RECOMMENDED ACTION AND JUSTIFICATION: On December 6, 2006 the Board of Supervisors completed its public hearing on the General Plan Update and approved a motion to certify the EIR and to adopt the new General Plan. Staff was directed to return on the December 12 agenda with a resolution, the necessary findings of fact and the Statement of Overriding Considerations that will allow the Board to complete final adoption of the plan.

Formal adoption of the General Plan will be continued until December 18 at 9:00 am in order to give planning staff and County Counsel sufficient time to prepare, review and distribute the findings.

BACKGROUND AND HISTORY OF BOARD ACTIONS: Adopting the resolution and findings will be the final step in the County's 6-year long process of developing, reviewing and completing the General Plan Update.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Failure to timely complete the required General Plan adoption procedures would delay the effective date of General Plan implementation.

---

Financial Impact? ( ) Yes ( ) No Current FY Cost: $
Budgeted In Current FY? ( ) 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:
Res. No.: 575 Ord. No. ___
Vote - Ayes: 5 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:

Requested Action Recommended
No Opinion
Comments:

CAO: ___

Revised Dec. 2002
MARIPOSA COUNTY RESOLUTION NUMBER 06-575

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AND ADOPTING THE MARIPOSA COUNTY GENERAL PLAN AND ADOPTING RELATED FINDINGS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 Section 65300 et seq.; and

WHEREAS, the existing Mariposa County General Plan was adopted in December, 1981 and has been periodically amended since that time; and

WHEREAS, the goals, policies, implementation measures and land use designations of the 1981 General Plan were intended to provide guidance for the County through the year 2000; and

WHEREAS, the Board of Supervisors, utilizing the services of a planning consulting firm retained for this purpose, began a community-wide public planning process in January, 2001 to update the General Plan; and

WHEREAS, early in 2001, the planning consultant, planning staff, the Planning Commission and the Board of Supervisors hosted six General Plan fairs in locations throughout Mariposa County, from which emerged the guiding principles of the General Plan Update; and

WHEREAS, during 2001, 2002 and 2003, the Planning Commission held more than sixty (60) noticed public meetings to consider, debate, evaluate and develop the structure and content of the draft General Plan; and

WHEREAS, in April, 2003, the Planning Commission forwarded the recommended draft General Plan and EIR to the Board of Supervisors for its consideration; and

WHEREAS, the Board of Supervisors, during dozens of public meetings and workshops throughout 2003, 2004, 2005 and 2006, continued to solicit public testimony and directed numerous revisions to the General Plan policies and designations; and

WHEREAS, the Board of Supervisors, in consideration of the several years since the draft General Plan and EIR had been prepared and the many revisions to the General Plan made over that time period, required the EIR to be recirculated in 2005; and
WHEREAS, the Mariposa County Planning Commission, on November 17, 2006, conducted a duly noticed and properly advertised public hearing to take public testimony and to consider additional revisions to the final draft of the General Plan documents, and adopted Resolution Number 2006-57 recommending that the Board of Supervisors adopt the General Plan and certify the EIR; and

WHEREAS, the Board of Supervisors held a duly noticed and properly advertised public hearing on December 6, 2006 to solicit and evaluate public testimony and to consider adoption of the General Plan and certification of the EIR; and

WHEREAS, the Board of Supervisors has independently reviewed and evaluated the CEQA Findings of Fact and the Statement of Overriding Considerations referenced and attached to this resolution and is convinced that the General Plan Selected Alternative (emphasizing Rural Character Enhancement) incorporates policies and implementation measures that will substantially lessen and avoid many significant environmental effects associated with the Project, although several of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, the Board of Supervisors, on December 18, 2006, completed its deliberations and adopted all appropriate and necessary CEQA Findings of Fact, including a Statement of Overriding Considerations, to substantiate and document its decision to adopt the General Plan and to certify the Final EIR.

THEREFORE BE IT RESOLVED that the Board of Supervisors hereby does certify the Environmental Impact Report for the General Plan as complying in full with the requirements of CEQA and California law, approves the Mitigation Monitoring Program, and adopts the Findings of Fact and the Statement of Overriding Considerations included with this resolution; and

THEREFORE BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Mariposa County General Plan, with the December 6, 2006 modifications to the November, 2006 General Plan and EIR documents, and based upon the Findings of Fact attached to this resolution; and

THEREFORE BE IT FURTHER RESOLVED that the Board of Supervisors designates the Mariposa Planning Department, 5100 Bullion Street, Mariposa, California, as the location and custodian of the documents and materials constituting the record of proceedings upon which this decision and resolution are based; and

THEREFORE BE IT FURTHER RESOLVED that the Board of Supervisors authorizes County staff to prepare and file with the appropriate State and County offices a Notice of Determination within five working days following the date of adoption of this resolution; and
THEREFORE BE IT FINALLY RESOLVED that the Board of Supervisors hereby repeals the existing 1981 General Plan upon the enactment of this updated General Plan.

ON MOTION BY Supervisor Pickard, seconded by Supervisor Bibby, this resolution is duly passed and adopted this 18th day of December, 2006 by the following vote:

AYES: STETSON, TURPIN, BIBBY, FRITZ, PICKARD

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Lee Stetson, Chairman
Mariposa County Board of Supervisors

Margie Williams
Clerk of the Board of Supervisors

Thomas P. Guarino
County Counsel

APPROVED AS TO FORM:
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

CEQA FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATION

OF THE

BOARD OF SUPERVISORS OF MARIPOSA COUNTY

FOR THE

MARIPOSA COUNTY GENERAL PLAN

Adopted December 18, 2006
# CONTENTS

1 Introduction and Background .......................................................... 1

1.1 The Project ................................................................................. 1

1.2 CEQA Requirements ................................................................. 1

1.3 General Findings ........................................................................ 4

1.4 Planning Horizon and Population Build-Out Estimates ............... 6

1.5 General Plan History ................................................................... 6

2 General Plan Development and EIR .................................................. 8

3 Project Elements and Components ................................................ 10

   Volume I: Countywide General Plan ............................................. 10

   Volume II: Area Plans ................................................................... 10

   Volume III: Technical Background Report .................................. 10

   Volume IV: Environmental Impact Report and Documentation ...... 11

4 General Plan Record of Proceedings .............................................. 12

5 CEQA Findings .............................................................................. 14

   5.1 Potentially Significant Unavoidable Impacts ......................... 14

       Land use .............................................................................. 14

       Traffic and Transportation ................................................. 15

       Public Services and Utilities .............................................. 16

       Air Quality ......................................................................... 17

   5.2 Significant Impacts ................................................................. 18

       Land Use ........................................................................... 18

   5.3 Impacts Not Found to Be Significant .................................... 19

       Land Use ........................................................................... 20

       Population and Housing..................................................... 20

       Traffic and Transportation ................................................. 21

       Public Services and Utilities .............................................. 22

       Biological Resources .......................................................... 22

       Geology and Seismicity ....................................................... 25

       Hydrology and Water Quality ............................................ 26

       Air Quality ......................................................................... 27

       Historic and Cultural Resources ........................................ 28

       Noise ................................................................................ 29

       Public Health and Safety .................................................... 29

       Visual Resources .................................................................. 30

6 Mitigation Monitoring Program ..................................................... 32

7 Project Alternatives .................................................................... 33

   7.1 Alternatives Considered ......................................................... 34

       Alternative 1: No Project ...................................................... 34

       Alternative 2: Existing Conditions ....................................... 34

       Alternative 3: Draft General Plan October 2006, the Enhanced Alternative ........................................ 35

       Alternative 4: “Suburbanization” Alternative ......................... 35

       Alternative 5: “Rural Character Enhancement” Alternative ...... 36

       Environmentally Superior Alternative ................................ 36

   7.2 Selected Alternative ............................................................... 36

8 EIR Recirculation Statement ......................................................... 42

9 Statement of Overriding Considerations ......................................... 44
1 INTRODUCTION AND BACKGROUND

These Findings and Statement of Overriding Considerations have been prepared in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines (California Code Regulation, Title 14, Section 15000 et seq.).

Mariposa County is the lead agency for the environmental review of the Project and has the principal responsibility for its approval. The Project covered by these findings and relevant CEQA documents is the Mariposa County General Plan.

1.1 THE PROJECT

The Mariposa County General Plan replaces Mariposa County’s 1981 General Plan, which has been periodically amended from 1981 through 2005. The General Plan includes four volumes. Volume I is the Countywide General Plan. Volume II is the Area Plans which include the adopted Area Plans for the County and the interim land use diagrams for the Planning Study Areas. Volume III is the Technical Background Report which describes the Mariposa County setting including supporting technical data. Volume IV is the Environmental Impact Report. The General Plan consists of the elements required by California law; Circulation (including infrastructure and services), Conservation, Housing (adopted in 2004), Land Use, Noise, Open Space and Safety. The General Plan includes optional elements; Agriculture, Arts and Culture, Economic Development, Historic and Cultural Resources, Local Recreation, and Regional Tourism.

1.2 CEQA REQUIREMENTS

The Mariposa County General Plan Environmental Impact Report (Volume IV) evaluates the impacts of implementation of the General Plan with respect to the following issues: land use, population and housing, traffic and transportation, public services and utilities, biological resources, geology and seismicity, hydrology and water quality, air quality, historic and cultural resources, noise, public health and safety, and visual resources. This EIR has been prepared in accordance with CEQA as amended and State CEQA Guidelines.

The EIR is a Program EIR under the provisions of CEQA Guidelines Section 15168. A Program EIR is an EIR that evaluates the impacts of a series of actions that can be characterized as one large project and are related either:
1. geographically;
2. as logical parts in a chain of contemplated actions;
3. are connected with issuances of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
4. as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

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. The EIR for the Mariposa County General Plan provides the level of analysis necessary to comply with the CEQA Guidelines. As individual activities under the General Plan 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.

The EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant unavoidable adverse impacts.

The General Plan is self mitigating. The Mitigation Measures recommended in the Environmental Impact Report have been modified and incorporated into the General Plan as goals, policies and implementation measures.

This is an integrated General Plan and Program EIR that is comprised of Volumes I, II, III, and IV. Volume I is the County of Mariposa Countywide General Plan which contains the General Plan goals, policies, and implementation measures. Volume II contains the adopted Area Plans and interim land use diagrams for Planning Study Areas of the County. Volume II includes plans for town plan areas, community plan areas, special plan areas, and plan areas jointly managed with the National Park Service. Volume II also contains interim land use designations for Planning Study Areas for which a plan has not yet been prepared and adopted. The countywide policies apply to Planning Study Areas. The EIR does not deal with the impacts of adopted area plans or with impacts on Yosemite National Park. Those County Area Plans that have been adopted have undergone the appropriate level of environmental review and are incorporated into the General Plan without reevaluation. For those areas of the County where area plans are being prepared or are scheduled for preparation in the future, General Plan goals and policies will apply until the area plans are completed and adopted, which includes the appropriate environmental impact documentation. Until then, any impact analysis of what may be in a future area plan where there is no specific information is unduly speculative under CEQA Guidelines Section 15. Volume III includes a description of the affected environment, which provides a basis for the evaluation of impacts. Volume IV is the Program Environmental Impact Report on the Mariposa County General Plan.

The Board of Supervisors has certified that the final EIR has been completed in compliance with CEQA;
- that the final EIR was presented to the Board of Supervisors, the decision-making body,
- that the Board of supervisors reviewed and considered the information contained in the final EIR, the written comments and oral comments, and
- that the Board of Supervisors determined that the final EIR reflects the lead agency’s independent judgment and analysis.

The County of Mariposa has eliminated or substantially lessened all significant effects on the environment where feasible as shown in the findings provided in this document. The County of
Mariposa has determined that remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns presented in this document.

