November 14, 2005

Marietta County Planning Department
5100 Bostick Street • P.O. Box 2089
Mariposa, CA 95338-0829

RE: Responses to Technical Report and Draft EIR

This letter and enclosures are submitted as follow-up to my letter dated October 11, 2005. This copy enclosed that was sent via facsimile on that date. We hope your Board will consider all the comments made in that letter together with new comments below and the applicable portions of prior letters that have also been sent again under separate cover.

My client, Steve Forman, recently attended a Board of Supervisors hearing and came away with the impression that your Board may now be willing to leave alone and in place the existing zoning and planning for the Cadlwell Valley Town Planning Area. Your Board apparently heard testimony from several property owners who are situated similar to my client and who desire to keep their existing zoning and property rights. We support this approach and offer comments that will hopefully be helpful preserving these owners’ property rights.

Readability Problems with the Draft EIR:

Missing from the EIR, Section 3.1.4 Description of Alternatives is any explanation of how and where Alternative 3 reduces future county population from 30,000 down to 9,000. In other words, Alternative 3 does not make clear from which properties this reduction of existing development capability is intended to be taken.

Various public controversy will exist, and one that is not mentioned at all in Section 1.3. Proposed community at the GIP seeks to down-zone properties.

The “No Project” alternative failed to acknowledge that Jones & Nortes constituents identified certain environmental impact report oversights and shortcomings with the existing General Plan. My client has endeavored to assist the GIP process to remedy any potential environmental impacts issues with respect to his property and in particular with respect to each and all project alternatives that have been discussed. Alternative 2, Existing Conditions, is apparently an undeclared modification on any further land use approvals or development. Doesn’t adoption of a memorandum require special environmental considerations and findings, such as a statement of urgency, lack of utility capacity, etc. that justifies the need for prohibiting development through such a memorandum?

The proposed EIR contains no reference to the existing allowance for clustering or lot-size averaging, even when clustering is required by law to preserve open space and protect scientific resources.
The technical reports included herein illustrate how potential impacts to environmental resources and community character are avoided by development that is appropriately clustered and located away from sensitive resource areas. It should be noted that two important requirements are simultaneously met by the pattern of development illustrated in these technical reports. The first is compliance with State and national environmental resource regulations, which is usually the greatest legal weakness in General Plan and specific project approvals. The second requirement is automatically met in no client's case by meeting the first, namely that development areas are buffered from surrounding development and thereby protects community character. The Design Guideline also enclosed goes beyond merely meeting requirements and illustrates further buffering that is achieved by landscape requirements, architectural compatibility and setbacks. Your former planning director deemed it a satisfactory resolution of an otherwise fatal flaw.

There should be no prohibition against continued map processing in Town Planning Areas. The existing Title 17, zoning code at Chapter 17.12 provides both interim development standards for ICPA'S and a way to replace them through approval of a specific plan. The potential allowance of 2.5 acre density, with well and septic systems on each parcel, can only be achieved when clustering is allowed. The current allowance to reduce lot sizes down to one acre requires either a community water or sewer system, and 9,000 sq. ft. lots require both. My point is that clustering homesites at any permissible lot size does not increase density; it merely provides a practical and environmentally defensible means of achieving or allowing the contemplated development.

The attached exhibits are offered for illustration purposes. They are not intended to gain approval or a develop pattern. They are offered, along with these further comments, in the spirit of cooperation so that the Board of Supervisors can legally adopt the General Plan I plate without the need for costly delays, further document preparation and resubmitting the public review process. On behalf of my client, we appreciate the opportunity to participate and look forward to a mutually satisfactory conclusion of the lengthy process we have all endured.

Sincerely,

STEVENS PLANNING GROUP, INC.

Michael D. Stevens, President

Disclosures as stated

CC: Eugene and Dolores Fortner Trust
    Steven L. Fortner, Agent
October 31, 2000

Mariposa County Planning Department
3000 Bollman Street • P.O. Box 2089
Mariposa, CA 95338-9024

Mr. R.E. [Name removed] Comments to Revised Draft EIR and County General Plan Draft EIR

The following comments are submitted on behalf of the [Entity or Individual] to the Mariposa County Planning Department in response to the Revised Draft EIR and County General Plan Draft EIR. These comments are submitted in regard to the County's existing general plan update as well as the proposed general plan update. Prior comment letters were submitted together with technical support documents prepared by this and other professional consulting firms. This letter is being submitted by facsimile with the understanding that the technical support documents will be added by a follow-up copy to be mailed or delivered together with technical support documents.

We have reviewed all four volumes of the general plan program and respectfully suggest that each of the volumes should be labeled as "Draft" or "Preliminary" until such time that each may be adopted. For example, the Draft General Plan, Draft Area Plans, and Draft EIR would be labeled as "Draft" or "Preliminary" until such time that each may be adopted. The existing County General Plan is not drafted until such time that the Preliminary and final County General Plan is adopted and enacted.

A discussion should also be included somewhere explaining that certain measures were identified and recommended in a report by Jones & Stiles to remedy perceived shortcomings with the existing general plan and its companion EIR. With respect to my client's property, the "Project" should be identified as a proposal to change the general plan land use designation or classification from "Town Planning Area" to "Interim Community Center." Because the Interim Community Center classification "may be appropriate for limited business and commerce" (Vol. 4, p. 3-29), it is essential that the CEQA and Technical Background report encompasses the "Final Report of the Countywide Community Economic Development Committee's" (1995) and Mariposa's "Strategic Economic Development Plan" (1996). My client was not involved in these studies which concluded:

Cathedral Valley's unique location within Mariposa County would act to substantially increase the local demand for commercial services. It is the County's only IPA with close connection to the Central Valley, the first foothill community, and is just a few miles from Mariposa along a major Yosemite access route.

4135 University Street, San Diego, California 92107 • (619) 223-5833 • FAX (619) 223-5830
The intervening 10 to 14 years have seen the completion and opening of the University of California—Merced. This major event alone makes it timely and especially important to reevaluate and update economic studies to determine the appropriate role that Calaveras Valley and Mariposa County can play in capturing the opportunities for high-tech and other employment that will inevitably follow in a synergetic relationship with the university campus. The study should examine the curriculum at UC-Merced and identify unique opportunities that may exist in Mariposa County to supplement research and field classroom work, especially in the earth-sciences, such as geology, hydrology, engineering, archaeology, botany and zoology, to name a few.

