MARIPOSA COUNTY RESOLUTION NO. 85-359

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, A POLITICAL SUB-
DIVISION OF THE STATE OF CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Mariposa County has initiated an amendment to the Land Use Ele-
ment of the General Plan; and

WHEREAS, the Mariposa County Board of Supervisors, acting as the Lead
Agency in accordance with Section 15367 of the California Administrative Code,
has determined that an Environmental Impact Report is necessary to analyze the
potential environmental effects of the project; and

WHEREAS, a draft Environmental Impact Report was prepared in accordance
with Section 21000 of the Public Resources Code, otherwise known as the Cali-
ifornia Environmental Quality Act, (C.E.Q.A.), and the adopted Mariposa County
Environmental Review Policies and Procedures; and

WHEREAS, public review on the draft Environmental Impact Report was
conducted in accordance with C.E.Q.A. and County Environmental Review Policies
and Procedures; and

WHEREAS, responses to the significant environmental points raised during
the public review period have been responded to by the Lead Agency in accordance
with C.E.Q.A.

NOW THEREFORE BE IT RESOLVED, that this Board determines that the Environ-
mental Impact Report for the General Plan Amendment No. 82-25-G is certified in
compliance with Section 21080 et.seq. of the Public Resources Code, otherwise
known as the "California Environmental Quality Act" (C.E.Q.A.) in accordance
with the following:

The Final Environmental Impact Report shall consist of the following:

1. The Draft Environmental Impact Report prepared by the Mariposa County
   Planning Office.

2. The addendum to the Draft EIR as contained in "Attachment A" of this
2. resolution.

3. A copy of all written comments received in regard to the Draft EIR as well as a summary of the verbal comments received during the public hearing held on the Draft EIR and the Board of Supervisors responses to all such comments as contained in "Attachment B" of this resolution.

PASSED AND ADOPTED on the 19th day of November, 1985 by the Mariposa County Board of Supervisors by the following vote:

AYES: Barrick, Dalton, Erickson, Radanovich.

NOES: None

EXCUSED: Taber

ABSTAINED: None

EUGENE D. DALTON, JR. Chairman
Mariposa County Board of Supervisors

GERALD MC CARTHY, County Clerk and Ex Officio Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY GREEN, County Counsel
IX. ADDENDUM TO DRAFT EIR

GEOLOGY SETTING

The massive serpentine within the amendment area has been identified as containing fibrous chrysotile, more commonly known as asbestos. Two independent geologists have conducted separate investigations of the serpentine formation in the area and have concluded that asbestos is present in volumes of between 2% and 7%. In addition, Mr. John Thomson, Mariposa County Air Pollution Control Officer, has also investigated this matter at the request of the Planning Commission and has submitted written conclusions and recommendations. The reports cited above are contained in Appendix E. The serpentine bedrock has been mined at an open-pit quarry near the center of the formation.

Geologic Hazard Impacts

In addition to the possible mass movements in the area, the asbestos contained in the serpentine rock also has the potential for impacting human health. This potential impact is not likely to occur unless the serpentine rocks are disturbed or used as road material. The serpentine bedrock which is likely to contain asbestos traverses the southeastern most portion of the amendment area and occupies about 80 surface acres. The quarry along the southeastern border of the amendment area presents the worst potential problem as past mining has exposed and disturbed the bedrock, freeing the asbestos fibers.

Geologic Hazard Mitigation

The concensus of opinion regarding the serpentine bedrock area is that it should pose little hazard as long as it is not disturbed, built on, or used as a road base. Since the asbestos fibers are naturally occurring, there is no source of contamination that can be eliminated to permanently eliminate the hazard. Therefore, mitigation of this potential hazard should be through avoidance of the serpentine bedrock. This could be accomplished through several methods with varying levels of County involvement. The lowest level of County involvement could entail providing information on possible hazards to area residents and perhaps the posting of warning signs in the vicinity of the serpentine outcrop. Additional involvement could include designating the serpentine area as open space or by placing it
into a low density land use, such as Mountain Preserve or Mountain General. It may also be possible to adopt specific ordinances to regulate the use and development of bedrock formations identified as containing asbestos. These might include restrictions on building site location and preparation and use of the material as a road surface. Mining and quarrying of the serpentine bedrock is presently regulated by the County Surface Mining Ordinance and the State Surface Mining and Reclamation Act.