The County finds that the EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), and that the EIR meets the requirements of a Program EIR. The EIR will be used to evaluate subsequent projects under the Mariposa County General Plan. Additional environmental review under CEQA may be required and will be based on the subsequent project’s consistency with the General Plan and the analysis in the EIR, as required under CEQA.

In accordance with CEQA Guidelines Sections 15168 and 15162, the EIR should be used as the primary environmental document to evaluate subsequent planning and permitting actions associated with the Mariposa County General Plan. In addition, the County finds that the EIR may be used as the basis for future projects’ compliance with CEQA, pursuant to CEQA Guidelines sections 15182 and 15183. Pursuant to CEQA Guidelines section 15183(f), the County finds that the development policies and standards set forth in the Mariposa County General Plan substantially mitigate, as to future projects, impacts identified in the EIR, except those determined to be significant and unavoidable.

**RECORD OF PROCEEDINGS**

Various documents and other materials constitute the record of proceedings upon which the Board bases its findings and decisions contained herein. The record of proceedings is located at 5100 Bullion Street, Mariposa, California. The custodian for the record of proceedings is the Mariposa County Planning Department. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and 14 California Code Regs, § 15091(e).

For purposes of CEQA and these findings, the record before the County includes, without limitation, the following:

A. The Initial Study;

B. The DEIR and all appendices to the DEIR;

C. The FEIR and all appendices to the FEIR;

D. All notices required by CEQA, staff reports and presentation materials related to the Project;

E. All studies conducted for the Project and contained in, or referenced by, staff reports, the DEIR, or the FEIR;

F. All public reports and documents related to the Project prepared for the County and other agencies;
G. All documentary and oral evidence received and reviewed at public hearings and workshops and all transcripts and minutes of those hearings related to the Project and the FEIR, if any, which were forwarded to the Board of Supervisors.

H. Any additional items not included above if they are required by law.

1.3 GENERAL FINDINGS

TERMINOLOGY OF FINDINGS
Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.” The second potential finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” The third permissible conclusion is that “[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.”

For purposes of these findings, the term “mitigation measures” shall constitute the “changes or alterations” discussed above. The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. Although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the EIR for the proposed Project. When an impact remains significant or potentially significant with mitigation, the findings will generally find that the impact is still “significant.”

In the process of adopting mitigation, the County will also be making decisions on whether each mitigation measure proposed in the DEIR is feasible or infeasible. Pursuant to the CEQA Guidelines, “feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” When the County finds a measure is not feasible, it will provide evidence for its decision.

CERTIFICATION OF FEIR
In adopting these findings, in accordance with CEQA the County has considered the environmental effects as shown in the FEIR prior to approving the Project. These findings represent the independent judgment and analysis of the County.

CHANGES TO THE DEIR
In the course of responding to comments received during the public review and comment period on the DEIR, certain portions of the DEIR have been modified and some new information has been added. The changes made to the DEIR do not result in the existence of:
1. A significant new environmental impact that would result from the Project or an adopted Mitigation Measure;

2. A substantial increase in the severity of an environmental impact that is not reduced to a level less than significant by adopted Mitigation Measures;

3. A feasible project alternative or Mitigation Measure not adopted that is considerably different from others analyzed in the DEIR that would clearly lessen the significant environmental impacts of the Project; or

4. Information that indicates that the public was deprived of a meaningful opportunity to review and comment on the DEIR.

The County finds that the amplifications and clarifications made to the DEIR do not collectively or individually constitute significant new information within the meaning of Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

EVIDENTIARY BASIS FOR FINDINGS
These findings are based upon substantial evidence in the entire record before the County as described in Section 4.

The references to the DEIR and to the FEIR set forth in the findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

FINDINGS REGARDING MITIGATION MEASURES
Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the FEIR. Except as otherwise stated in these findings, in accordance with CEQA Guidelines sections 15091, 15092, and 15093, the County finds that the environmental effects of the Project:

- Will not be significant; or

- Will be mitigated to a less than significant level by the Mitigation Measures adopted by the County; or

- Can and should be mitigated to a less than significant level by the Mitigation Measures within the jurisdiction of another public agency; or

- Will remain significant after mitigation, but specific economic, legal, social technological, or other considerations outweigh the unavoidable adverse environmental effects.

The County finds that the Mitigation Measures incorporated into and imposed upon the Project are feasible and fully capable of implementation.

FINDINGS REGARDING MONITORING/REPORTING OF CEQA MITIGATION MEASURES
MARIPosa COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDEING CONSIDERATION

As required in Section 21081.6 of the California Public Resources Code the County adopts a monitoring and reporting program regarding changes in the Project or Mitigation Measures imposed to mitigate or avoid significant effects on the environment.

The Mitigation Monitoring and Reporting Plan, in the form presented to the County as Exhibit X to the FEIR, is adopted because it effectively fulfills the CEQA mitigation monitoring requirement:

1.4 PLANNING HORIZON AND POPULATION BUILD-OUT ESTIMATES

When creating its General Plan, Mariposa County developed a population build-out projection for the General Plan based on a methodology and set of assumptions. The General Plan uses two population forecast methods to identify short-term and long-term issues and actions, a growth projection and a build-out projection. The growth projection is utilized to identify programs that need to occur in a short period of time, generally within a 15-year time frame. The build-out projection is utilized to anticipate programs and actions that will occur beyond a 15-year time frame but that need to be considered in any actions in the short-term period.

The growth projection is based on historic and project growth rates to forecast the pace of growth within the County. The most recent growth forecast was issued by the State of California for a period through 2050. This forecast projects a population of approximately 25,500 in Mariposa County in the next 40+ years.

The population projection reflects the implementation of the goals, policies, and implementation measures in the General Plan assuming the continuation of existing trends in development investment. Build-out of the General Plan, which is not time constrained, is projected to result in a population of approximately 28,000 persons.

Section 2.2 Mariposa County General Plan Build-Out, of the General Plan describes the methodology and calculation of the General Plan build-out projections.

1.5 GENERAL PLAN HISTORY

Planning in Mariposa began in the late 1940s when the County contracted with an engineering firm to prepare a master plan. Zoning regulations started evolving in the mid-1950s. In the late 1950s and early 1960s, Mariposa started seeing the creation of extremely large subdivisions, such as Lake Don Pedro, Lushmeadows Mountain Estates, Mariposa Pines, Ponderosa Basin, and Yosemite West. Since the 1960s, there have been few major subdivisions of this magnitude. In the mid-1970s, the County adopted Ordinance 180, which was the first organized zoning regulation, but left most of the County zoned “Unclassified.”

Between 1978 and 1981, the General Plan elements required by State law were adopted separately, then consolidated into a single document; the 1981 General Plan. With several minor amendments over the years, and a major Housing Element Update in 1995, the 1981 General Plan has served the County for the past 25 years. At the outset, the General Plan was the County’s zoning regulations as well as its policy document. Rather than serving as a road map
for the future, the 1981 General Plan was used as a zoning tool; however, in 1988, the County adopted Title 17, Zoning.

Recognizing the need to address planning issues that are unique to individual communities, the County prepared "town planning area" plans for Coulterville (1980), Fish Camp (1983), Mariposa (1981), and Wawona (1987). The "Wawona Town Specific Plan" is unique in that its implementation is carried out jointly with the National Park Service.

With guiding policies in the 1981 General Plan calling for its replacement in 2000, the Board of Supervisors initiated this General Plan Update process.
Preparation of the Mariposa County Draft General Plan, Technical Background Reports, and Draft EIR was completed in the summer of 2002. These documents were circulated for public review and comment in compliance with CEQA during 2003 and 2004. Comments from the public and agencies were received on the 2002 Draft EIR. A Final EIR was not circulated.

In January 2004 the Board of Supervisors adopted the Housing Element, Chapter 8, in compliance with State guidelines and mandated deadlines.

In March 2005, the Mariposa County Board of Supervisors modified the 2002 Draft General Plan and directed that a new General Plan Update Draft EIR be circulated for public comment in compliance with CEQA Guidelines (Section 1088.5), which provide for recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR for public review but before certification of the EIR. The Draft EIR was prepared based on input received during the scoping process. Scoping for the Draft EIR included a public meeting of the Board of Supervisors on March 8, 2005 at which direction was given to staff to prepare the Draft General Plan.

On September 16, 2005, the following documents were circulated for public comments:

- 2005 Draft General Plan Update (Volume I);
- 2005 Area Plan Descriptions and Interim Land Use Maps (Volume II);
- 2005 Revised Technical Background Report (Volume III); and
- 2005 Draft EIR (Volume IV).

The four volumes of the General Plan were circulated for public and agency review for 45 days beginning on September 16, 2005 and ending on Monday, October 31, 2005. The Draft EIR was made available in the Mariposa County Planning Department, on the County’s website, and in local libraries. Copies were provided upon request.

Public hearings were held by the Planning Commission on October 14, 2005 and the Board of Supervisors on November 1, 2005 to receive comments on the Draft General Plan and EIR. The County of Tuolumne stated they were not notified of the public comment period in a timely manner. The Mariposa County Board of Supervisors extended the comment period through December 27, 2005; written comments postmarked no later than January 11, 2006 were accepted.

The October 2006 Draft General Plan, including Volume I and Volume II, were circulated on September 27, 2006. The Board of Supervisors held two public Workshops, on October 11 and October 17, 2006. At the end of the public workshops, Board of Supervisors directed staff to prepare the Draft General Plan and Final EIR. These documents were titled November 2006 Draft General Plan and November 2006 Final EIR.

The Planning Commission conducted a public hearing on the November 2006 Draft General Plan and November 2006 Final EIR on November 17, 2006. At the end of the public hearing the Planning Commission submitted recommendations to the Board of Supervisors.
MARIPosa COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

The Board of Supervisors held a public hearing on December 5th and 6th 2006 during which they considered the Planning Commission recommendations, written comments and oral testimony. After the close of the public hearing the Board of Supervisors certified the Environmental Impact Report and adopted the General Plan which included the Draft General Plan November 2006 with amendments dated December 2006. The staff was directed to prepare the appropriate resolutions, findings and overriding considerations for Board Action.

The Board of Supervisors passed the resolution certifying the Environmental Impact Report and adopting the General Plan with findings and overriding considerations on December 18, 2006.
3 PROJECT ELEMENTS AND COMPONENTS

The General Plan is published in four volumes. The content of the General Plan is summarized below.

**VOLUME I: COUNTYWIDE GENERAL PLAN**

Volume I contains the countywide General Plan, consisting of seven mandatory General Plan elements and six optional elements added by the County. This Volume applies to all portions of the County, unless otherwise addressed in the adopted Area Plans.

The General Plan includes four introductory chapters that provide the basis of the General Plan, including an Introduction, The Mariposa County Setting, Issues Important to Mariposa County Citizens, Guiding Principles of the Board of Supervisors, and General Plan Administration. The following twelve chapters are elements of the General Plan; Land Use (including the Land Use Diagram), Economic Development, Arts and Culture, Housing (adopted January 2004), Circulation, Infrastructure, and Services, Agriculture, Conservation and Open Space, Local Recreation, Regional Tourism, Historic and Cultural Resources, Noise, and Safety. The General Plan elements contain the goals, policies and implementation measures of the General Plan. Four appendices are included in Volume I; Glossary of Terms, Background Information, Future Consideration, and Guidance for the Interpretation of the General Plan.

**VOLUME II: AREA PLANS**

The General Plan identifies “planning areas” for communities and towns. “Area Plans” are the adopted documents defining land use and planning policy for planning areas. The Land Use Diagram identifies “Planning Study Areas” to define those lands that do not have adopted Area Plans but are to be considered for inclusion in the Area Plan during the area planning process.