In reliance upon the long-standing Town Planning Area designation, my client obtained discretionary approval of and has since recorded a subdivision map on a portion of his TPA ownership. This map appropriately included commercial standard roadways and the map was recorded with cash security deposit of over $300,000 guaranteeing the completion of commercial street improvements. My client also installed a 250,000 gallon water reservoir that is capable of supplying ample water and pressure for daily use plus the suppression needs of a limited amount of commercial development on his land.

Turning Community Plan preparatory over to a local Planning Advisory Committee has predictably resulted in a statement that the community preference is to preclude any special districts and rely on individual wells for sewage disposal and agricultural presentation as the anchors maintaining rural character. (Vol. I, p. 24). This is consistent with my client’s reliance on the existing General Plan, with past economic policy and technical reports and with sound planning for Mariposa’s future.

My client has also cooperated with Sierra Telephone and Pacific Gas & Electric Co. in the installation of fiber-optic telephone / high-speed Internet equipment building plus electric transformer equipment along his Highway 140 property frontage. These improvements are well-suited to position this area for pollution-free high tech employment development.

Environmental resource studies were prepared by my client with respect to his property. When your former planning director became an obstacle to processing my client’s Vallecito Specific Plan, I became involved in hiring local scientists to reformulate biology data into a protocol wetland delineation report. This report was submitted to and approved by the US Fish and Wildlife Service, US Army Corps of Engineers and California Department of Fish and Game. The wetland delineation demonstrates that only a limited portion of my client’s TPA-zoned property is suitable for development and much of it must be preserved as permanent open space. This information is submitted again here with to demonstrate how natural resources under the jurisdiction of State and federal agencies regulates and significantly limits the amount of development that can occur on my client’s property. In my opinion, it illustrates that this part of Calaveras Valley is not suitable simply for agricultural preservation. More importantly, it demonstrates how sustainable, environmentally sensitive development can occur on this land guided by resource conservation and protection that naturally limits the intensity of development and buffers the community from visual impacts.
Jones and Stokes and earlier project traffic studies found no potential traffic problems associated with Highway 140 in the Oakley Valley area. This material into Mariposa County, enjoys the highest level of service rating and is optimally capable of handling additional traffic from limited further development.

My client has provided (and again includes herein) all necessary information, studies, and technical support data to fully remedy the deficiencies identified by Jones and Stokes with designation of Oakley Valley as a Town Planning Area in the current General Plan. A limited Interim Community Center designation should include my client's reasonable desires for economic development of his land. I remind you that the project before Mariposa County decision-makers is a "plan to plan" change or general plan amendment. As such, it does not have to meet the same standard or nearly as high a standard as do the technical documents that are referenced herewith. These are project level environmental assessment documents that will hold the County in good stead for any project description.

My client is satisfied that current Title 17 zoning code provisions can work for his property, whether development that occurs is commercial, residential or a combination. We would like to call your attention to importance of keeping the provisions that allow planned or clustered residential development and preservation of open space. In the event my client's property is not allowed to develop with commercial uses, residential lot sizes both within and outside the Town Planning Area would appropriately be clustered in some areas down to one-acre net in order to satisfy environmental resource laws and create an environmentally defensible strategy for any pattern development.

Thank you for considering this response to the County General Plan Update program.

STEVEN'S PLANNING GROUP, INC.

[Signature]

Michael D. Stevens, President

Enclosures as stated by delivery or US mail

CC: Eugene and District Farmer Trust
LETTER 18 - DEBRA AND PAUL SALONEN, NOVEMBER 14, 2005

11/14/2005

To: Mariposa County Planning
Subject: Comments to 2005 General Plan Update Draft EIR

As a property owner in Mariposa County, I am extremely concerned about what I have read in the Draft Environmental Impact Report (DEIR) for the 2005 Mariposa County General Plan Update, dated September 2005. I believe that this document drastically underestimates the impact of proposed land use policies in several key areas and provides insufficient mitigations to protect our natural resources and safeguard the environment in years to come. The money accrued from impact fees from new construction will only stretch so far when it comes to improving roads, building schools, providing fire and police protection and ensuring existing residents aren't robbed of their existing water supply.

Please enter into the public record my concerns, comments and suggestions regarding the following issues:

Impact HW-3: water. The report states that the impact from projected growth is "significant and unavoidable." As most residents of the county can attest, our water does not come from large underground aquifers or ground water sources as our neighbors in the San Joaquin valley can claim. Our wells tap into hard rock streams deep in the bedrock. If that source is compromised or "tapped out" upstream, the resident is forced to drill deeper or find a new source. This can be expensive and in some cases unsuccessful. Lifelong residents of the county could, in fact, find themselves without water because of new housing developments just up the road from them.

I believe that any mitigation measures set in place must address this issue. New development should not be opened up until existing parcels are built out, and then only when the developers have proven that a steady and reliable water supply that won't impact any neighboring wells is present.

Impact HW-4: septic. One of the reasons the residents of our area have insisted on maintaining a five-acre minimum on residential sites is to avoid a proliferation of individual septic systems and leach fields. Given the shallow bedrock, in many areas, it is foolish to assume that any uniform standard for percolation and sewage flow fits every area. This is of particular importance...
in areas with seasonal creeks and rapid run-off areas that flow into seasonal creeks.

Please include requirements that in areas that do not meet viable standards for safe percolation, builders must install engineered septic systems to avoid detrimental environmental impact or possible ground water pollution.

Impact VR-3: nighttime light pollution. People drive up from the valley to see the stars.

Please add restrictions on development to keep our night sky visible.

Impact TT-5: roads. Many of our existing roads were put in to meet a much lower width and load capacity. No new development should be approved until the roads connecting to the development are brought up to uniform standards and the County has shown that its Capital Improvement Program will be able to maintain these roads adequately.

Impact TT-7: bike, equestrian and walking trails. The winding country roads in this county are a magnet to bicyclists and pedestrians anxious to enjoy the natural beauty and fresh air of the foothills. As a person who has had to give up walking on Schoolhouse Road, I can tell you that walking in Mariposa County can be hazardous to your health.

Please include in this impact the requirement that the County establish a bicycle, pedestrian and equestrian facilities plan. This should be a greater priority in areas that connect to a school, so children can ride their bikes to school and home without fear of being run-over by a speeding car.

Impact LU-3 and LU-4: land use. The foothills ecosystem is a highly photographed "symbol" of California – golden hills and sprawling oaks. Unrestricted growth can only diminish that which we proudly call "California."

