RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No__) 

PUBLIC HEARING to discuss the intention of the Board of Supervisors to consummate the purchase of unimproved real property located at 4th Street and Highway 410, APN numbers 013-186-003 and 013-186-005 in Mariposa from the Lloyd and Jeanne Milburn Trust and consider the adoption of a Negative Declaration and a DeMinimis finding. Purchase price will be $200,000 and will be acquired in accordance with the terms and conditions contained in Resolution No. 02-51 (copy attached).

Further authorize the Chairman to execute the escrow documents when received and additionally direct the Auditor to draw a warrant for the purchase in accordance with the instructions contained in Resolution No. 02-51.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 12, 2002, the Board adopted Resolution No. 02-51 which established a public hearing date of Tuesday, March 19, 2002 to inform the public that the County intended to purchase the property located at 4th Street and Highway 140 from the Milburn Trust.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A. The Board determined that it is in the public’s interest to purchase the subject property.

COSTS: ( ) Not Applicable
A. Budgeted current FY $____
B. Total anticipated costs $____
C. Required additional funding $____
D. Internal transfers $____

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $____
B. Reserve for contingencies $____
C. Source description: Balance in Reserve for Contingencies, if approved: $____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK’S USE ONLY:
Res. No.: 02-51
Ord. No. 
Vote - Ayes: 
Noes: 
Absent: 
Abstained: 
Approved: 
Denied: 
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

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:
Recommended 
Not Recommended 
For Policy Determination 
Submitted with Comment 
Returned for Further Action

Comment: 

A.O. Initials: 

Action Form Revised 5/92
TO: JEFF GREEN, County Counsel
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Purchase of Unimproved Real Property Located at 4th Street and Highway 140 in Mariposa Resolution No. 02-68

THE BOARD OF SUPERVISORS OF MARIPosa COUNTY, CALIFORNIA,
ADOPTED THIS Order on March 19, 2002

ACTION AND VOTE:

Jeff Green, County Counsel;
PUBLIC HEARING: Discuss the Board of Supervisors' Intention to Consummate the Purchase of Unimproved Real Property Located at 4th Street and Highway 140 in Mariposa and Consider the Adoption of a Negative Declaration and a DeMinimis Finding

BOARD ACTION: Jeff Green presented the staff report.

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

Tom Stark stated he supports this purchase and the recommendation to use the site for a music and arts park. He referred to the historical significance of the music and arts culture being a part of communities.

Paul Chapman stated he feels that $200,000 is a ridiculous amount of funding for a small piece of land; he feels this funding could be better spent at the existing park. He also stated he feels we should feel lucky to be a way station on the way to a destination (i.e., Yosemite National Park). He stated he feels that this land does not have access or parking.

Susan Crain thanked the Board for considering this purchase, and she stated she feels it will enhance the arts and culture of the County for the residents and the visitors.

Chris Hutcherson, representing the Arts Council, stated she supports this project. She stated she agrees with the comments made earlier during the National Agricultural Week proclamation relative to the need for agriculture, and she also feels that the town needs space for public use. She also noted that this project ties in with the Creek Parkway.

Gail Spilos, Real Estate Broker, stated she represents the principal in this transaction. She stated she feels the value issue is difficult to address, and she noted there are very few undeveloped parcels in town. She stated she supports this project.
The public portion of the hearing was closed and the Board commenced with deliberations. Greg Iturria, County Administrative Officer, requested that approval of this purchase include authorization for the escrow closing costs to be paid from Fund 501/account for the improvements for this project. Discussion was continued for the following hearing to be opened.

**10:00 a.m.**  Public hearing to consider Appeal No. 2002-1 was opened and continued to after the following matters.

Further discussion was held relative to the purchase of real property for the arts park. (M)Parker, (S)Reilly, Res. 02-68 was adopted approving the purchase in the amount of $200,000, with the terms and conditions contained in Mariposa County Resolution No. 02-51; adopting a Negative Declaration and a DeMinimis finding; authorizing the Chairman to execute the escrow documents; directing the Auditor to draw a warrant for the purchase; and authorizing the escrow closing costs to be paid from Fund 501/Ayes: Unanimous. The hearing was closed.

cc: Robert Lowrimore, Assessor/Recorder  
Ken Hawkins, Auditor  
Eric Toll, Planning Director  
Jim Petropulos, Public Works Director  
Greg Iturria, County Administrative Officer  
File
BOARD OF SUPERVISORS HEARING
OF MARCH 19, 2002

SUMMARY AND RECOMMENDATIONS


Proposal: The applicants (County of Mariposa) propose to purchase real property APN’s 013-186-003 and 013-186-005 from owners Lloyd and Jeanne Milburn Trust intended to be used as a park in the future.