When adopted, area plans are separate documents. Area plans are one of four types: town plans, community plans, special plans, or the Yosemite National Park General Management Plan—which incorporates a number of subsidiary plans, including among them the Yosemite Valley Plan and the Merced River Plan. The Yosemite General Management Plan is not a General Plan document, and the County has no authority over the Yosemite National Park plans but its planning process is recognized as a component of overall planning in Mariposa County. Each of the area plans addresses specific issues and opportunities for its planning area. The area plans may include any number of elements to address General Plan programs. The Wawona Town Specific Plan and the Fish Camp Town Specific Plan are considered Area Plans for purposes of the General Plan. The term “specific plan” is reserved for precise development plans of private or major mixed-use County projects. While specific plans are not incorporated into the General Plan as an element, the documents must be consistent with the General Plan. Volume II contains interim land use diagrams for the Planning Study Areas.

**VOLUME III: TECHNICAL BACKGROUND REPORT**

The General Plan and Environmental Impact Report has supporting technical data. The Technical Background Report contains a summary of this data. The Report is updated as new technical information related to the General Plan is made available to the County.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

VOLUME IV:  ENVIRONMENTAL IMPACT REPORT AND DOCUMENTATION

The California Environmental Quality Act (CEQA) requires environmental analysis of
discretionary projects to be approved by the County. The Mariposa County General Plan is
analyzed with a Program Environmental Impact Report (EIR) because the impacts of a General
Plan cannot be as precisely defined and proposed mitigation cannot be as specific as for a
Project-level EIR. The EIR was assigned State Clearing House #2002071101.

The four volumes of the General Plan, when read together, incorporate the required topics
needed for a complete Environmental Impact Report. The EIR includes the following chapters:
Introduction, Summary of Environmental Impacts, Project Description, Environmental Impacts
and Mitigation Measures, CEQA Considerations, Responses to Comments, Comment Letters,
Mitigation Monitoring Program, and References and List of Preparers. Environmental impacts
evaluated in the EIR include land use, population and housing, traffic and circulation, public
services and utilities, biological resources, geology and seismicity, hydrology and water quality,
air quality, historic and cultural resources, noise, public health and safety and visual resources.
In accordance with Public Resources Code section 21167.6, subdivision (e), the record of proceedings for the County’s decision on the Mariposa County General Plan includes, without limitation, the following documents:

- The Notice of Preparation and other public notices issued by the County in conjunction with the Project;
- The draft EIR for the Project;
- Comments submitted by agencies or members of the public during the comment periods on the Draft EIR;
- Comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR and responses to those comments;
- Documents cited or referenced in the Draft and Final EIRs;
- Findings and resolutions adopted by the County in connection with the Project and documents cited or referred to therein;
- Reports, studies, memoranda, maps, diagrams, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s action on the Project;
- Documents submitted to the County (including the Planning Commission and Board of Supervisors) by other public agencies or members of the public in connection with the Project, up through the close of the Board of Supervisors hearing on December 6, 2006;
- Minutes and/or verbatim transcripts of information sessions, public meetings, public workshops, and public hearings held by the County in connection with the Project;
- Documentary or other evidence submitted to the County at such information sessions, public meetings, public workshops and public hearings;
- The 1981 Mariposa County General Plan and environmental documents prepared in connection with the adoption of the General Plan;
- The Mariposa County Zoning Ordinance, Subdivision Regulations, and Environmental Review Ordinance (Mariposa County Code, Chapters 16 and 17), and other County Code provisions cited in materials prepared by or submitted to the County;
- Coulterville Town Planning Area Specific Plan.
- Fish Camp Town Planning Area Specific Plan
- Mariposa Town Planning Area Specific Plan
- Wawona Town Planning Area Specific Plan
- Resolutions and/or ordinances adopted by the County regarding the Project, and staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Documents cited in these findings, in addition to those cited above; and
- Other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

The official custodian of the record is the Mariposa County Planning Department, 5100 Bullion Street, Mariposa CA 95338.
CEQA requires that when a project EIR identifies one or more significant environmental effects of the project the lead agency must make written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The Mariposa County General Plan Final EIR identified significant environmental effects. Each significant effect is listed below with the required written finding and a brief explanation of the rationale for each finding.

5.1 POTENTIALLY SIGNIFICANT UNAVOIDABLE IMPACTS

The following environmental impacts have been identified as significant and unavoidable. Implementation measures are included in the General Plan which reduce environmental impacts, however the following impacts cannot be reduced to a less than significant level.

LAND USE
Impact LU-6. Build-out of the General Plan might impact the County’s mineral production industry. This would result in a significant impact.

The following General Plan Policies and Implementation measures have been incorporated into the General Plan which lessen the environmental impacts:

- Policy 5-5a and Implementation Measure 5-5a(1) states the General Plan Land Use Element will identify lands within the Agriculture/Working Landscape land use classification for the primary purpose of production, extraction, or harvesting of food, fiber, timber, and minerals.
- Implementation Measure 10-2a(1) establishes findings the Board of Supervisors must adopt in order to convert land in the Agriculture/Working Landscape designation to a Residential, Planning Area, or Natural Resource land use classification.
- Policy 11-3a and Implementation Measures 11-3a(1) and 11-3a(2) provide for reasonable development of mineral resources with standards of use where sitings are compatible with adjoining uses.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR. Economic and legal constraints make infeasible the mitigation measures required to mitigate the environmental impacts.

Explanation: Existing residential development exists within the State classified MR-1 gravel resource area, residential zoning exists within the State classified MR-1 gravel resources area. The Residential land use classification in the General Plan allows residential development that would not be compatible with gravel resource production. The General Plan policies and implementation measures would not necessarily protect the known gravel resources in the County. Therefore, the impact would be significant. The mitigation required to lessen the impact to one of no significance is to purchase the existing residences and to rezone existing property to prohibit residential uses. These
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

measures are infeasible because they do not meet the objectives of the County and are not economically reasonable. No other feasible mitigation measures have been identified. Once committed to non-mineral producing uses, land containing mineral resources cannot be replaced.

TRAFFIC AND TRANSPORTATION
Impact TT-1. Build-out of the General Plan would create adverse vehicular impacts on state highways and county arterial roads. Specifically, levels of service (LOS) would be reduced to level “E” on state highways in the County beyond 2010 with the addition of planned growth. Implementation of highway improvement programs would improve the situation, but the County cannot guarantee implementation of the necessary improvements. This would result in a significant impact.

The following General Plan Policies and Implementation measures have been incorporated into the General Plan which lessen the environmental impacts:

- Implementation Measure 9-1a(2) requires the preparation and implementation to evaluate Development Impact Fees for state highway facilities, requires a working partnership with the State to solve capacity deficiencies and funding limitations, and requires the monitoring of State activities to respond to long-term transportation needs. The Board of Supervisors has engaged an engineering consulting firm to prepare a long-term Countywide Capital Improvements Program and Impact Fee analysis. The resulting Development Impact Fee program will focus on transportation improvements related to new population growth, and it will also identify needed fire, sheriff, library, parks and administrative facilities.

- Implementation Measure 9-1c(3) requires a project to assess the capability to meet existing and new uses when the aggregate potential development increases the utilization of the road by more than 25%.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR. Implementation of measures to lessen the environmental impacts to less than significant are within the responsibility and jurisdiction of another public agency, California Department of Transportation, not the County of Mariposa. Caltrans should adopt measures to lessen the impacts to less than significant.

Explanation: While the policies increase the likelihood that the needed long-range highway improvements would be accomplished, the County has no control over and cannot commit State funding and thus the potential for significant and unavoidable impacts on state highway system would remain. The responsibility for reducing vehicular impacts on State highways to less than significant is the responsibility and jurisdiction of the State of California and is not the responsibility and jurisdiction of Mariposa County.

Impact TT-2. Build-out of the General Plan would create adverse impacts at intersections in the County. Future LOS at the County’s intersections would likely follow the pattern of route segments identified under Impact TT-1. Anticipated state highway improvements would provide
service at LOS “D” or better, but without the improvements, there could be significant impacts at intersections in the County.

The following General Plan Policies and Implementation measures have been incorporated into the General Plan which lessen the environmental impacts:

- Implementation Measure 9-1a(2) requires the preparation and implementation to evaluate Development Impact Fees for state highway facilities, requires a working partnership with the State to solve capacity deficiencies and funding limitations, and requires the monitoring of State activities to respond to long-term transportation needs. The Board of Supervisors has engaged an engineering consulting firm to prepare a long-term Countywide Capital Improvements Program and Impact Fee analysis. The resulting Development Impact Fee program will focus on transportation improvements related to new population growth, and it will identify needed fire, sheriff, library, parks and administrative facilities.

- Implementation Measure 9-1c(3) requires a project to assess the capability to meet existing and new uses when the aggregate potential development increases the utilization of the road by more than 25%.

- Implementation Measure 9-1a(2) Development Impact Fee monies would be available to finance state highway intersection improvements associated with new population growth throughout the County.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR. Implementation of measures to lessen the environmental impacts to less than significance are within the responsibility and jurisdiction of another public agency, California Department of Transportation, not the County of Mariposa. Caltrans should adopt measures to lessen the impacts to less than significance.

Explanation: These implementation measures increase the likelihood that the needed improvements would be implemented; however, the County does not have jurisdiction over the commitment of state funding for the County’s state highways. Therefore, the impact would remain significant and unavoidable. The responsibility for reducing adverse impacts at intersections on State Highways to less than significant is the responsibility and jurisdiction of the State of California and not the responsibility and jurisdiction of Mariposa County.

Public Services and Utilities
Impact PS-2. Build-out of the General Plan could create a demand for additional school capacity that cannot be met by existing or planned capacity, which would be a significant impact.

The following General Plan Policies and Implementation measures have been incorporated into the General Plan which lessen the environmental impacts:

- Policy 9-7a and its implementation measures provide that the County work with the school districts on siting facilities and assist in development. This policy does
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

not assure that adequate school facilities would be available to serve future growth. Therefore, the impact would be significant.

• Implementation Measure 9-7a(3) requires the County to cooperate with the school districts to secure adequate funding for new school facilities and require project-sponsor mitigation.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR. Implementation of measures to lessen the environmental impacts to less than significant are within the responsibility and jurisdiction of another public agency, county school districts, not the County of Mariposa. The county school districts should adopt measures to lessen the impacts to less than significant.

Explanation: The state-mandated impact fees for schools are inadequate to fully mitigate the impacts of new development, and the typical residential development in the County is too small to be able to provide land for school facilities in lieu of fees. Because school funds from all sources are limited and the policy can not assure funds for new facilities and the statutory limits on local governments imposing development fees for education, the impact remains significant and unavoidable. The responsibility for meeting school capacity demand to less than significant is the responsibility and jurisdiction of the school districts within Mariposa County and is not the responsibility and jurisdiction of Mariposa County.

AIR QUALITY
Impact AQ-2. Build-out of the General Plan could create significant impacts to air quality from emissions greater than the listed significance thresholds. Air quality in the County is managed by the Mariposa County Air Pollution Control District (APCD).

The following General Plan Policies and Implementation measures have been incorporated into the General Plan which lessen the environmental impacts:

• Policies 5-2a, 5-4a, and 5-4b guide growth in a manner that minimizes sprawl and reduces motor vehicle and area source emissions.
• Policies 5-3a, 5-3b, and 6-4a encourage actions that reduce vehicle miles traveled and associated emissions.
• Policies 9-1b, 9-1c, 9-1d, 9-2a, and 9-3a encourage more efficient transportation systems and the use of transit, again reducing overall vehicle miles traveled.
• Policy 11-1c requires the implementation of standards that minimize impacts and/or improve air quality.
• Implementation Measures 11-1c (1 through 4) acknowledge the County will implement Federal and State air quality regulations, establish land use patterns that minimize air quality impacts, implement programs such as solar access and paving of unpaved roads, and cooperate with the Air Pollution Control District in programs to improve air quality.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR. The
uncertainty of future technology, building patterns, regulation, regional air quality conditions and lack of specific information make infeasible the analysis to assign mitigation measures required to mitigate the unknown environmental impacts.