Please change the language of the DEIR to read: conversion of Agricultural/Working Landscape parcels will be prohibited if the land is prime agricultural, unique or farmland of local significance, and until all existing residential parcels have been "built out."
Impact PH-1: high density dwellings, low- to moderate-income housing and high density dwellings such as apartment houses and trailer parks belong in an area that are already set up to provide community water and sewer and such things as sidewalks and or bus connections. The ready availability of fire and police services must also be factored into the placement of multi-family dwellings outside a town planning area.

Impact AQ-2: air quality. Anyone who has stepped outside in winter can tell you that many area homes are heated with wood stoves. The air quality in the Valley has become compromised to the point that residents are restricted to which days they can use a wood-burning fireplace.

Please include in this impact statement regulations to restrict the proliferation of wood-burning stoves in new homes. Developers might be given incentives for building energy-efficient or alternative energy-conscious homes.

The DEIR, while relatively comprehensive in its scope, has fallen far short in what I feel should be its prime directive—insuring a way of life that "fits" the natural environment, not making our natural environment "fit" the growing demands from developers. The money from developers anxious to provide homes to those branching out from the Valley sprawl might fill the County coffers, but it will never trickle down to our water-starved hard rock strata. Our glorious, hundred-year old oaks will be competing for the same water some newcomer uses to fill his swimming pool. It won't be long before the oaks become water stressed and fall victim to blight. Will there be money from our expanded revenue to fix that problem? No. You can't replace these trees any more than you can stop people from wanting to build in this area. You can make sure that proper restrictions are in place that safeguard existing interests, human and environmental, and you can— you must— demonstrate a responsibility for making sure these restrictions aren't overlooked or violated by developers who have money to spend but no allegiance to the land or the people who live here.

Debra and Paul Salonen, 4989 Knoll Lane, Catheys Valley, CA 95306
# VALLECITO

## Depth to Groundwater Summary

**May 18, 2000 to September 22, 2005**

<table>
<thead>
<tr>
<th></th>
<th>Wet Spring</th>
<th>Fall</th>
<th>Wet Spring</th>
<th>Fall</th>
<th>Dry Spring</th>
<th>Fall</th>
<th>Dry Spring</th>
<th>Fall</th>
<th>Wet Spring</th>
<th>Fall</th>
<th>Fall</th>
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<td>rain year</td>
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<td>12.2</td>
<td>14.8</td>
<td>0.7</td>
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<td>10.1</td>
<td>0.2</td>
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<th>5/20/00</th>
<th>6/20/00</th>
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<th>7/2/00</th>
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<th>9/1/00</th>
<th>11/2/00</th>
<th>11/14/00</th>
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<table>
<thead>
<tr>
<th>Wells</th>
<th>Log in feet per Minute (gpm)</th>
<th>Depth to Water in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>V4</td>
<td>36</td>
<td>7.20</td>
</tr>
<tr>
<td>V6</td>
<td>152</td>
<td>7.35</td>
</tr>
<tr>
<td>Jimmie-Arroy</td>
<td>79.95</td>
<td>6.70</td>
</tr>
</tbody>
</table>

### Yaddeita Test Wells:

| V1   | 16                           | 16.00                   |
| V2   | 485                          | 26.80                   |
| V3   | 505                          | 33.20                   |
| V4   | 25                           | 5.00                    |
| V5   | 160                          | 7.50                    |
| V6   | 141.5                       | 10.20                   |
| V7   | 250                          | 16.00                   |
| V8   | 400                          | 15.00                   |

### On Site Observation Wells:

| V1   | 16                           | 16.00                   |
| V2   | 485                          | 26.80                   |
| V3   | 505                          | 33.20                   |
| V4   | 25                           | 5.00                    |
| V5   | 160                          | 7.50                    |
| V6   | 141.5                       | 10.20                   |
| V7   | 250                          | 16.00                   |
| V8   | 400                          | 15.00                   |

### Off Site Active Wells:

<table>
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<tr>
<th>CV, School</th>
<th>Depth in Feet</th>
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<tr>
<td>Danville</td>
<td>2.00</td>
<td>15.00</td>
</tr>
<tr>
<td>Allendale</td>
<td>42</td>
<td>11.40</td>
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<tr>
<td>Tulare</td>
<td>16</td>
<td>10.40</td>
</tr>
<tr>
<td>Silver</td>
<td>21.20</td>
<td>12.00</td>
</tr>
<tr>
<td>Tulley</td>
<td>7.50</td>
<td>10.00</td>
</tr>
</tbody>
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1. Air Test Estimates
2. Billed by 06/01, 11/20, 2001

Rainfall data obtained from California Dept. of Forestry, [http://www.cawater.ca.gov](http://www.cawater.ca.gov) Station 109 (Cathery's Valley)

RECEIVED

NOV 01 2005

Mariposa County Planning Dept.
LETTER 19 - YOSEMITE AREA AUDUBON ("DRAFT"), NOVEMBER 14, 2005

YOSEMITE AREA
AUDUBON
6276 Cobey Lane, Mariposa, CA 95338
Tel/Fax: (209) 955-2954   E-mail: arkun@yosemite.net
November 14, 2005

The following are the comments on the Draft Environmental Impact Report for the Mariposa County 2005 General Plan Update.

OVERVIEW

The proposed General Plan Update (the Project) does not reflect the desires of Mariposa residents, who have clearly stated a desire to avoid rural sprawl development patterns. The Plan projects growth in population over the 1980 figure to about 150% by 2025. This is about five times the projection for Mariposa County by the State Department of Finance (DOF), which predicts a 50% population growth over the same period and an overall state population growth of 60% for the period. This proposed explosive development threatens the rural characteristics that the citizens desire to retain.

Although the planners have indicated that comments should be confined to the Draft Environmental Impact Report (DEIR), this is difficult because the document describes primarily the proposed Project. In our view, the DEIR is inadequate, because it does not include an alternative that would result in the population growth predicted by the DOF estimates. Thus, the public has no opportunity to review and comment on such an alternative, regardless of the fact that it would fall "within the range" from the "Existing Conditions (Alternative 2)" to the "Project (Alternative 4)".

SPECIFIC COMMENTS

NOTE: Material quoted from the DEIR is shown in red or italicized or both.

In the introduction, the DEIR states:

In accordance with the CEQA Guidelines, an EIR on a program action such as the adoption and implementation of a local general plan contains a less detailed assessment of impacts than would be provided by an EIR on a specific development project. CEQA Guidelines (Section 15146[b]) states that an EIR on the adoption or amendment of a general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow. The EIR for the
proposed Mariposa County 2005 General Plan provides the level of analysis necessary to comply with this provision of the CEQA Guidelines. As individual activities under the General Plan update are subsequently proposed, additional environmental documentation will be undertaken at the project-specific level through a project EIR, supplemental EIR, or negative declaration as appropriate for the specifics of the proposed individual actions. (Emphasis added.)