Land Use

Whitlock Road varies in width from 24 feet near Hwy 49N to 12 feet in several locations. The road is generally winding and narrow with most areas lacking shoulders. The total length of Whitlock Rd. through the amendment area is 2.9 miles. The terrain on either side of the road is steep which would likely make substantial road improvements or realignment very costly. The amount of traffic on Whitlock Rd. near Hwy 49 N was recently counted as an average of 82 vehicle trips daily (ADT). The County does not have a policy at the present time to address development served by County roads which may not be able to accommodate additional traffic.

State Hwy. 49N is the principal collector of traffic generated in the amendment area. Hwy 49N is a two-lane paved highway maintained by the State of California. Recent traffic counts on Hwy 49N near Whitlock Rd. indicated that the present volume is about 1100 ADT. The generally recognized capacity of State highways like Hwy 49N is 2000 trips per hour (peak capacity). (1)

(1) Gwendolyn Foster, Mariposa County Transportation Planner, personal conversation.

The proposed plan amendment has the potential to increase traffic on the existing roads and the State Highway in the area. Strictly considering the additional residential development that might be possible as a result of the amendment, the total traffic amount on Whitlock Rd. could reach 360 ADT with French Camp Road possibly reaching 600 ADT. The resulting traffic increase on Hwy. 49N might approach 1000 additional ADT. These figures are based upon each developed residential parcel generating 6 vehicle trips per day and by estimating the ultimate number of parcels which could be created as a result of the proposed amendment.
To mitigate the potential increase in traffic resulting from the Plan Amendment, there are several possibilities. Firstly, French Camp Rd. is a private easement road and subdividers would be required to do road improvements from Hwy 49N to each parcel in accordance with County standards. Therefore, the potential traffic increases along French Camp Rd. could be easily mitigated using existing County requirements for subdivision access. Secondly, it does not appear that additional residential development would significantly impact the capacity of Hwy 49N based upon the low volumes of traffic presently existing.

Whitlock Rd. presents a more complicated mitigation problem than either French Camp Rd. or Hwy 49N as the potential for impacts upon Whitlock Rd. exist under both the present and proposed land uses. Whitlock Rd. is generally recognized as having a limited ability to accommodate a substantial amount of additional traffic. Therefore, the County should consider making road improvements to Whitlock Rd. prior to allowing further subdivision or other developments.

Another option would be to require developers to improve Whitlock Rd. as projects are considered. Moreover, in-lieu fees could be charged to developers to establish a fund for future improvements to Whitlock Rd.
ATTACHMENT B
APPENDIX "D"

COMMENTS RECEIVED FROM PUBLIC REVIEW
OF THE DRAFT EIR FOR GENERAL PLAN
AMENDMENT NO. 82-25-G.

Following is a listing of the written comments received on the Draft EIR for General Plan Amendment No. 82-25-G and the responses to those comments.

1. John B. Ohanian, Chief Deputy Director - Office of Planning and Research.
   Response: Cover letter for State Agency comments. No response necessary.

2. and 3. Edward and Margaret Pestana, Property Owners.
   Response: No specific environmental issues raised. No response necessary.

   Response: No specific environmental issues raised. No response necessary.

5. and 6. Edwin and Bertha Fallek, property owners.
   Response: No specific environmental issues raised. No response necessary.

7. Joseph and Lenore Emerson, property owners.
   Response: The reference by the Emersons to sight distance on page 12 appears to be in error. The EIR indicates that there is about 5 seconds of sight distance in both directions at the intersection of Whitlock Rd. and Hwy. 49N. The reference in the letter to 7 seconds or "very good" sight distance is to Whitlock Rd. at Hwy. 49N while the reference in the EIR for this sight distance is French Camp Road and Hwy. 49N.