**Explanation:** These measures reduce emissions; however, given the unknown future parameters of detailed growth data, specified locations of future urban land uses, detailed mobile and area source emission characteristics, and the specifics of future mitigation measures, the effectiveness of the General Plan cannot be quantified with certainty. The lack of specific information makes it infeasible to determine the effectiveness of the mitigation measures and thus the conclusion must remain that the impacts are significant.

### 5.2 SIGNIFICANT IMPACTS

The following impacts have been identified as being significant. Goals, policies, and implementation measures have been incorporated in the General Plan that avoid or substantially lessen the environmental impacts to be less than significant.

**LAND USE**

**Impact LU-3.** The General Plan allows the conversion of Agriculture/Working Landscape lands or prime, unique, or farmland of statewide significance to non-agricultural use.

**Finding:** Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR.

**Explanation:** The following goals, policies and implementation measures have been incorporated into the General Plan;

Land Use Policies 5-1a; 5-2a; and 5-5a, and Agriculture Policies 10-1b; 10-1c; and 10-2a guide growth away from Agriculture/Working Landscape lands to town, community, and special planning areas.

Implementation Measure 10-2a(1) allows for the conversion of Agriculture/Working Landscape land to other land use classifications only if the following findings are adopted by the Mariposa County Board of Supervisors:

- 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 agricultural production.
- There are no other lands within the land use classification available for the project 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.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- 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.

Implementation Measure 10-2a(4) requires the County to evaluate a system that allows the conversion of agriculture lands to non-agriculture lands if there is no net loss of like kind of agricultural lands.

Goal 10-3, 10-4, and 10-5 with their policies and implementation measures provide for preserving the agricultural economic viability of the region which reduce the pressure to convert agricultural lands to non-agricultural land uses.

Impact LU-4. Build-out of the General Plan could result in pressures leading to cancellation or non-renewal of Williamson Act Contracts.

Finding: Implementation measures have been incorporated into the project which substantially lessen the significant environmental effect identified in the final EIR.

Explanation: The Williamson Act is the common term for a State law which allows a private landowner and the County to enter into a long-term contract to preserve agricultural and open space lands from development in exchange for the incentive of property tax reductions during the life of the contract. A contract runs for 20 years in Mariposa County and is renewable annually at the County or property owner’s option. If a landowner wishes to non-renew a contract, the contract would thus run for an additional 20 years from the year of that request. Mariposa County makes active use of Williamson Act contracts to conserve agricultural lands and encourages the retention of existing contracts.

Land Use Policies 5-2a, 5-4a, 5-7a, and Agricultural Policies 10-1c and 10-2a create land use densities that manage growth and avoid sprawl and loss of agricultural lands in the Agriculture/Working Landscape land use classification. These policies focus growth to the planned development areas and place strong findings that the Board of Supervisors must adopt to change the land use designation to a non-agricultural use.

Land Use Policy 10-6a and Implementation Measure 10-6a(1) prohibit the construction of residences on parcels subject to a Williamson Act contract unless they comply with the terms of the contract.

Implementation Measure 10-6a(2) requires the County to review enforcement of Williamson Act provisions regarding onsite residences.

Williamson Act Land Use Compatibility provisions shall be referenced prior to amending any local Williamson Act policies. The General Plan reduces the potential for cancellation or non-renewal of existing Land Conservation Act contracts.

5.3 IMPACTS NOT FOUND TO BE SIGNIFICANT

The EIR identified the following impacts, which are considered to have a less than significant impact on the environment.

Finding: Goals, policies, and implementation measures included in the General Plan assure impacts will be less than significant.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Explanation: The following text summarizes the General Plan measures which assure impacts will be less than significant.

LAND USE

Impact LU-1. Build-out of the General Plan land uses does not result in the physical division of an established community. There is a less than significant impact because the General Plan Land Use Map does not indicate any potential for division of established communities.

Implementation of General Plan Land Use Policies and the related implementation measures 5-1a, 5-2a, 5-3a, 5-4a, 5-7a, 5-9a, and 5-10a reduce potential impacts by reinforcing development in established communities.

Impact LU-2. Build-out of the General Plan does not result in conflicts with applicable land use plans, policies, and regulations of agencies with jurisdiction over the project. Since there are no incorporated cities in the County, there is no consistency issue with city plans, resulting in a less than significant impact.

The General Plan incorporates adopted area plans and the Yosemite National Park General Management Area Plan. In addition, General Plan Policy 16-10a and Implementation Measure 16-10a(1) specifies that no land development incompatible with the Airport Land Use Plan will be permitted within the airport’s area of influence. Therefore, less than significant impact is anticipated.

Impact LU-5. Build-out of the General Plan does not induce the conversion of private timberlands subject to the California Forest Practice Rules to non-timber growing uses. This is considered to be a less than significant impact as plan policies minimize impact potential.

Goal 5-12, policy 5-12a and implementation Measure 5-12a(1) protect significant timberlands and provide for sustainable management and harvesting of timber resources.

POPULATION AND HOUSING

Impact PH-1. Build-out of the General Plan does not result in a loss of homes occupied by low- or moderate-income households. This is considered to be a less than significant impact as plan policies would minimize impact potential.

Implementation of General Plan Housing Policies in section 8.11.04 continues the County’s support of the HCDA and provide support services for the provision of low- and moderate-income housing. General Plan policies improve low- and moderate-income housing in the County and provide various measures to stimulate the provision of low- and moderate-income housing through density bonuses, uses of mobile and manufactured housing on single family dwelling parcels, and removal of restrictive covenants.

Impact PH-2. Build-out of the General Plan does not result in the net loss of multifamily rental housing through conversion or demolition. This is considered to be a less than significant impact as plan policies would minimize impact potential.

Implementation of General Plan Housing Policies serve to preserve and increase multifamily housing stock in the County, resulting in an impact that is less than significant.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Impact PH-3. Build-out of the General Plan does not result in the displacement of substantial numbers of people that would require the construction of replacement housing elsewhere. The County has a ready availability of sufficient land for future growth, resulting in a less than significant impact.

Implementation of the housing policies assist in ensuring that no displacement of current housing is necessary.

TRAFFIC AND TRANSPORTATION

Impact TT-3. Build-out of the General Plan does not result in increased traffic levels at the Mariposa County airport. This is considered to be a less than significant impact as plan policies would minimize impact potential.

Policy 9-4b and Implementation Measure 9-4b(1) require that no projects inconsistent with the Airport Land Use Plan shall be approved within the Mariposa County Airport Land Use Planning Area.

Impact TT-4. Build-out of the General Plan does not increase hazards due to design features or incompatible uses. This is considered to be a less than significant impact as plan policies minimize impact potential.

All road improvements under the General Plan are required to conform to the new County road policy that incorporates the standards and specifications for new roads contained in Policy 9-1e and Implementation Measure 9-1e(1). Policy 9-1d requires improvements on all roads lacking appropriate capacity.

Impact TT-5. Build-out under the General Plan does not have the potential to create inadequate emergency access impacts. This is considered to be a less than significant impact because new development under the General Plan has to conform to the minimum requirements of the Mariposa County Zoning Ordinance.

All road improvements under the General Plan are required to conform to a new County road policy that would incorporate standards and specifications for new roads (Policy 9-1e and Implementation Measure 9-1e(1)). Where new development exceeds the capacity of the existing road system, Policy 9-1d and its implementation measure require improvements of all roads lacking capacity from the project site to the nearest major collector or arterial. Policy 9-1b and 9-1c ensure that roads have adequate capacity to serve respective road needs and that road capacity is the basis for determining the adequacy of access for all new development. These policies and implementation measures improve emergency access within the County by interconnecting existing roads and requiring that roads serving road systems shall have an all-weather surface, which would result in a less than significant impact.

Impact TT-6. Build-out under the General Plan does not have the potential to create parking impacts. This is considered to be a less than significant impact because new development under the General Plan has to conform to the minimum requirements of the Mariposa County Zoning Ordinance.

Off-street parking requirements are established by the Mariposa County Zoning Ordinance. New development under the General Plan has to conform to the minimum requirements of the Ordinance. Because off-street parking would be provided for all new development, the impact on existing parking would be less than significant.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Impact TT-7. Build-out under the General Plan does not have the potential to result in conflicts with adopted plans and policies supporting alternative transportation. This is considered to be a less than significant impact as plan policies minimize impact potential.

General Plan Policy 9-2a requires maintenance of an effective transit system under the County’s Transit Plan. Policy 9-3a and Implementation Measures 9-3a(1) and 9-3a(2) require that the County update the Bicycle, Pedestrian, and Equestrian Facilities Plan. These policies result in plans and policies that eliminate conflicts resulting in a less than significant impact.

PUBLIC SERVICES AND UTILITIES

Impact PS-1. Build-out of the General Plan does not increase demands for public services and utilities. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policies that serve as mitigation include: Policy 5-2a and its implementation measures; Policy 9-5a and Implementation Measure 9-5a(1); Policy 9-6a and Implementation Measure 9-6a(1); Policies 12-1a, 12-1b, and 12-5a; and Policy 16-1a, 16-3a, 9-9a and Implementation Measures 9-9a(1) and 9-9a(2). These policies would result in plans and policies that eliminate conflicts resulting in a less than significant impact.

BIOLOGICAL RESOURCES

Impact BR-1. Build-out under the General Plan does not cause significant adverse impacts to special status species.

Compliance with Federal and State regulations serve to mitigate the loss of special status species. General Plan Policies 11-2d and 11-4a call for the conservation of a diverse and sensitive range of species and habitats from incompatible uses. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County.

The County will work with the California Department of Fish and Game (CDFG) and United States Fish and Wildlife Service (USFWS) to include appropriate mitigation measures during project approval to prevent the loss of individuals and occupied or designated habitat.

Impact BR-2. Build-out of the General Plan does not have the potential to cause loss of plant species contained on CNPS Lists 2, 3 and 4, resulting in a significant adverse impact.

Compliance with Federal and State regulations serves to mitigate the loss of special status species. General Plan Policies 11-2d and 11-4a call for the preservation of a diverse range of species and vegetation types from the intrusion of incompatible uses. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County.

Impact BR-3. Build-out of the General Plan does not cause a significant impact to nesting raptors and migratory birds if active nests occur within a development area.

Compliance with Federal and State regulations serves to mitigate the loss of special status species. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County.

Impact BR-4. Build-out of the General Plan does not cause the permanent loss of habitat for sensitive wildlife species, which would be a significant impact.

Compliance with Federal and State regulations serves to mitigate the loss of special status species. General Plan Implementation Measure 11-4a(1) minimize the loss of habitat for sensitive species. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County. Implementation Measure 11-4a(8) requires compliance with regulations and requires measures that protect endangered species, rare wildlife and plant species, breeding raptors, migratory birds, sensitive native plant communities, wildlife migration or travel corridors and jurisdictional wetlands or other waters of the U.S.

Impact BR-5. Build-out of the General Plan does not result in a loss of sensitive native plant communities from development activities.

Compliance with Federal and State regulations serves to mitigate the loss of special status species. General Plan Implementation Measure 11-4a(1) calls for the preservation of a diverse range of species and habitats, and the protection of significant and sensitive habitats from incompatible uses. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County. Implementation Measure 11-4a(8) requires compliance with regulations and requires measures that protect endangered species, rare wildlife and plant species, breeding raptors, migratory birds, sensitive native plant communities, wildlife migration or travel corridors and jurisdictional wetlands or other waters of the U.S.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDE CONSIDERATION

Impact BR-6. Build-out of the General Plan does not cause a significant impact from blocking or disrupting wildlife migration or travel corridors.

Compliance with Federal and State regulations serve to mitigate the loss of special status species. General Plan Policy 11-2d calls for the conservation of water sources for water-dependent species and riparian habitats. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County. Implementation Measure 11-4a(8) requires compliance with regulations and requires measures that protect endangered species, rare wildlife and plant species, breeding raptors, migratory birds, sensitive native plant communities, wildlife migration or travel corridors and jurisdictional wetlands or other waters of the U.S.