COMMENT: In bypassing the "detailed assessment of impacts," as mentioned in the above quote, the DEIR provides no assurance that a "negative declaration" for a future activity will include analysis to demonstrate that impacts - which are considered "less than significant" in the DEIR - will continue to be below the significant threshold level. There is also no assurance that future projects will be analyzed for their "cumulative effects" with respect to individual impacts. This convenient avoidance of "detailed assessment," essentially excludes the public from the future decision-making process, by leaving the decision of appropriateness of analysis to the Planning Department.

Under "Impacts" in the introduction, the DEIR states:

The impact analysis assumes that the proposed General Plan policies would be implemented by the County.

COMMENT: There is no evidence provided to support this assumption. The Board of Supervisor's historic absence of concern for environmental protection measures makes this assumption extremely tenuous.

The DEIR further states:

A Mitigation Monitoring Program (MMP) will be prepared as part of the Final EIR.

COMMENT: This should be done before the EIR is finalized. The public has no opportunity to comment on the adequacy of the MMPs (protocols, significance levels, thresholds, etc.) or the proposed corrective measures to be taken when an impact's threshold of concern is exceeded.

2.1.1.1 MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN

The Specific Plan EIR offers mitigation measures that reduce those significant impacts to a less than significant level. However, four significant unavoidable impacts are identified with short term and full implementation of the Specific Plan. (Emphasis added.)

• Increase in Traffic Safety Hazards at Highway 140/Smith Road and Highway 49/Smith Road
• Increase in Traffic and Safety Hazards on Smith Road
• Increase in Traffic, Pedestrian Activity, and Safety Hazards Along Smith Road
• Inadequate Water Supply for Residential Development
COMMENT: The term "increase" is qualitative and provides no information on the degree or severity of the impact. What is the current "Safety Hazard" at these intersections (accidents per year and severity of those accidents)? How is this expected to increase as a function of increased population in the TPA specific area? Is this increase a result of buildout of the Mariposa TPA alone, or does it include contributions from the remainder of the proposed Plan under buildout conditions?

Is the water supply inadequate for the Mariposa TPA as defined by the current boundaries, or does it imply that the boundaries will be as defined in the proposed Plan? Is this an "unavoidable impact" under all alternatives as well as those evaluated in the DEIR, or only for the "Project" alternative? What is the degree of inadequacy as a function of buildout level in the TPA for each alternative?

2.1.1.2 COULTERVILLE TOWN PLANNING AREA SPECIFIC PLAN

The Coulterville Town Planning Area Specific Plan EIR was certified by Mariposa County Board of Supervisors in 1980 in accordance with CEQA. This EIR identifies significant impacts to flood hazards, septic tank and disposal facility limitations, erosion, historic character, and underground water quality resulting from the development allowed in the Specific Plan and offers mitigation measures that reduce those significant impacts to a less than significant level. However, two significant unavoidable impacts are identified with full implementation of the Specific Plan. (Emphasis added.)

- Impacts to Maxwell Creek
- Impacts to the Small Town Atmosphere

COMMENT: Are the "Impacts to Maxwell Creek" to water quality, riparian habitat or both? Would restricting development to less than "full implementation of the Specific Plan" reduce these impacts? Is allowing development that results in these impact in compliance with the "Clean Water Act?"

Does "Small Town Atmosphere" refer to "air quality" or "ambiance?" If the former, is there compliance with the "Clean Air Act?"

2.1.1.3 FISH CAMP TOWN PLANNING AREA SPECIFIC PLAN

. . . However, one significant unavoidable impact is identified with full implementation of the Specific Plan. (Emphasis added.)

- Impacts to Big Creek

COMMENT: Are the "Impacts to Big Creek" to water quality, riparian habitat or both? Would restricting development to less than "full implementation of the Specific Plan" reduce these impacts? Is allowing development -- that results in these impacts -- in compliance with the Clean Water Act?
2.2 Mariposa County 2005 General Plan Build-Out

Table 2-2 Feasible Building Density Percentages

Class A (parcels over 10 acres and over $15,000 in existing improvements) . .
However, as slope increases, road access and septic capabilities are adversely
impacted; therefore, building densities that reflect the effects of slope is appropriate.
(Emphasis added.)

Class B1 (parcels under 10 acres with under $15,000 in existing improvements). A
building density of 60 percent of the total acres in this class is used for the
established methodology regardless of slope. This figure is appropriate because
development is a right; no discretionary permit is required for full residential
development of parcels of this size. (Emphasis added.)

COMMENT: What justifies the 90% "Feasible Onsite Density" regardless of
slope? Are the effects of slope on "road access and septic capabilities" less
adversely affected when the parcels are "under 10 acres with under $15,000 in
existing improvements?" What is the functional relationship between septic
capability and slope?

After the densities were determined, the total dwelling unit count was calculated. Within the
designated planning areas, 1,445 dwelling units are projected, while outside of planning areas
countwide, 7,476 dwelling units are projected. This equates to a net increase of 6,921
dwelling units. The County then applied the dwelling unit net increase to the Mariposa County
2000 U.S. Census average persons per household size (2.37) and then added that number to
the existing population total to calculate population build-out for the lower population
projection. A 30 percent increase was assigned to obtain the higher population projection.
(Emphasis added.)

COMMENT: The projected 7,476 dwelling units outside the planning areas
includes units on the 90% feasibility of the 4,500 acres in the B1 category. The
total residential "buildable" acres -- outside the planning areas -- are said to be
37,000. However, if the B1 lands are in fact only 50% buildable, the number is
reduced to 50x4,500/90 = 2,500 acres for a total of 35,000 acres. 37,000 acres
provided 7,476 dwelling units, therefore 35,000 acres will result in 35x7,476/37 =
7,072 dwelling units.

Use of the 2000 U.S. Census average occupancy of 2.37 persons per dwelling
unit, assumes that all dwelling units will be occupied. This ignores the fact that
many of the current dwelling units are not occupied by county residents (vacation
homes). It is realistic to expect that a similar fraction of the future dwelling units
will also be vacation homes, not permanent residences. Thus the use of the 2.37
figure can lead to an exaggerated population projection.