Location: Adjacent to State Highway 140 and 4th St.

Project Proponent: County of Mariposa

Recommendation: Staff recommends that the Board of Supervisors adopt a resolution:

a) Adopting a Negative Declaration; and

b) approving De Minimis findings

Prepared by,

Steven J. Engfer
Planner II
BACKGROUND

Existing Zoning: General Commercial, Historic Design Review Overlay, Mariposa Specific Plan

General Plan: Town Planning Area

Current Land Use: Undeveloped

PROJECT ANALYSIS

Project Description: The applicant is seeking to purchase the real property APN 013-186-003 and 013-186-005 owned by the Lloyd and Jeanne Milburn Trust in the amount of $200,000. This is only a purchase at this time, but the intent is for the property to be used in the future as a park.

Environmental Review: Staff has conducted an on-site inspection and has conducted an Initial Study for the purchase. Staff has determined that there will be no significant impacts from the purchase.

According to the Department of Fish and Game’s (DFG) Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are two rare or endangered plant species located within the vicinity of the project site (Mariposa Clarkia and Congdons Lomatium). The Lomatium Congdonii, was last seen in 1903 and presumed by DFG to be extirpated. Mariposa Clarkia was last seen on the slopes above Mariposa Creek Drive and near Mormon Bar. The habitat for Mariposa Clarkia is Chapparal, Cismontane Woodland. The habitat for Congdon’s Lomatium is Cismontane Woodland, Chapparal with serpentine soils The habitat of APN 013-186-003 and 005 is primarily Riparian and is not the appropriate habitat. Due to the existent development surrounding the site, the fact that the property has been extensively disturbed in the past, staff has determined that there is no potential for significant impact on this plant by the purchase. Future development of the site will require appropriate process including additional environmental review.

Agency Comments: Staff recommends adoption of a Negative Declaration for this project and De Minimis Impact Finding.

The California Department of Fish and Game provided comments, regarding the purchase and concurs with the De Minimis finding for the purchase but also stated that future development of the site will likely be subject to environmental filing fees. (See attached Letter)
1. **Project Title:** County Purchase of APN’s 013-186-003 & 013-186-005 Environmental Review

2. **Initial Study Work Sheet**
   **Prepared by:**  
   Steven J. Engfer  
   Planner II

3. **Project Sponsor:**  
   Mariposa County Board of Supervisors  
   5100 Bullion Street  
   Mariposa, Ca 95338  
   (209) 966-3222

4. **Environmental Factors Potentially Affected:**
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

- [ ] Land Use and Planning  
- [ ] Population and Housing  
- [ ] Geophysical  
- [ ] Water  
- [ ] Air Quality  
- [ ] Biological Resources  
- [ ] Energy and Mineral Resources  
- [ ] Hazards  
- [ ] Noise  
- [ ] Mandatory Findings of Significance  
- [ ] Public Services  
- [ ] Utilities and Service Systems  
- [ ] Aesthetics  
- [ ] Cultural Resources  
- [ ] Recreation  
- [ ] Transportation/Circulation

5. **Evaluation of Environmental Impacts:**

**A. Land Use and Planning. Would the proposal:**

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<tr>
<td>1) Conflict with general plan designation or zoning?</td>
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<td>2) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?</td>
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<td>3) Be incompatible or substantially alter the existing and planned land uses in the vicinity?</td>
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<td>4) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)?</td>
<td>[ ]</td>
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<tr>
<td>5) Disrupt or divide the physical arrangement of an established community?</td>
<td>[ ]</td>
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**DISCUSSION:** 1,2, 3) The proposal is a purchase of property that in and of itself will not change the use, therefore no conflicts with land use and planning have been identified. This project is consistent with the Mariposa Specific Plan Mariposa Creek Park Project and the public improvement projects along the portions of the Mariposa Creek walkway that have already been constructed. The property is adjacent to the
existing park improvements. 4) This proposal have no effect upon agricultural resources or operations. 5) The transfer of ownership will not result in a disruption or division of the existing community.