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

Impact BR-8. Build-out of the General Plan does not result in the net loss of wetlands, vernal pools, or other waters of the U.S. from development activities.

Compliance with Federal and State regulations serve to mitigate the loss of wetlands, vernal pools, or waters of the U.S. General Plan Policies 11-2d, 11-4a, and 16-6a conserve water sources for water-dependent species and riparian habitats; conserve the diversity of native ecosystems, plant communities, wildlife habitat, and plant and animal species; and retain flood plains within project design in such a way as to ensure that no net change occurs upstream or downstream. Implementation Measure 11-4a(1) requires the implementation of a County Environmental Conservation Program that includes standards and programs to protect sensitive habitat, breeding and nesting areas, special status species, riparian habitat, and sensitive plant communities. Implementation Measure 11-4a(6) requires site surveys in compliance with Federal and State regulations as part of the environmental review. Implementation Measure 11-4a(7) requires the County to record the data collected from the site surveys, a comprehensive map of environmental resources in Mariposa County. Implementation Measure 11-4a(8) requires compliance with regulations and requires measures that protect endangered species, rare wildlife and plant species, breeding raptors, migratory birds, sensitive native plant communities, wildlife migration or travel corridors and jurisdictional wetlands or other waters of the U.S.

If there is a significant impact potential to jurisdictional wetlands or waters of the U.S., the project proponent will work with the Army Corps of Engineers and the California Regional Water Quality Control Board to develop appropriate actions.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

GEOLGY AND SEISMICITY

Impact GS-1. Build-out of the General Plan does not include structures that could be damaged by ground surface rupture. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policies that serve as mitigation include Policy 16-8a and Implementation Measures 16-8b(1) and 16-9a(1), which require that new development near fault zones be discouraged or designed to minimize or eliminate risks, that public facilities be sited and constructed to meet state and UBC guidelines, and that development in geologic hazard areas be reviewed to avoid building sites in areas subject to secondary seismic effects. Implementation of these policies would result in a less than significant impact.

Impact GS-2. Build-out of the General Plan does not result in damage from earthquake-induced ground shaking. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policies that serve as mitigation include Policy 16-8a and Implementation Measures 16-8b(1) and 16-9a(1), which are described under Impact GS-1 above.

Impact GS-3. Build-out of the General Plan does not result in damage from co-seismic ground deformation. This is considered to be a less than significant impact as plan policies minimize impact potential.

General Plan Policies that serve as mitigation include Policy 16-8a and Implementation Measures 16-8b(1) and 16-9a(1), which are described under Impact GS-1 above. Implementation of these policies will mitigate impacts from co-seismic ground deformation to a level of less than significant.

Impact GS-4. Build-out of the General Plan does not result in damage from liquefaction or settlement during an earthquake. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policies that serve as mitigation include Policy 16-8a and Implementation Measures 16-8b(1) and 16-9a(1), which are described under Impact GS-1 above.

Impact GS-5. Build-out of the General Plan does not result in damage to facilities from unstable slope conditions including landslides and rockfalls. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policies that serve as mitigation include Policy 16-7a, which enforces the County grading code, Policy 16-7b and its implementation measures, which requires additional inspections and engineering studies in geologic hazard areas, and Policy 16-8a and Implementation Measure 16-8a(1), which discourages development in geologic hazard areas or requires additional mitigation design.

Impact GS-6. Build-out of the General Plan does not result in damage to facilities due to expansive soils or soils with moderate to high erosion potential.

General Plan Policies that serve as mitigation include Policies 16-7a, 16-7b, and 16-8a, which are described under Impact GS-5 above.
HYDROLOGY AND WATER QUALITY

Impact HW-1. Build-out of the General Plan does not potentially increase off-site runoff. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policy 11-5a and Implementation Measure 11-5a(1) minimize the effects of grading activities on development projects for erosion control. Implementation Measure 16-5a(2) requires retention of storm water flows in excess of the capacity of natural drainage sources. Policy 16-5c requires the construction of water retention facilities that prevent flooding and ensure that pre-development on- and off-site surface flows are maintained with no net increase flow.

Impact HW-2. Build-out of the General Plan does not result in the net degradation of surface runoff quality from additional paved surfaces, landscaping, fertilization, and irrigation, and grading, construction, and inadequate revegetation.

Compliance with Federal and State regulations serve to mitigate surface runoff water quality. General Plan Policies 11-2b, 11-5a, 11-3c, and 11-2d mitigate impacts by controlling sources of grading runoff, providing for low-density development, and for building setbacks from streams and water of the State. Implementation Measure 11-2b(1) requires development review to ensure compliance with Federal and State water quality regulations and to ensure that the project does not discharge contaminated water. Implementation Measure 11-2d(1) requires minimum building and grading setbacks from waters of the State.

Impact HW-3. Build-out of the General Plan does not 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 plan policies would minimize impact potential.

General Plan Policy 11-2c 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 watershed area serve or are capable of serving as a potable water source. Policy 9-5a requires that 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.

Impact HW-4. Build-out of the General Plan does not result in degradation of groundwater quality from development that relies upon on-site sewage disposal rather than central systems. This is considered to be a less than significant impact as plan policies would minimize impact potential.

General Plan Policy 5-4a and its implementation measures provide for clustering commercial and service development which would facilitate the use of community disposal systems. New parcels must have approved areas for on-site sewage disposal if sewer connections are not available and would be required to obtain an approval from the County Health Department. This policy, along with the application of the General Plan land use and other growth management policies, reduces the impacts from improper on-site disposal systems, resulting in impacts that are less than significant.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Impact HW-5. Build-out of the General Plan does not result in placing housing within flood hazard areas. This is considered to be a less than significant impact as plan policies would minimize impact potential.

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 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.

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

There are numerous dams in Mariposa County that are subject to state review and approval. General Plan Policy 16-4c and Implementation Measure 16-4c(1) control development in dam inundation areas and 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.

AIR QUALITY

Impact AQ-1. Build-out of the General Plan does not result in significant construction-period air pollutant emissions.

Compliance with Federal and State regulations serves to mitigate air quality impacts. Air quality in the County is managed by the Mariposa County APCD. General Plan Policy 11-5a requires proper grading practices for erosion control. Policy 11-1c requires the implementation of standards that minimize impacts on and/or improve air quality. Implementation Measure 11-c(1) acknowledges the County implements Federal and State air quality regulations. Implementation Measure 11-1c(2) requires the establishment of land use patterns that minimize impacts to air quality. Implementation Measure 11-1c(3) requires the implementation of a program that minimizes impacts and/or improves air quality. Implementation Measure 11-1c(4) requires the County to cooperate with the Air Pollution Control District to encourage development of educational and incentive programs, work with homeowner associations to develop education and incentive programs to reduce burning, work with agencies to increase ride sharing for employees and visitors, and work with the school districts to replace existing buses.

Impact AQ-3. Build-out of the General Plan does not result in the creation of objectionable odors. Mariposa County APCD Rule 205 regulates nuisance impacts, including odors. Continued operation of this rule would reduce any impacts to a level of less than significant.

Mariposa County APCD Rule 205 is sufficient in regulating nuisance impacts.
Impact AQ-4. Build-out of the General Plan does not result in changes in air movements, moisture, temperature, or climate. No projects of the magnitude that would cause such impacts are anticipated in the County. Major projects that produce large amounts of greenhouse gases are not anticipated. In the event that such projects are proposed, the projects would be subject to national and international regulations, and thus would result in impacts that are at a level of less than significant.

If a major project is proposed that would potentially emit large quantities of CO₂ or methane, the project would be subject to national and international regulations, and thus beyond the control of local government.

Impact AQ-5. Build-out of the General Plan does not result in the emission of air toxics from non-motor vehicle sources. Mariposa County APCD Regulation IX regulates air toxics emissions and concentrations from stationary sources. Continued operation of this regulation reduce any impacts to a level of less than significant.

Mariposa County APCD Regulation IX is sufficient in regulating air toxics emissions and concentrations from stationary sources.

HISTORIC AND CULTURAL RESOURCES

Impact HC-1. Build-out of the General Plan does not result in the disturbance of known or potentially eligible National or California Register properties, including Native American heritage resources. This is considered to be a less than significant impact as plan policies would minimize impact potential.

The General Plan has a number of policies which guide a wide variety of actions to protect cultural resources. These include Policies 14-1a, 14-2a, 14-3a, 14-4a, 14-5a, 14-6a, and 14-7a.

Impact HC-2. Build-out of the General Plan does not result in the disturbance of unknown archaeological resources. This would be a significant impact.

Compliance with Federal and State regulations serves to mitigate the impacts on unknown archaeological resources. State law requires a project builder or contractor to suspend or redirect work when a discovery is made during the course of construction. Work would be suspended or redirected until the County’s historic preservation officer is contacted and a qualified archaeologist assesses the discovery and it is appropriately recorded, preserved, and/or removed or curated.

Impact HC-3. Build-out of the General Plan does not result in the disturbance of unknown paleontologic resources.

Compliance with Federal and State regulations serves to mitigate the impacts on unknown paleontologic resources. State law requires a project builder or contractor to suspend or redirect work when fossils are uncovered during the course of construction until the fossils are examined by a qualified paleontologist, who will assess their significance and offer recommendations for further investigation or mitigation measures. Implementation of the above policies reduces the impact to a less than significant level.

Impact HC-4. Build-out of the General Plan does not result in the disturbance of human remains, including those outside formal cemeteries.
Compliance with Federal and State regulations serves to mitigate the impacts on unknown human burials. State law requires a project builder or contractor contact the Mariposa County Coroner when a discovery of human remains is made during the course of construction. In the event that the remains are of Native American origin, the Native American Heritage Commission will be contacted to determine the necessary procedures for protection or preservation of the remains. Implementation of the above policies reduces the impact to a less than significant level.

**NOISE**

**Impact NO-1.** Build-out of the General Plan does not 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 plan policies would minimize impact potential.

The General Plan has a number of policies that would reduce noise impacts. Land Use Policies 5-1a and 5-7a govern land use actions to preserve the County’s rural character and thus minimize urban noise levels. Circulation Policy 9-4b requires that decisions on development permits be coordinated with the Airport Land Use Plan. Noise Policies 15-2a, 15-2b, and 15-2c require: (a) the siting of noise sensitive uses to comply with noise reduction standards; (b) mitigation of stationary, mobile, and temporary noise sources; and (c) implementation of noise standards and updating of the County Noise Element, if necessary.

**Impact NO-2.** Build-out of the General Plan does not result in the generation of ground vibration that may disturb people or damage structures.

Implementation Measure 15.1a(3) requires the implementation of vibration standards for construction activities.

**PUBLIC HEALTH AND SAFETY**

**Impact PHS-1.** Build-out of the General Plan does not result in the generation of hazardous materials that may impact human health. This is considered to be a less than significant impact as plan policies would minimize impact potential.

Mariposa County operates under the County’s Comprehensive Hazardous Waste Management Plan and the Hazardous Material Business Plan. General Plan Policy 16-11a and Implementation Measure 16-11a(1) maintain the effectiveness and require continued enforcement of the County’s Comprehensive Hazardous Waste Management Program.

**Impact PHS-2.** Build-out of the General Plan does not result in the exposure of people to hazardous or low-level radioactive wastes. This is considered to be a less than significant impact as plan policies would minimize impact potential.

The generation of hazardous waste falls under the controls discussed under Impact PHS-1. Policy 16-11a reduces impacts from hazardous and radioactive waste to a level of less than significant.