No explanation is provided for the assignment of the "30% increase" from 37,000 to
51,000. What is the rationale for this figure?
Table 2-4 Summary of Build-Out Mariposa County 2005 General Plan

<table>
<thead>
<tr>
<th>General Plan</th>
<th>Dwelling Units</th>
<th>Population</th>
<th>Employment</th>
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<tr>
<td>Existing Total</td>
<td>8,911</td>
<td>17,800</td>
<td>4,650</td>
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<tr>
<td>Net Increase</td>
<td>8,827</td>
<td>21,143-33,197</td>
<td>6,400</td>
</tr>
<tr>
<td>Build-Out Total</td>
<td>17,912</td>
<td>39,000-51,500</td>
<td>14,290</td>
</tr>
<tr>
<td>Persons/Per Household</td>
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<tr>
<th></th>
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<tbody>
<tr>
<td>Build-Out Total</td>
<td>16,608</td>
<td>20,507</td>
<td>22,435</td>
<td>23,979</td>
<td>25,456</td>
</tr>
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</table>

These DOF estimates project a growth rate for Mariposa County at or below 10 percent per decade. This estimate of growth mirrors the conditions that have occurred between 2000 and 2005 where on an annual basis Mariposa County averaged a 1 percent growth rate, which is less than other rural counties such as Calaveras (1.6 percent), El Dorado (1.7 percent), and Tuolumne (2.9 percent) or surrounding counties such as Fresno (2.0 percent), Madera (3.0 percent), and Merced (2.8 percent). Since the 2000 Census was released, the DOF reports that Mariposa's population has increased by 861 persons, estimating a January 1, 2005 population of 17,991. On a statewide comparison, Mariposa County is projected to have a slower growth scenario than California, which has a projected annual growth rate of 1.3 percent. (Emphasis added.)

**COMMENT:** Why are comparisons made with other rural county's population growth rates? Attention is called to the statement in § 1.5 of the Draft General Plan:

Mariposa County residents have witnessed the impact of rural sprawl in surrounding counties, and as a result, have clearly stated a desire to avoid this type of development pattern. The 2005 General Plan intends to ensure that rural sprawl is not repeated in Mariposa County. (Emphasis added.)

The sprawl that is occurring -- in the cited other rural counties -- is exactly what Mariposa residents have "clearly stated a desire to avoid."

There is no obligation for Mariposa County to equal or exceed the population growth rate of the state. From 1990 to 2000, Mariposa County population increased from 14,139 to 16,939 or 19.6% -- an average annual growth of almost 2%. For the same period, California's population increased only 13.6% (1.36% per year), which indicates that the Mariposa growth rate was 45% larger than the state's. From 2000 to 2010, the state population growth rate is projected to be 14.3% (1.43% per year), while the DOF projection for Mariposa County (from 16,939 to 20,607) amounts to a 21.6% (2.16% per year) increase.
Figure 1, illustrates the percentage population growth rates for Mariposa County as compared to the predicted percentage growth rates according to the proposed General Plan Update -- for buildout to 51,000 (red), for buildout to 39,000 (pink), and the State's Department of Finance predictions (green). Notice that for the period 1990 to 2005, the county growth rates closely followed the DOF predictions.

Figure 2 shows similar data in graphical form. Here, the projected percentage increases for the State of California are added (purple). Notice that by 2030, the Mariposa County rate is predicted by the DOF to increase at a lesser rate than the state. The projected growth rates -- under either of the General Plan Updates -- far exceeds the growth rate of the state and the DOF projection. Either of the GPU projections is a prescription for "Rural sprawl."

Figure 1
Figure 2

Figure 3
Figure 3 illustrates the overall state growth rate as predicted by the DOF (red) and as shown by a continuous mathematical function (green). The differences between the DOF predictions and the continuous function are less than 1.4 percentage points over the range.

At the "DEIR Hearing" on October 1, 2000, the representative from Parsons stated that the DEIR covered the range of alternatives as required by CEQA. Implicit is the concept that the document provides an adequate disclosure of environmental consequences for any alternative whose consequences lie within the range of the alternatives described in the DEIR. From this viewpoint, the DEIR is an "adequate" disclosure document. However, the alternatives described in detail present following options: Existing Conditions (zero population growth -- environmentally superior alternative), Enhanced Alternative 3 (explosive growth rate -- about 2.6 times that of the state, but environmentally superior to the alternatives other than the absurd "Existing Conditions") Project Alternative (block-buster growth rate -- about 5.4 times the state growth rate, environmentally inferior to the "Enhanced Alternative 3"), No Project (nuclear option with severe adverse environmental impacts) -- about 5.4 times the state growth rate, greatly inferior to the previous alternatives), Suburbanization (thermonuclear growth rate) -- the culmination of a wish-list for those expecting to aggrandize themselves at the expense of massive "rural sprawl." The DEIR provides data on the DOF estimates for growth, which have been reasonably accurate over the last 15 years, but makes no attempt to describe an alternative whose policies, goals, implementation measures, and mitigation measures would result in a population growth rate comparable to the DOF predictions. Inasmuch as the DEIR quotes the expected growth predicted by the DOF, the failure to include a description of an alternative that results in DOF predicted growth makes the DEIR inadequate, since the public has no opportunity to comment on such an alternative.

The General Plan states in §8.11.05.1.1 Findings:

The County is statutorily required (Refer California Government Code section 65983) to plan to accommodate 1,620 dwelling units between January 1, 2002 and Jan 30, 2006—averaging 216 dwelling units per year according to the housing allocation prepared by HCD. One quarter of these dwelling units should be affordable to very low-income households, 15 percent to low-income households, 20 percent to moderate-income households, and 40 percent to above moderate-income households. This does not require the County to construct the units, but the County needs to ensure there are no barriers to preclude the units' development and occupancy. (Emphasis added.)

COMMENT: The state must have a formula that generates a numerical statutory requirement for every county. It is not clear how the figure for Mariposa County (1,620 units over a 7.5 year period) was calculated. The 216 units per year amount to a growth rate of 3.02% per year relative to the 1990 population (16,939). That implies that the population in 2025 will be 81% greater than the 1990 population.

\[
100 \times (216 \text{ units}) \times (2.37 \text{ persons/unit}) / 16,939 \text{ persons} = 3.022 \\
100 \times (1.03022^{20} - 1) = 81.4\%
\]
Given this "statutory requirement," it is difficult to comprehend how the State Department of Finance (DOF) was able to project only a 52.2% increase over the period from 1990 to 2025. Are DEIR reviewers to believe that the DOF is unaware of the "statutory requirements?"

