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

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

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: GENERAL PLAN UPDATE – COMMENT PERIOD EXTENSION

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 15, 2005

ACTION AND VOTE:

Chairman Pickard advised that the following two off-agenda requests have been received.

Tom Guarino, County Counsel, advised of a letter received from the Planning Director which addressed a request from Tuolumne County for additional time for response to the General Plan Update. (M)Bibby, (S)Stetson, the Board waived the rules requiring 72 hours agenda notice to place this item on the agenda to consider this request, finding that it was not received until after the agenda was prepared and that the deadline for response to the General Plan Update is this date, and the Board is not scheduled to meet again until December 6, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The matter was continued to later in the day with the attention agenda.

Tom Guarino, County Counsel, initiated discussion relative to the request to extend the deadline for providing comments on the draft General Plan Update. Kris Schenk, Planning Director, provided input on the request that was received from Tuolumne County and relative to the timeframes. (M)Stetson, (S)Bibby, Res. 05-550 was adopted approving an extension of the deadline for the comment period for the EIR on the draft General Plan Update to December 27, 2005/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

cc: File
MEMORANDUM

To: Bob Pickard, Chairman of the Board of Supervisors

CC: Rich Inman, CAO
    Tom Guarino, County Counsel
    Margie Williams, Clerk of the Board

From: Kris Schenk, Planning Director

Date: 11/14/2005

Re: 2005 General Plan Draft EIR Comment Period

The enclosed letter from the Tuolumne County Community Development Department was sent via fax last Thursday afternoon. Because Tuolumne County did not receive their official copy of the 2005 General Plan Update and Draft EIR until November 9, they are requesting that Mariposa County extend the formal DEIR comment period for an additional 45 days.

I request that you place this item on the November 15 agenda as an urgency matter for the Board’s consideration and possible action, inasmuch as: (a) the currently established deadline to submit comments on the 2005 Draft EIR is November 15, 2005 at 5:00 pm; and (b) planning staff did not receive a copy of Tuolumne County’s request until Monday morning (November 14).

Planning staff offers the following comments regarding a Draft EIR time extension:

1. In recent weeks a number of persons who have been reviewing the General Plan documents have stated that they would appreciate additional time to comment on the Draft EIR. Reviewers have been diligent in preparing and submitting their comments; however, it is necessary to have read and to be familiar with the related volumes of the 2005 General Plan in order to comment knowledgeably on the Draft EIR.

2. Tuolumne County staff is correct in stating that they were not sent a copy of the 2005 General Plan Draft EIR until November 9, although Tuolumne County has reviewed and provided comments on earlier drafts of the General Plan Update. Omitting abutting jurisdictions from the DEIR recirculation was an error which has since been corrected.

3. The practical consequence of extending the Draft EIR time period until December 27, 2005, which would provide an additional 45 days for all parties to submit EIR comments, would likely mean a delay in preparing the final General Plan documents from January until February, 2006. The Board should balance its expressed interest in expediting the schedule for completion of the General Plan with the benefits of receiving thoughtful, well-researched public and agency comments that will help produce a better final General Plan.
November 10, 2005

Mr. Kris Schenk
Mariposa Planning
County of Mariposa
P.O. Box 2039
Mariposa, CA 95338-2039

RE: Draft Environmental Impact Report (DEIR)
2005 General Plan Update

Dear Kris:

As you are aware, Section 15086(a)(4) of the Guidelines for California Environmental Quality Act (CEQA) requires the lead agency to consult with and request comments on a draft Environmental Impact Report (EIR) from "any city or county which borders on a city or county within which the project is located." Section 15087 of the Guidelines further requires the lead agency to provide notice of the availability of a draft EIR at the same time it sends a notice of completion to the Office of Planning and Research (OPR).

As lead agency, you initiated a 45-day public review period for the DEIR for Mariposa County's 2005 General Plan Update on September 30, 2005. The deadline for comments on that document is November 15, 2005. Because Tuolumne County shares a common boundary with Mariposa County, a notice of availability of the DEIR should have been sent to our office on September 30th. We did not receive such notice and only learned of the review period through a resident in Lake Don Pedro on November 8th. Upon learning of the review period, we immediately contacted your office and your staff advised us that they had not notified us as required by CEQA. To correct this oversight, your staff did send us a copy of the DEIR and the 2005 General Plan Update which we received on November 9, 2005. We appreciate the cooperation we have received from your staff on this matter.

Because we share not only a common boundary line but also the community of Lake Don Pedro which Mariposa County designated as a growth area in a previous draft of the General Plan Update, Tuolumne County needs adequate time to review the DEIR and 2005 General Plan Update. As such, I am advising you that Tuolumne County is exercising its right to a 45-day review period as provided in CEQA beginning November 9, 2005. We will be submitting our comments within that 45-day period.

Please do not hesitate to contact me if you have any questions concerning this matter.

Respectfully,

Bev Shane, AICP
Community Development Director

cc: Tuolumne County Board of Supervisors