**Impact PHS-3.** Build-out of the General Plan does not affect implementation of an adopted emergency response or evacuation plan. This is considered to be a less than significant impact as plan policies would minimize impact potential.
General Plan Policy 16-11a requires that the County coordinate state and local emergency response efforts, the regular updating of the Mariposa County Emergency Management Plan, and periodic drilling and training. Policies 5-1a and 5-2a set requirements that public and private development take place where emergency services are located. Policies 9-1c and 16-1b require that all new developments have safe and maintained access roads and are developed in areas with appropriate fire safety standards.

**Impact PHS-4.** Build-out of the General Plan does not expose people to death or injury and structures to destruction from wildland fire.

Wildland fires are a natural part of Mariposa County’s ecosystem. The southwestern and southern parts of the County have the greatest fire risk. The General Plan has a number of policies dealing with fire protection including Policies 5-1a, 5-2a, 9-1c, 16-1b, and 16-12a, which would reduce fire hazards through development requirements. To further reduce fire risk, General Plan Policies and Implementation Measures 16-1a, 16-1b, 16-1b(1), 16-1c, 16-2a, 16-2b, 16-3a, and 16-3b require a variety of County actions to develop, maintain, and administer fire safety regulations, standards, programs, and agreements. Implementation of these policies would minimize impacts to people and structures from wildland fire. Implementation Measure 16-1b(2) requires the implementation of a countywide Wildfire Hazard Safety Plan that includes requirements for development, wildland fire management activities, specific requirements for hillside, open space, and rural area development, education, and standards specific to geographic areas based on fire potential.

**Impact PHS-5.** Build-out of the General Plan does not result in the creation of breeding grounds for vectors. This is considered to be a less than significant impact as proposed plan policies would minimize impact potential.

Implementation of the County’s vector control efforts, grading ordinance, flood control and drainage design requirements, and waste collection and disposal programs will mitigate any increases in vectors brought about by development under the General Plan.

**Visual Resources**

**Impact VR-1.** Build-out of the General Plan does not result in significant visual impacts to State Highways 41 and 49.

General Plan Policy 11-1a requires the conservation of natural and scenic resources through programs and development standards. Within Mariposa County there is one designated State Scenic Highway (Route 140 from Mariposa to Yosemite National Park). Two state highway segments (portions of Highways 41 and 49) are eligible for designation as State Scenic Highways; however, these highways have not been officially designated. In addition, other scenic views occur along other routes in the County. General Plan Implementation Measures 11-1a(1), (2), and (3) protect views through establishing guidelines to ensure complementary development, provide for development standards for the placement of structures on ridgelines and hillsides, and set site standards for clustering of new development. Implementation Measure 11-1a(4) requires the County to develop guidelines for non-single family development within the highway corridors. These guidelines will be developed into a scenic views plan for the County’s highways.
Impact VR-2. Build-out of the General Plan does not cause substantial degradation of the visual character and quality of Mariposa County.

General Plan Policy 5-1a provides that new development maintain Mariposa County's rural qualities. Policy 5-2a protects and enhances rural qualities by encouraging development to occur first where services are located. Other Policies that provide for the preservation of the Agriculture/Working Landscape land use classification of the County include Policies 5-5a, 10-1b, 10-1c, and 10-2a; while Policies 11-2d and 11-4a preserve riparian areas. Implementation of Policy 5-4e provides siting and development criteria for recreation and resort development. Implementation Measure 5-4c(2) requires development standards to protect visual character including viewsheds, design, landform, site development and lighting.

Impact VR-3. Build-out of the General Plan does not result in significant impacts from the creation of substantial light and glare.

General Plan Policy 5-1a requires that land development be compatible with the County's rural character. Policy 11-1d requires that light sources in new development are compatible with rural character. Implementation Measure 11-1d(1) requires development standards that meet the International Dark Sky Association guidelines.
A Mitigation Monitoring Program (MMP) has been prepared for the Project, and is being approved by the Board of Supervisors by the Resolution adopting these findings. (See Public Resources Code, Section 21081.6, subdivision (a)(1); CEQA Guidelines, Section 15097.) The MMP is contained in Chapter 8 of the Environmental Impact Report. The County will use the MMP to track compliance with Project mitigation measures. The MMP will remain available for public review at the County Planning Department during the compliance period.
CEQA Guidelines section 15126.6 requires a discussion of a reasonable range of alternatives to the Project or to the location of the Project. However, an EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.

As discussed in the EIR, all significant impacts could be reduced to a less-than-significant level with implementation of mitigation measures outlined in the draft EIR, except for impacts to mineral production, vehicular impacts on state highways and county intersections, increased demand for public schools, and air quality impacts, a lot of which would remain significant and unavoidable impacts. Accordingly, four alternatives, in addition to the required No Project alternative, were considered and evaluated in the EIR in Chapter 2. A summary of their potential advantages and disadvantages is provided in EIR Table 5-1. Based on the comparison of the relative merits of each alternative compared to the proposed Project, each of the alternatives was found to be deficient in meeting the County’s goals and objectives. The EIR discussed the following alternatives in detail:

A. Alternative 1: No Project Alternative

B. Alternative 2: Existing Conditions

C. Alternative 3: Draft General Plan October 2006, the Enhanced Alternative

D. Alternative 4: “Suburbanization” Alternative

E. Alternative 5: “Rural Character Enhancement” Alternative

According to the on the comparative evaluation contained in the EIR, Alternative 2 and Alternative 5 would reduce the magnitude of the most impacts. Alternative 2 and Alternative 5 provide for the least population growth at build-out (20,000 people and 28,000 people, respectively), resulting in the least intense environmental impacts. Each alternative was evaluated under the same environmental categories as presented for the proposed project and as identified in Chapter 4 of the EIR. Chapter 2 of the General Plan identifies the General Plan’s objective which is finding the balance that simultaneously ensures a thriving economy, safe and decent housing, and preservation of the County’s character.
7.1 ALTERNATIVES CONSIDERED

ALTERNATIVE 1: NO PROJECT.
The “No Project” alternative would result in the continued implementation of the existing County’s General Plan to build-out. Build-out under this alternative would result in a population of approximately 87,000 persons at build-out.

The County finds Alternative 1 to be infeasible for the following individual reasons:

Alternative 1 would allow for greater population growth than the proposed project. Therefore, all impacts would be more intense than under the proposed project.

In addition, Alternative 1, as set forth in the final EIR at p.5-3 allows for greater population growth in the absence of mitigation and growth guiding policies. The combination of increased population and lack of mitigation will lead to impacts affecting land use (the possible division of existing communities, conversion of agricultural lands and timberlands), traffic (new road construction to inadequate standards), public services and utilities (increased demand for services beyond capacities), hydrology and water quality (increased runoff, reductions in groundwater quantity, degradation of groundwater quality), cultural resources (disturbance of resources), and public health and safety (exposure to hazardous waste).

Consequently, Alternative 1 fails to meet the General Plan’s objectives and would result in more environmental impacts. The County further finds that each of the reasons described above in this section is individually sufficient by itself to reject Alternative 1.

ALTERNATIVE 2: EXISTING CONDITIONS.
This alternative would result in no new development in the County except for those projects in which permits have already been issued. This would result in a population of approximately 20,000 persons at build-out, with fewer impacts. Specifically, Alternative 2 avoids four of the five impacts found to be Significant and Unavoidable in the proposed project. Those are Impact LU-6, Impact TT-1, Impact TT-2, and Impact PS-2. Further, the project avoids the two impacts found to be significant in the proposed project, Impact LU-3 and Impact LU-4.

The County finds Alternative 2 to be infeasible for the following individual reasons:

As set forth in the FEIR at p. 5-3, Alternative 2 would not permit new development except for that already permitted, the Alternative would result in several impacts affecting the availability of low- and moderate-income housing and multifamily rental housing, air quality and vibrations, and inadequate emergency planning. This could place the County in violation of State Housing Element Law.

In addition, Alternative 2 would result in a less new development than would the project, compromising the County’s ability to meet the economic component of its goals and objectives. Economic sustainability is critical to the ability of the County to deliver the full range of services to its citizens.
Consequently, Alternative 2 fails to meet the General Plan’s goals and objectives and could result in selected impacts. The County further finds that each of the reasons described above in this section is individually sufficient by itself to reject Alternative 2.

**ALTERNATIVE 3: DRAFT GENERAL PLAN OCTOBER 2006, THE ENHANCED ALTERNATIVE.**

The proposed General Plan has both mandatory and discretionary policies. Mandatory policies use the words “shall, must, or will,” which means that the directives or requirements are mandatory and may not be waived or modified. Discretionary policies use the words “should, may, or can,” which means that the directives or requirements are permissive or selective and are imposed at the option of the decision-maker. Alternative 3 converts the discretionary September 2005 Draft General Plan policies into mandatory policies resulting in enhanced environmental protection. This alternative would result in a population of approximately 39,000 persons at build-out.

The County finds Alternative 3 to be infeasible for the following individual reasons:

Alternative 3 assumes a horizon year population total of approximately 39 percent more than the project, which would permit 28,000 residents. Alternative 3 would reduce the impacts of the project in the area of land use by guiding growth away from agricultural/working landscape and creating less pressure for the conversion of agricultural land.

Alternative 3 would result in impacts to land use (physically dividing existing communities), public services (increased demand on public schools), biological resources (loss of individuals or habitat of rare, threatened or endangered species and rare plant species, disturbance of nesting, loss of riparian habitat or sensitive native plant communities, blockage of wildlife migration corridors, loss of wetlands), hydrology and water quality (degradation of surface runoff quality), air quality (unmitigated air quality impacts from build-out, unknown archeological and paleontological resources, noise and vibrations, and visual resources.

Consequently, Alternative 3 fails to meet the General Plan’s goals and objectives and would result in more impacts that the proposed project. The County further finds that each of the reasons described above in this section is individually sufficient by itself to reject Alternative 3.

**ALTERNATIVE 4: “SUBURBANIZATION” ALTERNATIVE.**

This alternative would provide for the conversion of agricultural land to expand the Catheys Valley Plan Area and Hornitos Plan Area to enable the construction of tract housing to serve population growth taking place primarily in Merced County, commuting to destinations outside Mariposa County. This alternative would result in an increased population of up to approximately 100,000 persons at build-out.

The County finds Alternative 4 to be infeasible for the following individual reasons:

Alternative 4 has by far the largest overall growth potential of the alternatives; approximately 100,000 -- 260 percent greater than the Proposed Project and 20 percent greater than that contemplated under the current General Plan. As compared to the Proposed Project, Alternative 4 has greater impacts in land use (increased urbanization of rural parts of the County, greater conversion of agricultural and timberlands), population and housing (reduced opportunities for
low-and moderate income housing and multifamily rental housing, displacement of people and housing), hydrology and water quality (reduced groundwater quantity), and cultural resources (impacts on resources). Additionally, in all areas the impacts of Alternative 4 would be more intense than those of the Proposed Project due to the greater degree of population and urbanization growth.

Consequently, Alternative 4 fails to meet the General Plan’s goals and objectives and would result in more impacts that the proposed project in selected areas. The County further finds that each of the reasons described above in this section is individually sufficient by itself to reject Alternative 3.

**ALTERNATIVE 5: “RURAL CHARACTER ENHANCEMENT” ALTERNATIVE.**

This alternative builds on Alternative 3, the Enhanced Alternative, adding the mitigation measures recommended by the October 2006 Environmental Impact Report and adding suggestions received from the public and agencies during the comment review period. This alternative would result in a population of approximately 28,000 persons at build-out.

The Board finds that Alternative 5 meets the basic objectives of the project while reducing or avoiding impacts.

**ENVIRONMENTALLY SUPERIOR ALTERNATIVE.**

CEQA requires that an environmentally superior alternative 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 (Alternative 5) does not create new impacts. Therefore, it is environmentally superior to a project that proposes to change existing conditions.