In response to paragraphs 3 and 4 of the Emerson letter, an addendum to the Draft EIR has been developed. This addendum discusses traffic and circulation in more detail than was previously contained in the Draft EIR.

8. Department of Transportation - State of California.

The addendum to the Draft EIR addresses the current condition of State Highway 49 and the potential impact of the amendment on the capacity of Highway 49N.

The terrain in the area is such that a ridge separates the majority of the amendment area from the typical overflight areas for the Mariposa-Yosemite Airport. This ridge should provide an adequate buffer between residential development and overflights.

10. Larry G. Lingenfelter - property owner.

The addendum to the Draft EIR addresses Mr. Lingenfelter's concerns about Whitlock Road by outlining the problem in more detail for the Board's review. Comments pertaining to soil erosion, water supply, septic disposal and the availability of other parcels in the County are a re-emphasis of portions of the Draft EIR text.

Light industry is a permitted use in the County General Plan for the Mountain General land use. However, specific limitations apply such as the industry must be clean and non-polluting, cannot employ more than 25 persons, must be located on a parcel of at least 40 acres, must be set back at least 300 feet from property lines and roads, and must have all noise generating equipment housed within an insulated structure. This discussion of light industry is contained in Section 3.504 B of the General Plan and has yet to be implemented with zoning standards. The potential impacts of this section of the General Plan are addressed in the Draft EIR.

11. Glen Robinson - Adjacent Property Owner.

Mr. Robinson's comments pertaining to soil erosion, soil types and septic effluent are basically a re-emphasis of information contained in the Draft EIR. The comments related to the existing circulation system in the area are accurate and the addendum to the Draft EIR provides additional discussion of the area's circulation system.

The comments related to the serpentine outcrops in the area and the potential for asbestos poisoning are addressed by the addendum to the Draft EIR.

12. California Dept. of Fish and Game:

The Draft EIR contains discussions of each issue raised by the Dept. of Fish and Game. The County considers these discussions adequate based upon the general nature of the project under consideration and the fact that additional site-specific environmental review will be conducted as development projects are proposed which might impact biological resources.


Three letters were received which did not address specific issues covered in the Draft EIR. The responses to each letter are attached for information purposes.
SUMMARY OF VERBAL COMMENTS

Following is a summary of the verbal comments received at the public hearing on the Draft EIR for General Plan Amendment No. 82-25-G and the responses to those comments.

1. Larry Lingenfelter - Mentioned that he had also provided a written statement. Cited recent traffic accidents on Whitlock Rd. and 3 fires in the area recently. Main concern is that the narrowness of Whitlock Rd. will cause congestion during emergency situations (wildfires). Said that he felt Whitlock Rd. should be improved before additional development is allowed.

Response: The response to Mr. Lingenfelter's written comments on the Draft EIR also addresses the concerns he raised verbally at the public hearing.

2. Hal Locke - Cited his perception of the area as having development potential. Mentioned development problems in the area like septic disposal. Said that he thought the Specific Plan process was good as it can address environmental concerns and other issues of a development in a refined manner. Indicated that the availability of water and the close proximity to town creates the potential for large developments.

Response: No specific environmental concerns raised. No response necessary.

3. Glenn Robinson - Said that he felt the Draft EIR was adequate. Expressed his concern about a large serpentine rock outcrop in the area which contains asbestos and the faulty zone which crosses the area. He feels that development and grading in the area must be carefully controlled considering the potential asbestos threat.

Response: The response to Mr. Robinson's written comments on the Draft EIR also addresses the issues he raised verbally at the public hearing.

4. Joseph Emerson - Expresses his opinion that there is too much difference between Mountain Home and Mountain General (40 acres is too large, 5 acres is too small). Suggested that the area east of Whitlock Rd. should be a 10 acre minimum. Stated that whitlock Rd. was too narrow and has too many blind curves, creating a safety hazard. Mentioned that access from Whitlock Rd. is poor because of steep terrain.

