAND USE CLASSIFICATION**

A. **Purpose**

The General Plan creates the land use classification “planning area.” Planning areas identify “towns,” “communities,” and “special” planning areas (Figure 5-1). Planning areas are implemented by area plans adopted by the Board of Supervisors. Volume II is where adopted area plans are published. “Area plans” are mini-General Plans adopted to meet the needs of each town, community, or uniquely identified special area of the County.

(Figure 5-1: Planning Areas)
MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Adopt a Resolution Correcting Certain Persisting Errors in the Adopted General Plan

RESOLUTION 07-102

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA
ADOPTED THIS Order on March 20, 2007

ACTION AND VOTE:

C) Adopt a Resolution Correcting Certain Persisting Errors in the Adopted General Plan

BOARD ACTION: Discussion was held with Kris Schenk. Supervisor Turpin commented on a problem with a map for the Mondo property.

Input from the public was provided by the following:

Don Starchman, Starchman-Bryant Law Offices, noted that they referred to the Mondo property issue in their letter to the Board dated October 16, 2006; and he advised of their subsequent meeting with Supervisor Turpin and the Planning Director and assurance they received that the problem had been resolved.

(M)Pickard, (S)Turpin, Res. 07-102 was adopted correcting the four errors in the adopted General Plan as recommended; and with direction for staff to bring back any further map corrections to the Board for approval. Kris Schenk apologized for the Mondo property issue, and he advised that they plan to further review the maps and bring back any other corrections. Ayes: Unanimous.

Cc: Supervisor Turpin
File
RECOMMENDED ACTION AND JUSTIFICATION: Individuals and staff who have reviewed the new General Plan documents since they were published in January have identified a few instances in which errata persist. Errors and editorial or technical problems should be corrected in order to accurately reflect the actions that the Board of Supervisors intended to take on December 18, 2006 in adopting the General Plan. The attached Resolution will officially correct these particular mistakes.

BACKGROUND AND HISTORY OF BOARD ACTIONS: In the many months of public workshops and hearings leading up to the adoption of the General Plan, in December, corrections and editorial improvements to the plan were continually discovered by Planning Commissioners, Board members and many individuals in the public. Evidently a few errors survived, or crept into the General Plan documents during final editing and publication. While none of these changes is substantive in nature, it would be prudent to officially recognize and incorporate them as technical corrections to the General Plan.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: If the editing and technical issues are not corrected, they may create confusion and problems in the future for users of the General Plan, including staff.

Financial impact? ( ) Yes (x) No Current FY Cost: $ annual recurring cost: $
Budgeted in Current FY? (x) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ Additional Funding Needed: $ 
Source: Internal transfer $ Unanticipated revenue $ 4/5's vote
Transfer between funds $ 4/5's vote
Contingency $ 4/5's vote
( ) General ( ) Other

CLERK'S USE ONLY:
Vote – Ayes: Noes: 
Absent: 
( ) Approved 
( ) 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
County of Mariposa, State of California
By: Deputy

COUNTY ADMINISTRATIVE OFFICER:
I, requested action recommended
No Opinion
Comments:

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NUMBER 07-102

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA CORRECTING CERTAIN PERSISTING ERRORS IN THE ADOPTED GENERAL PLAN

WHEREAS, the laws of the State of California require Mariposa County to adopt and maintain a General Plan to guide the long-term development of the County, pursuant to Government Code Sections 65300 et seq.; and

WHEREAS, after six years of public workshops, policy drafts, plan revisions and final public hearings, the Board of Supervisors did adopt the Mariposa County General Plan on December 18, 2006; and

WHEREAS, planning staff has become aware of certain situations in which the final published General Plan volumes do not accurately reflect the actions taken by the Board of Supervisors to adopt the General Plan; and

WHEREAS, the corrections to errata cited in Exhibit A of this Resolution are not substantive changes but instead confirm the original purpose and improve the internal consistency, readability, and technical accuracy of particular aspects of the plan, and

WHEREAS, the corrections listed in Exhibit A do not constitute amendments to the Mariposa County General Plan subject to the provisions of Government Code Sections 65350 et seq.; and

WHEREAS, a public purpose is served by officially recognizing these minor technical changes as part of the public record by means of this Resolution.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors hereby adopts the changes listed in Exhibit A as errors that are to be corrected in the General Plan and directs planning staff to make the necessary corrections to the General Plan text and land use diagrams.

ON MOTION BY Supervisor Turpin, seconded by Supervisor Aborn, this resolution is duly passed and adopted this 20th day of March, 2007, by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE
Janet Bibby, Chair
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

_APPROVED AS TO LEGAL FORM:

Thomas P. Guarino
County Counsel
EXHIBIT A

CORRECTION OF GENERAL PLAN ERRATA (MARCH 20, 2007)

1. Chapters 5 and 7 of the General Plan should each begin with a page numbered 1. In fact, as published, Chapter 5 begins with a page numbered 5-9, and Chapter 7 begins with a page numbered 7-11. The editor of these documents inadvertently omitted a chapter page break from the page numbering sequence. To eliminate confusion for readers of the General Plan, all chapters should be page numbered consistently. Therefore Chapter 5 should be corrected to start with page 5-1; Chapter 7 should be changed to start with page 7-1; and both chapters should continue with consecutive numbering.

2. On page 5-23 (sic) of the published General Plan, the reference to Section “5.2.02N” at the bottom of the page should be removed. That particular section in the plan was renumbered during the final editing of the approved plan. The reference should be corrected to Section “5.1.14”, which can be found on page 5-15 (sic) of the published General Plan.

3. Page 5-13 (sic) of the published General Plan, near the middle of the page, cites California Government Code “65852” as the statutory authority for additional, or second, dwelling units on residential parcels. That reference should be corrected to read “Section 65852.2”.

4. In adopting the final land use diagrams for the General Plan, a rule for boundary line designations was established. Parcels 40 acres or larger in size may be assigned multiple land use designations, in order to reflect underlying zoning and providing that the land use classification lines follow legally defined boundaries (Section 5.03).

The major portion of the Mondo property (parcel # 006-060-003), lying north of the proposed Bear Valley Planning Study Area, is zoned Agriculture. A portion consisting of approximately 45 acres, however, consists of Mountain Home (MH) zoning and a former landfill site. The smaller portion of the Mondo parcel was placed by the Board into the Planning Study Area, although the GIS land use layers, for technical reasons, do not presently reflect that designation. The General Plan designation for this 45-acre Community Planning Area extension should be Residential. The remaining Mondo agricultural acreage should and will remain in the Agriculture/Working Landscape classification.
The Bear Valley interim boundaries should therefore be extended northerly to include the MH and landfill property, and the corrected boundary lines should be shown in the County GIS parcel layers and on the published land use diagrams.