### 7.2 SELECTED ALTERNATIVE

The Board of Supervisors selected the environmentally superior Rural Character Protection Alternative. The Board of Supervisors amended the goals, policies, and implementation measures of Alternative 5 based on comments made during the public hearings and workshops of the Planning Commission and Board of Supervisors and Board deliberations after the close of the public hearing. The Project results in a population of approximately 28,000 persons at build-out.

The Environmental Impact Report compares three alternatives on Table 2-5. The following discussion summarizes the evolution of the project goals, policies and implementation measures from Alternative 3, Draft General Plan October 2006, the Enhanced Alternative. The goals, policies and implementation measures that have not changed between the Draft General Plan October 2006 and the adopted General Plan are not discussed in this section.

- Implementation Measure 5-1a(3) which requires land development regulations to define thresholds was made mandatory by Alternative 5 and retained in the General Plan.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Implementation Measure 5-2a(3) mandating the County prevent premature urbanization of the Mariposa Town planning study area was added in Alternative 5. The measure was expanded to include all planning study areas in the General Plan.

- Implementation Measure 5-2a(4) which mandates no urban expansion within the Mariposa Town Plan Study Area unless water and sewage disposal are available from the Mariposa Public Utility District was added in Alternative 5. The measure was modified to replace the “Mariposa Public Utility District” with “a centrally coordinated and managed system” in the General Plan.

- Implementation Measure 5-a(1) which encourages development of regional nonresidential uses to be located within Town Planning Areas. The measure was made mandatory in Alternative 5 and retained in the General Plan.

- Implementation Measure 5-4a(3) which mandates community plans to include land area to accommodate local rural home industries was modified from “shall” to “should” in the General Plan.

- Implementation Measure 5-4c(2) which requires standards to protect visual character was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 5-8a(1) which suggests discussions with public agencies to establish a formal collaborative planning process was made mandatory in Alternative 5 and retained in the General Plan.

- Implementation Measure 5-9a(2) allows the County to approve boundary modifications for existing parcels or lots that do not meet minimum size or density if findings are made was added in the General Plan.

- Goal 5-11 which permits legally existing nonconformities was amended to include “Facilitate the transition of the 1981 General Plan” in the General Plan.

- Implementation Measure 5-11a(1) which requires that the General Plan shall not force removal of any legally existing nonconformity except signs was modified to include transient rental management activities in Yosemite West in Alternative 5. The General Plan replaces the language regarding transient rental management activities in Yosemite West with “as otherwise provided in adopted planning areas.”

- Policy 5-11b which accommodates the ability to subdivide parcels of land based on existing zoning within the Natural Resource and Agriculture/Working Landscape land use designations was added in the General Plan.

- Implementation Measure 5-11b(1) which requires the Land Use Element to identify lands and allow their subdivision in compliance with the zoning as of December 1, 2006 within the Natural Resource and Agriculture/Working Landscape land use designations was added in the General Plan.

- Goal 5-12 “Protect significant timberlands and provide for sustainable management and harvesting of timber resources” was added in Alternative 5 and retained in the General Plan.

- Policy 5-12a which requires protection of significant woodland from conversion was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 9-1a(2) which requires a program to evaluate development impact fees for state highways was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 9-1b(1) which suggested the County define road capacity was made mandatory by Alternative 5 and retained in the General Plan.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Implementation Measure 9-1c(3) which requires the capacity of a County road to be assessed for its capability to meet existing and new uses was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-1e(1) which suggested road standards and specifications be incorporated by the County was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-2a(1) which suggested the implementation of the Transit Plan was made mandatory by Alternative 5 and retained in the General Plan.
- Implementation Measure 9-3a(1) which suggests the County adopt and implement the Bicycle, Pedestrian and Equestrian Facilities Plan was made mandatory in Alternative 5 and is not mandatory in the General Plan.
- Implementation Measure 9-4a(1) which suggested the systematic implementation of the Airport Master Plan was made mandatory in Alternative 5 and retained in the General Plan.
- Policy 9-4b which suggests coordination of development permit decision with the Airport Land Use Plan was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-4b(1) which suggests no project be approved within the Airport Land Use Planning Area unless consistent with the Plan was made mandatory in Alternative 5 and retained in the General Plan.
- Goal 9-5 which suggests adequate water and wastewater services was made mandatory in Alternative 5 and retained in the General Plan.
- Policy 9-5a which suggests new projects be served by basic water and wastewater infrastructure was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-5a(1) which suggest projects have access to wastewater treatment and water was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-7a(1) which suggests Supervisors meet with the school Districts was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-7a(2) suggests the County work with the school districts was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 9-7a(3) which requires the County cooperate with the Mariposa Unified School District was added in Alternative 5 and retained in the General Plan.
- Policy 10-1b which suggests the County collaborate with landowners and agencies for continued agricultural preservation was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 10-1b(1) which suggest the Agricultural Advisory Committee expand it role was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 10-1b(2) which suggest coordination with the Mariposa Unified School District to enhance agricultural education programs was made mandatory in Alternative 5 and retained in the General Plan.
- Goal 10-2, “Avoid loss of agriculture lands in the Agriculture/Working Landscape land use classification to maintain rural character” was added in Alternative 5 and retained in the General Plan.
- Policy 10-2a, “Agriculture lands should be retained” was modified to mandate “no net loss” of agriculture lands in Alternative 5. The General Plan states “Agriculture lands should be retained.”
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Implementation Measure 10-2a(2) which requires lot line adjustments in the Agriculture/Working Landscape land use classification result in parcels in compliance with the land use designation was added in Alternative 5 and additional standards added in the General Plan.

- Implementation Measure 10-2a(4) which requires development of criteria for transfers of lands within the Agriculture/Working Landscape land use area was added in the General Plan.

- Implementation Measure 10-6a(2) which requires the review of enforcement of Williamson Act provision was modified to remove reference to historic parcels in the General Plan.

- Implementation Measure 11-a(1) which suggested guidelines be established for scenic aspects of the County’s character was made mandatory in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1a(2) which suggested development of subdivision design standards for placement of structures on ridgelines was made mandatory in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1a(4) which requires the development of scenic guidelines for non-single family development within highway corridors was added in Alternative 5 and retained in the General Plan.

- Policy 11-1c, “Implement standards that minimize impacts on and/or improve air quality” was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-c(1) which requires the County to implement Federal and State air quality regulations was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1c(2) which requires the County to establish land use patterns that minimize impact on air quality was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1c(3) which requires the County to implement a program that minimizes impacts on air quality was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1c(4) which requires the County to cooperate with the Air Pollution Control District was added in Alternative 5 and retained in the General Plan.

- Policy 11-1d which ensures that light sources are compatible with rural character was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-1c(6) which requires the consideration of paving to benefit air quality was added in Alternative 5 and addressed by Policy 11-c and its implementation measures 11-1c(1 through 4) in the General Plan.

- Implementation Measure 11-1c(7) which suggested the adoption of a Joint Powers Agreement within the County’s regional sphere was added to Alternative 5 and not included in the General Plan.

- Implementation Measure 11-1c(8) which suggests a 15 MPH speed on unpaved roads was added in Alternative 5 and addressed by Policy 11-c and its implementation measures 11-1c(1 through 4) in the General Plan.

- Implementation Measure 11-1d(1) which requires lighting standards was added in Alternative 5 and retained in the General Plan.

- Implementation Measure 11-2b(1) requires development do not discharge contaminated water was modified to reference Federal and State water regulations in Alternative 5 and retained in the General Plan.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Implementation Measure 11-2b(2) which require storm water pollution standards was added to Alternative 5 and is covered by Implementation Measure 11-1c(1) in the General Plan.
- Implementation Measure 11-2b(3) which require compliance with Federal and State standards when one acre of land is disturbed was added to Alternative 5 and is covered by Implementation Measure 11-1c(1) in the General Plan.
- Implementation Measure 11-4a(1) which requires the County review a Mariposa County Environmental Conservation Program was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 11-4a(3) which requires enforcement of standards to reduce or eradicate invasive species was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 11-4a(4) which requires native plant landscaping guidelines was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 11-4a(5) which requires collaborative efforts to eradicate invasive plant species was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 11-4a(6 through 8, 10, and 11) which requires biological and wetland site surveys of new development was added in Alternative 5. The measures were combined in Implementation Measure 11-4a(6) in the General Plan.
- Implementation Measure 11-4a(9) which requires site survey data be recorded on a comprehensive map was added in Alternative 5 and retained as Implementation Measure 11-4a(7) in the General Plan.
- Implementation Measure 11-4a(8) which requires compliance with Federal and State biological and wetland regulations was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 12-1a(1) which suggests parks and recreation facilities are distributed in the County was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 12-1b(2) which suggested performance standards for park and recreation facility maintenance was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 12-5a(1) which suggested identifying Parks and Recreation programs was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-1a(3) which suggests historic records should be the purview of the Historic Sites and Records Preservation Commission was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-2a(2) which suggests a list of historic sites and structures was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-2a(3) which suggests an analysis of historic sites and structures was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-4a(1) which suggest the adoption of Historic Design guidelines was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-4a(3) which suggests review of the demolition of historic structures was made mandatory in Alternative 5 and retained in the General Plan.
- Implementation Measure 14-5a(1) which suggests the County cooperate with the Historic Sites and Records Preservation Commission is made mandatory in Alternative 5 and retained in the General Plan.
MARIPosa COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

- Implementation Measures 14-6a(2 thorough 4) which restate Federal and State regulation regarding archaeological, fossils, and human remains were added to Alternative 5. The General Plan does not include these measures in that they are required by Federal and State law.
- Implementation Measure 15-1a(3) which requires the County standards that reduce vibration was added in Alternative 5 and retained in the General Plan.
- Implementation Measure 16-1b(2) which implements a countywide Wildfire Hazard Safety Plan was added in Alternative 5 and retained in the General Plan.
Preparation of the Mariposa Volume I Countywide General Plan, Volume II Area Plans, Volume III Technical Background Report, and Volume IV Environmental Impact Report were completed in the Summer of 2002. These documents were circulated for public review and comment in compliance with CEQA during 2003 and 2004. Comments from the public and agencies were received on the draft 2002 EIR. Comments received on the 2002 draft EIR or responses provided in the 2003 final EIR were not included because they do not have relevance to the updated draft 2005 General Plan or 2005 draft EIR. A final EIR was not circulated.

The Mariposa County Board of Supervisors modified the draft 2002 General Plan and directed that a new draft EIR, based on the updated 2005 draft General Plan, be circulated for public comment in compliance with CEQA Guidelines (Section 15088.5), which provide for recirculation of an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review but before certification.

Documents circulated for public comment included:
- 2005 Draft Countywide General Plan (Volume I),
- 2005 Area Plan Descriptions and Interim Land Use Maps (Volume II),
- 2005 Technical Background Report (Volume III), and

After review of the comments received on the circulated documents, the Board of Supervisors directed modifications of the Countywide General Plan resulting in the November 2006 Draft General Plan. After review of the November 2006 Draft General Plan, comments received on the Draft EIR, the responses to the comments, and the information added to the Draft EIR, the County has determined that recirculation of the document for additional public review and comment is not required.

The Planning Commission recommended modifications to the Draft General Plan were considered by the Board of Supervisors at public hearings on December 5th and 6th, 2006. At the conclusion of the public hearing the Board of Supervisors directed staff to make changes to the General Plan. The County has determined that recirculation of the document for additional public review and comment is not required.

Section 15088.5 of the CEQA Guidelines governs recirculation of a Draft EIR prior to certification. Recirculation is only required when “significant new information” is included in the Final EIR, such as information showing that:
- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of significance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
Because the EIR does not identify new significant environmental impacts from the Project or from a new mitigation measure and does not identify a substantial increase in the severity of an environmental impact over that described in the Draft EIR, the requirements for recirculation have not been met.
In determining whether to approve the Project, CEQA requires a public agency to balance the benefits of a project against its significant unavoidable environmental impacts. (Cal. Code Regs., tit. 14, ' 15093). In accordance with Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the Board has, in determining whether or not to approve the proposed Project, balanced the economic, social, technological, academic, and other benefits of the Project against its unavoidable environmental effects, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less than significant levels, for the reasons set forth below. This statement of overriding considerations is based on the Mariposa County General Plan Environmental Impact Report, oral and written testimony, and other evidence received at the public hearings held on the project and the EIR. The Board finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Project notwithstanding the Project’s significant unavoidable impacts.