Furthermore, the DEIR is supposed to provide decisionmakers with possible alternatives. Based on the "statutory requirements," the Board of Supervisors could not legally adopt Alternative 2 (Existing Conditions). Why is this alternative even presented in the DEIR?

Regardless of how many units per year are constructed, the County should not issue more than 40% of the permits for "above moderate-income households." To do so represents a de facto barrier — by the County — to the construction of the appropriate fraction of "very low-income, low-income, and moderate-income households." The County should adopt a policy to this effect.

Although the DEIR presents the impacts for a "Range of Alternatives," that "Range" is between the unrealistic "Existing Conditions" and the explosive, blockbuster, nuclear option, and thermonuclear option. It is not unreasonable for the public to demand that the impacts be analyzed for an alternative whose growth rate will correspond to that predicted by the DOF for both Mariposa County and the State as a whole. The Mariposa County resident's "clearly stated desire to avoid that type of [sprawling] development" should be sufficient incentive for the Board of Supervisors to insist that such an alternative be developed.

2.3 AREAS OF CONTROVERSY

The areas of controversy identified during development of the General Plan include:

a. requirements for new subdivisions to be approved only if located on a fully-improved road, has an approved area for on-site sewage disposal systems, and has an approved water supply. Parcels to be served by wells also require a disclaimer as part of the sales documents;

b. environmental protection policies regarded by some as being overly aggressive;

c. policies that may require private property improvements/actions in excess of state-required minimums; and

d. lack of environmental focus and the appearance of lack of environmental protection measures.

COMMENT: a. What are the arguments that make the requirements of item "a" controversial or unreasonable? These requirements appear to be environmentally positive. Therefore, arguments against implementation of the requirements must be environmentally adverse. Do these arguments reflect the desires of Mariposa residents, or of those who wish to advance their private agendas.
b. What are the arguments that attempt to justify less aggressive environmental protection policies?

c. Why should Mariposa residents not demand actions that protect the rural characteristics more than state required minimums? Will adhering to only state required minimums diminish the general quality of life in the County? Which items of quality - that Mariposa residents have expressed a clear desire to maintain at the present quality level - will be sacrificed? How severely will these items be diminished in quality (quantitatively)?

d. The General Plan is a political document. As usual in politics, perceptions are more important than reality. The "appearance of lack of environmental protection measures" is fostered by the historic absence of performance by the county in enforcement of measures to protect the environment. In the past, the Board of Supervisors has "appeared" to favor those who wish for diminished environmental protection over those who desire increased protection measures.

2.4 SUMMARY OF ALTERNATIVES

The State CEQA Guidelines (Section 15126) require that an EIR describe and evaluate alternatives to the project or to the location of the project, which could eliminate significant adverse impacts of the project or reduce them to a level of insignificance. In addition to the proposed General Plan, the following alternatives are evaluated in the CEQA Considerations Section of this EIR (see Section 5.6).

(Emphasis added.)

COMMENT: After stating the above, the DEIR then devotes two sentences each to Alternatives 1 (Existing Conditions) and 2 (No Project). The "summar" for "Enhanced Alternative 3" is more detailed - finally explaining that "Alternative 3 converts the discretionary Proposed Project General Plan policies into mandatory regulations resulting in enhanced environmental protection." After a two sentence discussion of Alternative 4 (Suburbanization), the summary provides the following rationale for the "Environmentally Superior Alternative." The statement above acknowledges that the Proposed General Plan is not the Environmentally Superior Alternative.

- Environmentally Superior Alternative. CEQA requires that an environmentally superior alternative to the Proposed Project be identified. In general, the environmentally superior alternative as defined by CEQA is supposed to minimize adverse impacts that could result from the project. The alternatives discussed above may be considered environmentally superior in some respects, but generally involve other trade-offs. Of the alternatives considered, the existing conditions alternative does not create any new impacts. Therefore, it is environmentally superior to a project that proposes to change existing conditions. However, in accordance with the CEQA Guidelines, if the environmentally superior alternative to the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives that meet the project objectives; this would be the General Plan Enhanced Alternative/Alternative 6. (Emphasis added.)
COMMENT: This is confusing. The "Existing Conditions" alternative is not the "No Project Alternative." Therefore, since it is environmentally superior to the alternative, the CEQA requirement is satisfied by identification of Alternative 2 as the "Superior Alternative." What analysis leads to the conclusion that Alternative 3 is environmentally superior to Alternative 2? CEQA does not insist that the "Environmentally Superior" alternative be the "adopted" alternative, only that the "Environmentally Superior" be identified in the disclosure document. In fact, the proposed "Project" is not "Enhanced Alternative 3," which the document identifies as "Environmentally Superior."

2.5.1 Significant Unavoidable Impacts

The following impacts have been identified as significant and unavoidable. Although mitigation measures are recommended where feasible to help reduce impacts, the following impacts cannot be reduced to a less than significant level.

COMMENT: The DEIR then identifies five "Significant Unavoidable Impacts" to:

2.5.1.1 Land Use Impact LU-6,
2.5.1.2 Traffic and Transportation Impact TT-1 and Impact TT-2,
2.5.1.3 Public Services and Utilities Impact PS-2, and
2.5.1.4 Air Quality Impact AQ-2.

All these are consequences of "Build-out of the proposed General Plan." Although the impact of four of these could be "reduced" by incorporation of identified mitigation measures, the reduction would not be to a level of "Less Than Significant." What is not explored in the DEIR is the degree of significance -- for each of these impacts -- that would accompany build-out to the population predicted by the DOF. Would these impacts still be unavoidable under such an alternative? Explain why and to what degree as compared to Alternative 3.

2.5.2 Significant Impacts

The following impacts have been identified as being significant; however, these impacts can be mitigated to a less-than-significant level with implementation of the recommended mitigation measures.

COMMENT: In addition to the above five impacts, the DEIR identifies 21 "significant impacts" that will result from "Build-out of the proposed General Plan." For each of these 21 impacts the DEIR suggests a mitigation measure that "should be added" to the proposed plan which would reduce the impact to "Less Than Significant." For example, under 2.5.2.8 Visual Resources Impact VR-1, the DEIR states:

Other Mitigation Measures
Proposed Mitigation Measure VR-1 should be added to the Conservation and Open Space Element of the General Plan. Mitigation Measure VR-1 would require the development of interim guidelines for non-single family development within County highway corridors to preserve scenic resources. When it is deemed appropriate by
When an impact is significant and the mitigation measure is feasible, that measure must be adopted. Postponing development of the guidelines to some future date at the whim of the Board of Supervisors, is unacceptable. The inclusion of the 26 mitigation measures as “should be adopted” items in the DEIR, implies that the measures are feasible.