Response: The issue of the appropriate minimum parcel size is a policy decision of the Planning Commission and the Board of Supervisors. Mr. Emerson suggests a 10 acre minimum parcel size for a large part of the area. It should be mentioned that a minimum parcel size does not limit
the creation of parcel acreages greater than the minimum parcel size if larger parcel sizes are necessary due to terrain, access, septic disposal or other limitations. The response to Mr. Emerson's written comments on the Draft EIR also addresses his verbal comments relative to the condition of Whitlock Road.
October 18, 1985

Jim Mackenzie  
Mariposa Co. Board of Supervisors  
P.O.Box 2039  
Mariposa, CA. 95338

Subject: General Plan Amendment No. 82-25-G, Mariposa Creek Watershed  
SCH# 85090201

Dear Mr. Mackenzie:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) enclosed. Also, on the enclosed Notice of Completion, the Clearinghouse has checked which agencies have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the package is not in order, please notify the State Clearinghouse immediately. Your eight digit State Clearinghouse number should be used so that we may reply promptly.

Please note that recent legislation requires that a responsible agency or other public agency shall only make substantive comments on a project which are within the area of the agency's expertise or which relate to activities which that agency must carry out or approve. (AB 2583, Ch. 1514, Stats. 1984.)

These comments are forwarded for your use in preparing your final EIR. If you need more information or clarification, we suggest you contact the commenting agency at your earliest convenience.

Please contact Peggy Osborn at 916/445-0613 if you have any questions regarding the environmental review process.

Sincerely,

[Signature]

John B. Ohanian  
Chief Deputy Director  
Office of Planning and Research

cc: Resources Agency

Enclosures
Mariposa County Supervisors  
Mariposa County Court House  
Mariposa, Calif. 95338

Dear Supervisors:

We visited the Library Saturday and reviewed the EIR for the General Plan Amendment, No. 82-25-G/Mariposa Creek Watershed.

As property owners in the French Camp area we wanted you to know we are in favor of the proposal, as indicated in Map on page 8. We see this proposal as very favorable and it presents a plan that will be instrumental in the orderly growth and development of Mariposa County, where we hope to soon make our home.

Sincerely,

Edward F. Pestana
Margaret Pestana

Edward F. Pestana  
Margaret L. Pestana  
308 Sonora Ave.,  
Merced, Ca. 95340
Robert Borchard and Staff
Mariposa Planning Commission
P.O. Box 2039
Mariposa, Calif. 95338

Dear Sirs:

Thank you very much for your letter of Sept. 18th, in regard to the General Plan Amendment, No. 82-25-G/Mariposa Creek Watershed.

We visited the Library Saturday and reviewed the EIR and found it to be very informative. As property owners in the French Camp area, we wanted you to know we are in favor of the proposal and the map shown on page 8 of the report. We see this proposal as very favorable and presents a plan that is instrumental in the orderly growth and development of Mariposa County.

We appreciate your keeping us informed and also the time and effort of your staff on this project and the many others your office had to handle.

Sincerely,

Edward F. Pestana
Margaret L. Pestana

308 Sonora Ave.
Merced, CA 95340
Board of Supervisors

My name is Ken Saunders. I own 10 acres in the proposed Mountain Home area off Whitlock road apn 12-060-08.

I am writing to give you information about my 10 acres in hope that you will consider changing it to Mountain Home.

The 10 acres is located approximately 1/4 mile off Whitlock on East Whitlock road. East Whitlock divides the parcel in the middle. The land terrain is very suitable for 2 5 acre parcels with easy access on both parcels. It has been perked and ok'd by the health department this year. There are 95 E poles on the land close to good building sites. There is no serious problem with erosion that I can see.

I haven't been up the road any further than my parcel so I couldn't comment on that. I would appreciate it if you would consider changing this area to Mountain Home. Thank you

Sincerely, Ken Saunders

Ken Saunders
PO Box 871
Yosemite Park CA 95389
Robert L. Borchard  
Planning Commission  
P.O. Box 2039  
Mariposa, Calif, 95338  

Dear Planners,  

We have received the information on the General Plan Amendment No. 82-25-G/Mariposa Creek Watershed. Thank you for keeping us up to date.  