Implementation of the mitigation measures discussed in the draft EIR and final EIR will avoid or substantially lessen all but the following five of the Project specific significant impacts: (1) Impact LU-6; (2) Impact TT-1; (3) Impact TT-2; (4) Impact PS-2; (5) Impact AQ-2.

The County recognizes that the Project will cause the five significant Project-specific impacts. The County has carefully balanced the benefits of the proposed Project against the unavoidable adverse impacts identified in the draft EIR, final EIR and the County’s Findings of Fact. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated or mitigated to a level of insignificance, the County, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the significant unmitigated adverse impacts. Based upon the above recitals and the entire record, including the Mariposa County General Plan Environmental Impact Report, oral and written testimony, and other evidence received at the public hearings held on the project and the EIR, the Board of Supervisors finds that there is evidence that supports a finding that the Project will result in substantial community benefits, including economic, legal, social, technological, or other benefits, that outweigh and render acceptable the significant effects on the environment that cannot be mitigated to a level less than significant.

The County finds it imperative to balance competing goals in approving the Project. Not every environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the County has chosen to accept certain environmental impacts because to eliminate them would unduly compromise other important benefits of the project. The County finds and determines that the text of the proposed Project approval document provides for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use and other benefits to be obtained by the proposed Project outweigh the five specific environmental impacts of the proposed Project that cannot be sufficiently mitigated.
MARIPOSA COUNTY
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Substantial evidence is included in the record of these proceedings and in documents relating to the Project demonstrating the environmental, land use, social, and economic benefits which the County would derive from the implementation of the Project.

The proposed General Plan creates economic benefit. The General Plan provides definitions, policies, and programs to guide growth and development in the County. (General Plan, p. 2-8.) For example, Policy 6-1b provides for the adoption for a long term strategic plan for diversifying and strengthening the economy with an active public-private partnership. The Plan will achieve the community objective of balancing a simultaneously thriving economy, safe and decent housing, and the preservation of the County’s character. (General Plan, p.2-1.) With regard to the economy, the General Plan policies provide an environment in which the broader community can assist in creating opportunities for success. The Plan proposes policies to grow the County’s economic base while anticipating the opening of new markets and diversifying the economic base. (General Plan, p.2-1 and 3-2.)

The General Plan creates necessary and important housing opportunities, and stresses protection of community character. Program 2.6 provides that the County will actively support home ownership programs through programs administered by the Housing and Community Development Association, while Goal 11-1 calls for conserving the natural and scenic resources, and open space lands to protect and enhance the County’s quality of life and character. The plan provides flexibility, ensuring land stewardship, balancing land owner’s rights of reasonable use with the impact of that use on neighboring properties, and defining, nurturing and enhancing the quality of life in the County. The General Plan provides for affordable housing opportunities to meet the housing needs of low and moderate income families and individuals. (General Plan p.8-84.) The plan facilitates development by creating fair, efficient and predictable parameters for project applicants, creating well-defined procedures and objective standards for obtaining permits and approvals from the Planning Commission. (General Plan p.2-3.) The General Plan allows for the growth of UC Merced, a significant regional asset, and embraces policies intended to establish collaborative working relationships with other agencies responsible for managing land in the County. (General Plan p.2-10.)

Any one of these reasons is sufficient in and of itself to support the approval of the project notwithstanding the significant unmitigated impacts.

PASSED, APPROVED AND ADOPTED this 18th day of December, 2006.

COUNTY OF MARIPOSA

Lee Stetson, Chairman
Mariposa County Board of Supervisors

ATTEST:
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM
Thomas P. Guarino
County Counsel

45
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO:        KRIS SCHENK, Planning Director
FROM:      MARGIE WILLIAMS, Clerk of the Board

SUBJECT:   Adopt a Resolution to: 1) Certify the Mariposa County General Plan Environmental Impact Report; 2) Adopt the Mariposa County General Plan, with Findings of Fact, Mitigation Measures and Statement of Overriding Considerations; and 3) Repeal the 1981 General Plan

RESOLUTION 06-575

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 18, 2006

ACTION AND VOTE:

9:14 a.m. The continued meeting from December 12, 2006 was called to order at the Mariposa County Government Center

Adopt a Resolution to: 1) Certify the Mariposa County General Plan Environmental Impact Report; 2) Adopt the Mariposa County General Plan, with Findings of Fact, Mitigation Measures and Statement of Overriding Considerations; and 3) Repeal the 1981 General Plan (Planning Director)

BOARD ACTION: Kris Schenk/Planning Director and Andy Hauge/Hauge Brueck Associates, were present. Kris Schenk advised that this is the end of a rather long process of adopting the new General Plan. He advised that some procedural changes to the formal resolution were distributed and they are available to the public, along with about 45 pages of findings of fact and the statement of overriding consideration which are the basis for the Board’s action to certify the EIR (Environmental Impact Report) in its final form for the General Plan and for adoption of the General Plan itself. He advised that the following five actions are included in the formal resolution:

1) certification of the EIR;
2) adoption of the General Plan;
3) direction to staff to file a Notice of Determination with the appropriate State and local entities;
4) designation of the Planning Department as the agency where anyone who needs a copy of the General Plan or related documents can obtain this information; and
5) repealing the 1981 General Plan.

Chair Stetson called for input from the public on the formal resolution, and the following was provided.

Rita Kidd thanked the Board for the hard work and for listening to the public over this year. She also referred to a letter that Laurie Oberholtzer sent this morning via email relative to the findings and she feels they are very thorough. She has one issue concerning the growth rate assumption of .9 percent which did
appear in Table 2-5, but doesn’t appear in the findings of fact. She asked that this be added. She feels that it is recognizing that moderating the growth rate in the County gives us ample time to do many things that need to be done, and some of that is making sure that the infrastructure is sufficient to support the rate of growth. She feels it is possible that without that assumption, that 100 percent of that growth could happen very quickly. She realizes that historically it hasn’t happened, but does not feel that history is on our side with the growth pressures out of the valley and with their experience of watching other mountain counties over the last ten years.

Pierce Loberg stated he has a concern about the adoption and certification of the EIR at this time because he feels that a portion of the EIR was unreadable. He noted that this was pointed out at the November 17th Planning Commission hearing, along with a problem with being able to read them on the website. He feels that this does not meet the CEQA requirements. Chair Stetson pointed out that this comment had been made earlier in the process and that they have subsequently been made readable and copies are available. They have been available before the adoption of the Plan. Pierce Loberg stated he could not get the information from the internet and he objects as he feels that the public did not have an opportunity to read the entire document. Kris Schenk advised that the chapter that had the original letters of comment that were submitted in 2005 were originally legible and readable. The problem with legibility was with a version that was distributed before the Planning Commission’s November 17th hearing. Once they became aware of the legibility difficulties, Andy Hauge reformatted them and they have been available for weeks at the Planning office and the corrected versions were placed on the internet. He also advised that several announcements have been made about the availability of that particular chapter. Pierce Loberg asked for clarification of when the internet was updated with the legible version. Chair Stetson provided a reminder that today’s meeting is about the formal resolution and findings only.

Supervisor Turpin asked about the process and timeline for filing the Notice of Determination with the State. Andy Hauge advised that the Notice of Determination says that you certified the EIR and based on that environmental document, you adopted the General Plan. So it is just a record that goes to the State and to the (County) Clerk that the actions have been taken; and the new General Plan becomes law at that time.

Supervisor Bibby initiated discussion and referred to the findings of fact on page 45 and the sentence that says: “The General Plan allows for growth of UC Merced, a significant regional asset, it embraces policies intended to establish collaborating working relationships with other agencies responsible for managing the land.” She feels this is a strong statement and she referred to page 2-10 and the discussion of the impacts of UC Merced, and noted that it doesn’t say that the General Plan goal is to provide growth for UC Merced. She suggested that there be a statement that we should accommodate the tourism and agricultural economic benefits in addition to meeting the demands of housing versus saying it allows for the growth of UC Merced. Kris Schenk advised that this is part of the statement of overriding considerations and it is pointing out a number of things that are beneficial about the adoption of the Plan in a summary format and this section is pointing out some of the economic factors that in the long run will contribute to the development of the land use and the overall economy of the County. County Counsel advised that this sentence deals with the housing opportunities and stresses protection of community character. He advised that one of the things in the statement of overriding consideration that needs to be considered is the growth of UC Merced as an impact on the County. All this sentence is designed to do is to support the statement of overriding considerations and it also ties back into the already adopted Housing Element. Further discussion was held. Supervisor Bibby asked about adding the .9 percent growth rate assumption. County Counsel advised this would get into population caps, and that is not a direction that the Board has previously given staff and this particular resolution and its findings are not structured in such a manner. He feels that it would be difficult at this point in the process to determine the impacts of trying to put in a firm growth rate and other such modifications to the issues of the County population and the rate of growth. Supervisor Bibby suggested that it say that the General Plan assesses the benefits and impacts of UC Merced Campus which is the actual language on page 2-10. County Counsel noted that the statement relative to UC Merced is not an endorsement or a commitment that the County will embark upon that as a primary or superior approach for housing. It is simply a statement that acknowledges why we have to take into account the existence of UC Merced. Andy Hauge advised that there are locations in the General Plan where UC Merced is discussed, and early on in the process it was recognized that it is a major driving force. This statement is saying that this Plan allows that to continue in Merced County and it does not say that Mariposa is accommodating anything. It is also saying that we are not prohibiting the growth of UC Merced, and there could have been
policies that prohibited and limited that growth. He further commented on the purpose of the statement of overriding consideration.

Supervisor Pickard referred to the issue of the growth rate that was requested, and he stated he believes that the General Plan identifies and spells that out. Andy Hauge advised that the General Plan talks about the .9 percent only as a statement of fact of what has occurred; and following discussions with the Board and the Planning Commission and the decision was not to establish a cap. So the General Plan is based on build-out, and as Rita Kidd said, you could build out 100 percent tomorrow based on this Plan. There are policies in the Plan that provide protection from impacts of a rate of growth, but the General Plan does not establish a rate of growth, and the impacts are not established based on a rate of growth. He does not feel a rate of growth should go into this finding because it was not a consideration in the EIR or in the development of the Plan or the policies. It is a statement of fact only about what has been occurring in Mariposa County.

Supervisor Pickard initiated discussion relative to the comments provided by the public, and he clarified that access to the EIR and corrected versions have been available at the Library branches. Kris Schenk advised that it has been available at the Board office, at the Planning office, and at the library branches. Supervisor Pickard also noted that at the Board’s public hearing on December 6th, he was not aware that there was still a problem or concern with regard to the legibility of the contents of any of the documents that were being discussed. Kris Schenk advised that the only problem was when the Planning Commission was considering the document and they recognized that the one chapter had some issues with the older letters and they were corrected to the best of their ability. Supervisor Bibby noted that there was discussion of pages and page numbering, so she knows that the Board had legible documents for the December 6th hearing.

Supervisor Pickard asked for clarification that all outstanding issues have been addressed that were known about. Kris Schenk advised that they have.

(M)Pickard, (S)Bibby, Res. 06-575 was adopted certifying the Mariposa County General Plan Environmental Impact Report, approving the Mitigation Monitoring Program, and adopting Findings of Fact attached to the resolution, and adopting the Statement of Overriding Considerations; adopting the Mariposa County General Plan; and repealing the 1981 General Plan/Ayes: Unanimous.

Cc: File