B. Population and Housing. Would the proposal:

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<td>1)</td>
<td>Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?</td>
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<td>☒</td>
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<td>2)</td>
<td>Displace existing housing, especially affordable housing?</td>
<td>☒</td>
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<td>3)</td>
<td>Alter the location, distribution, density, or growth rate of the human population of an area?</td>
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DISCUSSION: 1, 2, 3) The purchase of the property will not result in substantial growth, no displacement of housing will occur, and no human population density changes will occur as a result.

C. Earth/Geologic. Would the proposal result in or expose people to potential impacts involving:

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<tr>
<td>1)</td>
<td>Fault rupture or seismic ground shaking or failure including liquefaction?</td>
<td>☒</td>
<td></td>
<td>☒</td>
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<tr>
<td>2)</td>
<td>Landslides or mudflows?</td>
<td>☒</td>
<td>☒</td>
<td>☒</td>
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<tr>
<td>3)</td>
<td>Change in topography or ground surface relief features?</td>
<td>☒</td>
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<td>4)</td>
<td>Disruptions, displacements, compaction, or over-covering of the soil?</td>
<td>☒</td>
<td></td>
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<tr>
<td>5)</td>
<td>The destruction, covering, or modification of any unique geologic or physical features?</td>
<td>☒</td>
<td></td>
<td>☒</td>
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<tr>
<td>6)</td>
<td>A substantial increase in wind or water erosion of soils, either on or off the site?</td>
<td>☒</td>
<td></td>
<td>☒</td>
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<tr>
<td>7)</td>
<td>Unstable earth conditions, subsidence of land, or changes in geologic substructures?</td>
<td>☒</td>
<td></td>
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<tr>
<td>8)</td>
<td>Changes in deposition or erosion of soil, or changes in siltation, deposition, or erosion which may modify the channel of a river or stream?</td>
<td>☒</td>
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DISCUSSION: 1 through 8), No changes to the physical environment are proposed by this purchase and therefore no impacts have been identified.

D. Water. Would the proposal result in:

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<tr>
<td>1)</td>
<td>Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</td>
<td>☒</td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>2)</td>
<td>Alterations to the course or flow of flood waters?</td>
<td>☒</td>
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<td>☒</td>
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<tr>
<td>3)</td>
<td>Exposure of people or property to water related hazards such as flooding?</td>
<td>☒</td>
<td></td>
<td>☒</td>
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<tr>
<td>4)</td>
<td>Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen, or</td>
<td>☒</td>
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</table>
5) Changes in the amount of surface water in any water body?

6) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?

7) Alteration of the direction or rate of flow of ground waters?

8) Impacts to groundwater quality?

9) Substantial reduction in the amount of groundwater otherwise available for public water supplies?

**DISCUSSION:** 1 through 9) No physical development or changes are proposed by this purchase and therefore no impacts upon water have been identified.

---

E. **Air Quality.** *Would the proposal result in:*

1) Substantial air emissions or deterioration of ambient air quality?

2) Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?

3) The creation of objectionable odors?

**DISCUSSION:** 1 through 3) No air quality impacts are identified as a result of the proposed purchase of the property.

---

F. **Transportation/Circulation.** *Would the proposal result in:*

1) Generation of substantial additional vehicular movement?

2) Traffic hazards to motor vehicles, bicyclists, or pedestrians?

3) Inadequate emergency access or access to nearby uses?

4) Insufficient parking capacity on-site or off-site?

5) Alterations to present patterns of circulation or movement of people and/or goods?

**DISCUSSION:** 1 through 5) No site development is proposed that would create transportation and or circulation impacts. Future development of the park improvements will require review pursuant to established parking requirements.

---

G. **Biological Resources.** *Would the proposal result in impacts to:*

1) Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish insects, animals, and birds)?

2) Locally designated species (e.g. heritage trees) or natural

**DISCUSSION:** 1)
communities (e.g. oak forest, coastal habitat, etc.?)
3) Wetland habitat (e.g. marsh, riparian, and vernal pool)?
4) Wildlife dispersal or migration corridors?

DISCUSSION: 1 through 4) The act of change of ownership will not have an impact upon the biological resources of the site or the vicinity of the site as no physical change will result. Future development of the park will require environmental review pursuant to CEQA and County Environmental Review procedures.

H. Energy and Mineral Resources. Would the proposal:

1) Conflict with adopted energy conservation plans?
2) Use non-renewable resources in a wasteful and inefficient manner?
3) Result in the loss of availability of a known mineral resource that would be of future value to the region and residents of the State?