After reviewing the copy at the Mariposa Library we would like you to know we are in favor of the proposal as shown on page 8 of the report. The EIR is very informative and we feel the planned land classifications will provide favorable orderly growth for Mariposa County. As property owners on French Camp Road, we support the plan.  

Thank you for your time and efforts on this project!  

Sincerely,  

Edwin Fallek  
Bertha Fallek  
3928 Pali Place  
Modesto, Calif. 95355
Mariposa County Board of Supervisors
5101 Jones Street
Mariposa, Calif. 95338

Dear Members of the Board:

We have reviewed the information on the General Plan Amendment, No. 82-25-G/Mariposa Creek Watershed at the Mariposa Library and would like you to know our opinion of the plan.

We are in favor of the proposal as written and shown in the map on page 8 of the report. The EIR is very informative and we feel the planned land classifications will provide favorable and orderly growth for Mariposa County. We own property in the French Camp Road area and support this plan for the area.

Sincerely,

Edwin Fallek
Bertha Fallek
3928 Pali Place
Modesto, Calif. 95355
Planning Commission
Mariposa County
5101 Jones Street
Mariposa, Ca. 95338

Re: EIR No. 82-25G Mariposa Creek Watershed

Gentlemen:

We are in favor of the basic amendment to change our 41.47 acres (Tax parcel 012-04-0-012-0) from Mountain Transition to Mountain Home Classification.

Under the EIR Sect. III Land Use, Page 12, the roads serving the area are described. The sight distance on Hwy. 49N and Whitlock intersection is noted as 7 seconds or "very good". The EIR gives no comment on the sight distance on Whitlock Road northward.

Because Whitlock Road is a public county road, and may be affected by increased traffic due to more parcels, I would call to your attention that the sight distance is poor within the area of this EIR. Particularly on one curve which is located approximately .8 mile north of 49N. I estimate this curve has a two second sight distance. This curve is an extreme hazzard and the sight of several wrecks in the last 10 years. Yesterday we had a big brush fire in the area of this EIR. What did it cost to put out this fire? Compare this to what it would cost to fix this curve. It would only take about 16 hrs. with a D-8 to straighten out this curve, but a collision that resulted in a fire could be a financial as well as an environmental disaster.

I request that a Road Dept. analysis be made, and that Mariposa County consider the repair of this hazardous situation as their participation in the acceptance of this EIR and subsequent zone changes.

Yours very truly,

[Signature]

Joseph M. Emerson

Lenore M. Emerson
Memorandum

To: Office of Planning & Research
   1400 Tenth Street, Rm. 121
   Sacramento, CA 95814

Attn: Jim MacKenzie, Mariposa County

From: DEPARTMENT OF TRANSPORTATION

Subject: 

Date: September 10, 1985
File: 10-49 & 140
Mariposa County
General Plan Amend.
Mariposa Creek
Watershed
Draft EIR
SCH #85090201

We have reviewed the Draft E.I.R. for the proposed General Plan Amendment on the Mariposa Creek Watershed noted above.

Since circulation and traffic are not addressed in this document, we have no comments on the written text at this time. However, we note that the area has the potential to accommodate a large number of persons. This General Plan Amendment may induce subdivision and light industrial development if the newly assigned classifications are approved. If extensive traffic generating development is forthcoming as a result of this action, we think it would be appropriate to address any impacts this will have on State Highway 49 and other transportation facilities in the area.

If you have any questions regarding our comments, please contact me at Caltrans, P. O. Box 2048, Stockton, CA 95201; telephone (209) 948-7112.

[Signature]
LARRY R. BURGESS
IGR Coordinator

AJ:so
Attachment

D-12
October 18, 1985

Mr. Jim Mackenzie
Mariposa County Board of Supervisors
P. O. Box 2039
Mariposa, CA  95338

Dear Mr. Mackenzie:

DEIR, General Plan Amendment 82-25-G,
Mariposa Creek Watershed SCH #85090201

The Department of Transportation, Division of Aeronautics, has reviewed the above referenced document with respect to those areas germane to its statutory responsibilities. Those areas include the impact of noise and safety from the airport on the project, the project’s impact on an airport itself, and the compatibility of adjacent land uses in the vicinity of an airport. Portions of the project site appear to be within one-two miles of Mariposa-Yosemite Airport. Since the project involves residential development, we suggest that the developer be requested to notify potential buyers of possible overflights and respective airport noise.