The purpose of an Environmental Impact Report (EIR) is to disclose to the public the consequences of the proposed action that the EIR pertains to. By stating the impacts to the 26 items above – as well as the 32 “Less Than Significant” impacts. The Draft EIR for the currently proposed General Plan, does precisely that. However, the DEIR does not provide analysis – of the levels of significance – for all those impacts, that would be a consequence of build-out to the population numbers predicted by the DOF.

The DEIR identifies 57 impacts of which about 26 are found to be “significant” – 5 “unavoidable” – and 31 are “less than significant.” The DEIR does not define the degree of significance or the thresholds that are used to determine “less than significant.” It also does not explore an alternative that would change almost all “significant” impacts to “less than significant,” and reduce the “less than significant” to an even lesser degree.

2.5.3.5 BIOLOGICAL RESOURCES

Impact BR-7. Build-out of the proposed General Plan would not conflict with any habitat conservation plans.

Plan Policies that Serve as Mitigation

Draft General Plan Implementation Measure 11-4a(1) states the Mariposa County Planning Department would review the preparation of a Mariposa County Environmental Conservation Program during the intermediate-term planning period. This Program would include development standards, conservation programs, and mitigation measures for impacts on sensitive biological resources. The draft General Plan would not conflict with the provisions in the Mariposa County Environmental Conservation Program because the Program would be developed and subsequently reviewed by the County after the adoption of the General Plan. This would result in a less than significant impact. (Emphasis added.)

COMMENT: Here again the DEIR uses the conditional “would” instead of the imperative “will.” Although the timing for preparation of the Conservation Program is defined, there is no assurance that the program will be adopted by the County. Nor is there assurance that the public will have an opportunity to review and comment on the adequacy of the proposed Program. The County’s abundant wildlife contributes extensively to the
rural characteristics that residents desire to retain. Infringement on habitat always has a
negative impact on the species occupying that habitat.

Impact HW-3. Build-out of the proposed General Plan could reduce groundwater quantity by
taking more water, particularly from crystalline rocks, than is recharged. This is
considered to be a less than significant impact as proposed plan policies would
minimize impact potential.

Plan Policies that Serve as Mitigation
Draft General Plan Policy 1 1-2c provides for the preservation of existing or potential
sources of a sustainable water supply through maintaining low intensities of
development in order to protect the capacity of watersheds. This Policy would
designate watershed areas of surface water systems where such systems and their
proposed watershed area serve or are capable of serving as a potable water source.
Policy 5-5a requires that all new projects have access to basic water and wastewater
infrastructure including potable water supply meeting health department requirements
and access to an approved source for wastewater treatment and disposal. These
policies would result in impacts that are less than significant.

COMMENT: Many current residents have suffered decreased supplies from their
groundwater wells as a result of upslope developments. Requiring that "all new projects
have access to basic water" does not insure that the utilization of this water -- by the new
development -- will not negatively impact the water supply of downslope residents.
Furthermore, "protecting the capacity of watersheds" does not insure recharging of
the fractured rock groundwater sources.

Can the County incur responsibility for the loss of a resident's water supply, that
results from granting a permit for an upslope subdivision? The County should adopt
a policy that requires the use of tracer tests to identify communication between
proposed groundwater wells and existing residential supply wells.

A recent publication "Emissions pathways, climate change, and impacts on California" --
published online before print August 18, 2004 -- in the Proceedings of the National
Academy of Sciences, describes the decreases in Sierra Nevada snowpack that are
anticipated as a consequence of global warming. The snowpack provides about 60
percent of the domestic, industrial, and agricultural water used in California. The
snowpack also helps replenish the fractured rock groundwater supply.

Impact HW-5. Build-out of the proposed General Plan could result in placing housing within
flood hazard areas. This is considered to be a less than significant impact as
proposed plan policies would minimize impact potential.

Plan Policies that Serve as Mitigation
Draft General Plan Implementation Measure 16-4a and b(1) provides for adoption of a
County Flood Protection Ordinance. Other policies that mitigate flood hazards include
Policy 16-4a, 16-4b, and 16-5a, which provide for additional flood protection actions. A
flood plain encompasses the 100-year flood hazard area. Policy 16-6a states
retention of a flood plain within project design will be done in such a way as to ensure
that no net change in flow occurs upstream or downstream. With no net change in

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upstream or downstream flow, development within a 100-year flood hazard area would not impede or redirect flood flows or expose people or structures to a significant risk. Implementation of these policies would result in impacts that are less than significant.

COMMENT: Flood plains are considered riparian areas. "The riparian areas are the most altered and impaired ecosystems of the Sierra Nevada." Critical finding of the 1996 Sierra Nevada Ecosystem Project (SNEP).

How will development within the 100 year flood plain avoid "redirecting flood flows?" Development within the flood plain will also affect the biological functions of these ecosystems.

With the effects of global warming affecting the climate, there is a potential for a flood plain to be larger than what is now defined the 100-year area. There could be unanticipated, larger flood conditions that could damage structures. Are we unable to learn anything from Katrina, Rita, and Wilma?

There should be no development allowed in the 100-year flood plain. The absence of such development contributes to the rural characteristics that Mariposa residents desire to preserve.

Impact HW-6. Build-out of the proposed General Plan could result in the exposure of people and structures to flooding hazards from dam or levee failures, or inundation by seiche or run-off. This is considered to be a less than significant impact as proposed plan policies would minimize impact potential.

Plan Policies that Serve as Mitigation
There are numerous dams in Mariposa County that are subject to state review and approval. Draft General Plan Policy 16-4c and Implementation Measure 16-4c(1) would control development in dam inundation areas and would amend the County Zoning Ordinance to include a dam inundation overlay district. Policies 16-7a and 16-7b provide for the reduction of risk of injury or property damage from landslides and rockfalls and for avoiding development in high-risk geologic areas, and Policy 16-12a provides for updating of the County's Emergency Management Plan. Implementation of these policies would result in impacts that are less than significant.

COMMENT: The use of the conditional "would" provides no assurance that implementation will occur.

2.5.3.8 AIR QUALITY

COMMENT: The various discussions of impacts speak to: odors, greenhouse gases, and toxics. No mention is made of particulate matter. In rural area housing, people expect to have fireplaces or wood-burning stoves. At the proposed buildout, the emissions of smoke from these new residences could have a significant effect. Mariposa is already considered a non-attainment area for particulate pollution. The
DEIR's failure to address this potential source of pollution is a portion of the document's inadequacy.