DISCUSSION: 1) No conflicts with adopted energy conservation plans have been identified as a result of this proposal. 2, 3) The purchase of the property will not result in the inefficient and wasteful use of non-renewable resources and no known loss of availability of a known mineral resource will result by this change of ownership.

I. Hazards. Would the proposal involve:

1) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?
2) Possible interference with an emergency response plan or emergency evacuation plan?
3) The creation of any health hazard or potential health hazards?
4) Increased fire hazard in areas with flammable brush, grass, or trees?

DISCUSSION: 1 through 4) No explosive materials or hazardous substances are proposed as a part of this purchase and therefore no risk of accidental explosion or release of hazardous would result. This proposal does not propose a use, rather a purchase, and therefore will not interfere with emergency response or emergency evacuation plans, create any health hazards, or increase any fire hazard.

J. Noise. Would the proposal result in:

1) Increases in existing noise levels?
2) Exposure of people to severe noise levels?
**DISCUSSION:** 1, 2) No identified changes in noise levels will occur as a result of this purchase. Future development of the park will require additional review of potential noise generation and noise impacts pursuant to existing procedures.

**K. Public Services.** Would the proposal have an effect upon or result in a need for new or altered, government services in any of the following areas:

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<tr>
<td>1) Fire protection?</td>
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<td></td>
<td>❌</td>
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<tr>
<td>2) Police protection?</td>
<td></td>
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<td></td>
<td>✔️</td>
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<td>3) Schools?</td>
<td></td>
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<td>4) Maintenance of public facilities, including roads?</td>
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<td>5) Other governmental services?</td>
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**DISCUSSION:** 1 through 5). No known needs have been identified for new or additional government services as this proposal is a change of land ownership and does not propose development of the property at this time. Future development for parks was envisioned by the Specific Plan for Mariposa in the Mariposa Creek Park Plan. This project will allow for the future expansion of an existing facility.

**L. Utilities and Service Systems.** Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

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<tbody>
<tr>
<td>1) Power or natural gas?</td>
<td></td>
<td></td>
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<td>✔️</td>
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<tr>
<td>2) Communications systems?</td>
<td></td>
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<td>✔️</td>
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<tr>
<td>3) Local or regional water treatment or distribution facilities?</td>
<td></td>
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<td></td>
<td>✔️</td>
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<tr>
<td>4) Sewer or septic tanks?</td>
<td></td>
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<td>✔️</td>
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<tr>
<td>5) Storm water drainage?</td>
<td></td>
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<td>✔️</td>
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<td>6) Solid waste disposal?</td>
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<td>✔️</td>
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<td>7) Local or regional water supplies?</td>
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**DISCUSSION:** 1 through 7) No impacts to utilities and service systems have been identified by this proposal.

**M. Aesthetics.** Would the proposal:

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<tr>
<td>1) Affect a scenic vista or scenic highway?</td>
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<tr>
<td>2) Have a demonstrable negative aesthetic effect?</td>
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<td>✔️</td>
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<tr>
<td>3) Create light or glare?</td>
<td></td>
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<td></td>
<td>✔️</td>
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**DISCUSSION:** 1 through 3) The change of land ownership will not impact the aesthetics of the vicinity nor create any light or glare as a result. Future development of the park will require review pursuant to the existing standards for the Historic Design Review Overlay.
N. **Cultural Resources. Would the proposal:**

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<tr>
<td>1) Disturb paleontological or archaeological resources?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) Affect historical resources?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) Have the potential to cause a physical change which would affect unique ethnic cultural values?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>4) Restrict existing religious or sacred uses within the potential impact area?</td>
<td>☐</td>
<td>☐</td>
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**DISCUSSION:** 1,2,3) The change in land ownership will not disturb palaeontological resources, archaeological resources, nor affect historical resources. 4) No impact area is identified with this proposal (purchase of land) that would result in the restriction of any known existing religious or sacred uses.

O. **Recreation. Would the proposal:**

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<td>1) Increase the demand for neighborhood or regional parks or other recreational facilities?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>2) Affect existing recreational opportunities?</td>
<td>☐</td>
<td>☐</td>
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**DISCUSSION:** 1,2) No impacts to create the need for additional recreational facilities or affect existing recreational facilities will result in this transfer of land.

6. **Mandatory Findings of Significance:**

A. **Potential to Degrade:** Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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B. **Short-term:** Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental

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goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time. Long-term impacts will endure well into the future.)

C. **Cumulative:** Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect on the total of those impact on the environment is significant.)

D. **Substantial Adverse:** Does the project have environmental effects which will cause adverse effects on human beings, either directly or indirectly?

7. **Determination:**

On the basis of this initial study:

☑ It is found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** has been prepared and adopted.

☐ It is found that although the proposed project **COULD** have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this initial study have been added to the project. A **NEGATIVE DECLARATION** has been prepared and adopted.

☐ It is found that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

Prepared by,

Steven J. Engfer
Planner II
MARIPOSA COUNTY
NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15070)

APPLICANT/APPLICATION: County of Mariposa, County Purchase of APN's 013-186-003 & 013-186-005 Environmental Review

PROJECT DESCRIPTION: County purchase of property adjacent to Mariposa Creek. Purchase from private ownership (Lloyd & Jeanne Milburn Trust) in order to accommodate the spatial requirements in relation to the Mariposa Creek Park project. This project is only the purchase of a property and is not a development proposal.

No significant effect is based on the following findings:
Findings as shown in the Initial Study.

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

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

Other: California Department of Fish and Game.

Initial Study was prepared by Steven J. Engfer, Assistant Planner and is on file at Mariposa Planning, 5100 Bullion Street, Mariposa, California 95338

SARAH WILLIAMS, Planning Manager
Mariposa Planning

Date
CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

Project Title/Applicant:  County Purchase of Milburn Property (Environmental Review)

Location:   APN’s 013-0186-003 & 013-186-005. Located at the west side of State Highway 140 at the intersection of Fourth Street and Highway 140, Mariposa Town Planning Area, Mariposa Ca.

Project Description:  County purchase of property adjacent to Mariposa Creek. Purchase from private ownership (Lloyd & Jeanne Milburn Trust) in order accommodate the spatial requirements in relation to the Mariposa Creek Park project. This project is only the purchase of a property and is not a development proposal.

Findings of Exemption:

1. According to the Department of Fish and Game’s (DFG) Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are two rare or endangered plant species located within the vicinity of the project site (Mariposa Clarkia and Congdons Lomatium). The Lomatium Congdonii, was last seen in 1903 and presumed by DFG to be extirpated. Mariposa Clarkia was last seen on the slopes above Mariposa Creek Drive and north of Highway 140 near Mormon Bar. The habitat for Mariposa Clarkia is Chapparal, Cismontane Woodland. The habitat for Congdon’s Lomatium is Cismontane Woodland, Chapparal with serpentine soils. The habitat of APN 013-186-003 and 005 is primarily Riparian and is not the appropriate habitat. Due to the existent development surrounding the site, the fact that the property has been extensively disturbed in the past, it is presumed that no individual plants are in existence on-site.

2. An Initial Study was conducted on the project to evaluate the potential for adverse environmental impacts on wildlife resources. It has been determined that the project will not have an adverse impact on wildlife resources.

3. Based upon this project being a change of land ownership, the requirement for future development on the property to undergo additional environmental review and De Minimis finding, this purchase will not have an adverse impact on wildlife or plant resources.

Certification:
I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Sarah Williams, Planning Manager
Mariposa Planning

DATE
CALIFORNIA DEPARTMENT OF FISH AND GAME
CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

**Project Title/Applicant:** County Purchase of Milburn Property Environmental Review

**Location:** APN's 013-0186-003 & 013-186-005. Located at the west side of State Highway 140 at the intersection of Fourth Street and Highway 140, Mariposa Town Planning Area, Mariposa Ca.

**Project Description:** County purchase of property adjacent to Mariposa Creek. Purchase from private ownership (Lloyd & Jeanne Milburn Trust) in order accommodate the spatial requirements in relation to the Mariposa Creek Park project. This project is only the purchase of a property and is not a development proposal.

**Findings of Exemption:**

1. According to the Department of Fish and Game's (DFG) Natural Diversity Data Base and Areas of Special Biological Importance Map for Mariposa County, there are two rare or endangered plant species located within the vicinity of the project site (Mariposa Clarkia and Congdons Lomatium). The Lomatium Congdonii, was last seen in 1903 and presumed by DFG to be extirpated. Mariposa Clarkia was last seen on the slopes above Mariposa Creek Drive and near Mormon Bar. The habitat for Mariposa Clarkia is Chapparal, Cismontane Woodland. The habitat for Congdon's Lomatium is Cismontane Woodland, Chapparal with serpentine soils The habitat of APN 013-186-003 and 005 is primarily Riparian and is not the appropriate habitat. Due to the existent development surrounding the site, the fact that the property has been extensively disturbed in the past, staff has determined that there is no potential for significant impact on this plant by the purchase.