2.5.3.10 Noise

Impact NO-1. Build-out of the proposed General Plan will result in the generation of noise, perhaps exposing the public to high noise levels. This is considered to be a less than significant impact as proposed plan policies would minimize impact potential.

COMMENT: Neither the DEIR nor the General Plan Update includes an analysis of the current noise levels for the various areas of the County. Especially, in the areas other than the TPAs, residents have an expectation of lower noise levels than would be acceptable in urban areas. Without such an analysis, the impacts of the proposed buildout cannot be estimated. Thus the County residents have no opportunity to comment on this potential impact. This is a significant defect in the DEIR.

ENERGY

The DEIR addresses the problem of declining energy resources only currently in the context of Air Quality and “encouraging” energy conservation. A more aggressive posture is needed. The County should require all new permitted residences and commercial buildings to be constructed with solar collection equipment.

THIS IS STILL A DRAFT OF THE COMMENTS. MORE WILL BE ADDED

Richard W. Kunstman
6276 Cobey Lane
Mariposa, CA 95338
Tel/Fax: 209-966-2954
E-mail to: arkun@yosemite.net
Dear Kris:

Thank you for providing MPUD with the draft Mariposa County General Plan and environmental documents. Following are my comments on the documents. Also please refer to previous comments MPUD has made dated December 3, 2002 and September 24, 2002.

Page 4-5, Impact C-1:
MPUD has considered the current MTPA when developing infrastructure for the provision of public water, wastewater and fire protection services. MPUD currently provides services to less than half of the present MTPA. The general plan update proposes an increase in the MTPA area from approximately five square miles to 25 square miles. The District has not considered the larger proposed area in facilities planning. This section indicates a potential of "expanding the area of use of the Saxon Creek water allocation". The EIR should include a clear definition of "area of use". The area of use is the terminology used by the State Water Resources Control Board to describe the geographical area that water may be used under a specific water right license. Currently, the area of use for water from the Saxon Creek water project is the existing MTPA. If the area of use is expanded, there are other significant issues that must be addressed such as storage and pumping restrictions. Please review my comments dated Sept. 24, 2002. It may be more appropriate to remove the reference to the Saxon Creek water project from this section.

Page 4-23, Impact D-1 Fire Protection:
The description of the MPUD Fire Department should be clarified.

The MPUD Fire Department has two stations – Station #1 is located at 5271 Hwy. 49 North and houses two MPUD engines and one Mariposa County "rescue" vehicle. Station #2 is located at the MPUD administrative office at 4992 Seventh Street and houses one fire engine.

Page 4-24 Sanitary Sewer:
There are central sanitary sewer collection and treatment systems in the county other than MPUD. There are public sewer systems in Coulterville and Yosemite West. Mariposa County Public Works should be contacted for descriptions of these services.
MPUD will need to address sewer collection system infiltration from storm water before the full capacity of the treatment facility can be utilized by development.

Page 4-20, Impact EIS-4, Paragraph 4:
"Co #22 MPUD Mariposa" is not a County fire station. See comment above for Page 4-23.

Sincerely,

[Signature]

Mark L. Rowley
General Manager

MLR:\n
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LETTER 21 - B.A. BROWN FOR MARIPOSANS FOR THE ENVIRONMENT AND RESPONSIBLE GROWTH (MERG), NOVEMBER 15, 2005

MERG
Mariposans for the Environment and Responsible Growth

November 15, 2005

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

Dear Board and Commission Members:

Attached please find our comments on the draft Environmental Impact Report for the proposed General Plan. Because our comments are comprehensive, we have prepared this summary letter.

It's the Wrong Plan

We base our comments on two critical concerns:

- The Proposed General Plan Will Triple the Population of our County.
  The General Plan is trying to accommodate a population of over 50,000 people. In doing so, the General Plan grossly oversupplies the residential development market. While the State projects that Mariposa County's population will grow from 17,591 in 2005 to 20,600 by the Year 2020, the proposed General Plan will generate a population of between 39,000 and 51,000: A growth rate vastly exceeding State estimates, as well as that which we have experienced over the last decade, would be facilitated.

  The DEIR does not adequately mitigate the potential impacts of this total amount or rate of growth. Yet no alternative is provided which will responsibly reduce impacts to an acceptable level.

- The Proposed General Plan is a Threat to Our Rural Communities.
  The General Plan Land Use Map allows for sprawling, rapid urban growth:
  
  - It greatly increases the boundaries of a number of Area Plans including Mt. Bullion, Mariposa, and Bear Valley.
  - Areas previously designated for 160 acre minimums have been decreased to 40 acre minimums.
  - The suburban residential designated areas have been vastly extended.

What Needs to Be Done?

Our full comments on the adequacy of the DEIR center around a number of mitigation measures plus an alternative which we feel should be incorporated into the General Plan policies and Land Use Map. Our recommendations include the following:

1. Revise the Land Use Map
   
   - Return Area Plans to existing boundaries to reduce urban sprawl and rapid growth.
- Maintain existing 160 acre minimum parcel size area designations.
- Require large parcel open space (160 acres where feasible) between the communities of Mt. Bullion, Bear Valley, and Mariposa to maintain their historic separation.
- Reduce Residential designated areas outside Area Plan areas to existing distribution.

2. Adopt DEIR and MERG Recommended Mitigation Measures

In addition to adopting many of the mitigation measures included in the DEIR, we recommend a number of measures in our full comments, which include the following:

- Eliminate the clustering allowance outside the community areas, maintain the 5 acre minimum parcel size
- Use a target level of service C for traffic, not D, which approaches failure mode.
- Adopt public facility and service standards and require that new development meet these standards and pay their fair share.
- Adopt a reasonable annual population growth rate of 1.5%.
- Provide for a method of offsetting residential increases in buildout as a result of future general plan amendments by decreasing units permitted elsewhere in the County.

Conclusion: MERG Supports
Revised Enhanced General Plan Alternative with Full Mitigation

Incorporation of the MERG recommendations into the DEIR Enhanced General Plan Alternative would result in an alternative that MERG can support. This alternative would mitigate impacts to an acceptable level. The DEIR alternative does not go far enough in mitigating impacts and does not provide a Land Use Map alternative.

The revised alternative would create a General Plan that provides for responsible growth while preserving and enhancing our rural communities, our working landscape, and our open spaces.

We look forward to working with you in the coming months.

Sincerely,

[Signature]

For MERG