2. An Initial Study was conducted on the project to evaluate the potential for adverse environmental impacts on wildlife resources. It has been determined that the project will not have an adverse impact on wildlife resources.

3. Based upon this project being a change of land ownership, the requirement for future development on the property to undergo additional environmental review and De Minimis findings, this purchase will not have an adverse impact on wildlife or plant resources.

**Certification:**
I hereby certify that the public agency has made the above finding and that the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Sarah Williams, Planning Manager
Mariposa Planning

Date:
December 7, 2001

Mr. Steven J. Engfer, Planner II
Mariposa County Planning
Department
Post Office Box 2039
Mariposa, California 95338-2039

Dear Mr. Engfer:

County Purchase of Milburn Property - De Minimis Impact Finding

I have reviewed your De Minimis Impact Finding for the above referenced project involving the purchase of two parcels by Mariposa County. No zoning change is occurring and no further action is proposed at this time. The Department of Fish and Game can concur with your finding; however, please be aware that any future development of this site, including park development or zoning change, will likely be subject to environmental filing fees.

Please contact Mr. Dan Applebee, Environmental Scientist, at the following address or telephone number if you have questions regarding this matter:
17635 Murphy Court, Sonora, California 95370, (209) 588-1879.

Sincerely,

W. E. Loudermill

W. E. Loudermill
Regional Manager

cc: Mr. Daniel Applebee
Department of Fish and Game

Conserving California's Wildlife Since 1870
Notice of Determination

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

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

Subject:
Filing of Notice of Determination in compliance with section 21108 or 21152 of the Public Resources Code.

County Purchase of APN’s 013-186-003 & 013-186-005; Mariposa County, applicant

Project Title
Steven J. Engfer Planner II (209) 966-0306

State Clearinghouse Number Lead Agency Contact Person Telephone

Project Location: APN’s 013-0186-003 & 013-186-005. Located at the west side of State Highway 140 at the intersection of Fourth Street and Highway 140, Mariposa Town Planning Area, Mariposa Ca.

Project Description: County purchase of property adjacent to Mariposa Creek. Purchase from private ownership (Lloyd & Jeanne Milburn Trust) in order accommodate the spatial requirements in relation to the Mariposa Creek Park project. This project is only the purchase of a property and is not a development proposal.

This is to advise that the Mariposa County Board of Supervisors has approved the Lead Agency ☑ Responsible Agency

above described project on and has made the following determination regarding the above described project:

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

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

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

Sarah Williams Date Title

Planning Manager
NOTICE OF PUBLIC HEARING

On Tuesday, March 19, 2002 at 9:15 a.m., or as soon thereafter as possible, in the Board of Supervisors Chambers in the County Government Center, 5100 Bullion Street, Mariposa, California, the Mariposa County Board of Supervisors will conduct a public hearing to consider the purchase of real property APN 013-186-003 and 013-186-005 owned by Lloyd and Jeanne Milburn Trust in the amount of $200,000. The property is intended for use as a park in the future, as it is located ideally in the town of Mariposa. The park improvements have not yet been designed and will be reviewed through the appropriate process including additional environmental review in the future. The property is located adjacent to the intersection of Highway 140 and 4th Street, Mariposa. At the public hearing, the Board of Supervisors will consider the adoption of a Negative Declaration and a DeMinimis finding and the approval of the purchase. The Initial Study prepared for the project identified that there would be no significant impact created by the property purchase.

Any and all interested persons are invited to attend this hearing and provide input on the project. Written comments may be made and submitted at any time during the public review period up to, and including, the public portion of the public hearing time. Letters or written comments submitted after the public input time of the public hearing will become part of the file documents, but will not become part of the record unless the public input time is reopened. If you intend to challenge the environmental determination or project action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

The proposed Negative Declaration and other information on the project are available for review at the Mariposa County Planning Department and the Board of Supervisors Office at 5100 Bullion St., Mariposa, California. If you have any questions regarding these projects, please contact Steve Engfer, Planner II, at (209) 966-0306 or Rhonda Scherf at (209) 966-3222.

Publication Date: February 28, March 7, and March 14, 2002