Thank you for the opportunity to review and comment on this proposal.

Sincerely,

JACK D. KEMMERLY, Chief
Division of Aeronautics

Sandy Hesnard
Environmental Planner
October 21, 1985

Robert L. Borchard
Planner/Grantsman
Planning Commission,
Mariposa County
5101 Jones Street
Mariposa, CA 95338

Dear Sir:

In reply to your request of August 28, 1985, for comments concerning the Draft Environmental Impact Report (EIR) for General Plan Amendment No. 82-25-G, I wish to make the following comments as a resident of Whitlock Rd.:

-- Whitlock Road currently is a rural dirt road, rough and dusty to muddy according to weather, hardly wide enough for two passing vehicles and seriously in need of upgrading for current traffic. Should the property in this area be changed for higher density development, bringing Whitlock Road up to county standards would have to be a prime priority to handle the increased traffic and to control increased erosion problems. Cost would be enormous.

-- Off-Whitlock Road access roads to smaller lots (particularly 10 acres or less) plus residential/small industry clearing would make the area highly vulnerable to increased soil erosion and runoff due to the larger portion of the area being steep and rocky.

-- Steep terrain and shallow soils severely limit septic systems making the construction and location of them costly and larger due to poor percolation. Distance ratio of wells to septic systems of individual lots and neighboring properties would have to be clearly defined in accordance with percolation tests for individual properties, area in general, and their effect on Mariposa Creek Watershed.

-- Water supplies in the county as a whole are suspect and the Whitlock Road area could not support multiple density development -- current water search reports being completely inadequate and outlook for improvement in that report quite doubtful.

-- What in particular is covered by the term "light industry"? Mining parcels adjoining residential parcels are not feasible in the longterm (or short); agriculture specifically determined and residential can be accommodated if so zoned and parcels are 10 or more acres each. If light industry includes such as repair garages, junkyards, and the like similar noisy, messy, etc. businesses, they would soon detract from and lower the values of adjoining residential parcels and the area in general.

With over 4000 developable parcels of land in the county currently available and not being used but which could accommodate the anticipated

. . . . . . . more
population increase by the year 2000, what is the need to open still more rural land in high risk erosion areas such as the Mariposa Creek Watershed Area and Whitlock Road?

Respectfully submitted

Larry G. Lingenfelter
Resident, Whitlock Road

LGL/h

P. O. Box 1114
Mariposa, CA 95338
To: Mariposa County Planning Commission
Regarding: General Plan Amendment 82-25-G
Reference: Draft Environmental Impact Report for 82-25-G

Ladies & Gentlemen:

As an owner of property adjacent to the area under consideration, I have two general concerns regarding this project, namely the environmental impact on the area and access into the area. Although I do not live within the area, my property is downstream along Mariposa Creek, and I must share the single access road into the entire area.

I offer for your consideration the following comments as my views on information presented in the referenced E.I.R. Report.

Table I Pg. 15 The soil properties listed are quite representative of the area. High density residential development would aggravate the erosion hazard and septic limitations unless very strict controls were placed on future projects.

Figure 5 Pg. 16 A large outcropping of Henneke series (HaG) soil underlain by serpentinite bedrock has been identified southeast of, and projecting into, the project area. In addition the Geologic Map of California (Fig. 17) identifies two serpentinite bedrock formations traversing the entire area, beneath the surface soils. Serpentine formations contain varying amounts of fiberous asbestos. As reported to you by Mr. John Thompson, Air Pollution Control Officer for the County, mere presence of serpentine outcroppings does not indicate a health hazard unless the material is pulverized such as during building site preparation, or during roadway construction.

Pg. 20 Soil erosion into Mariposa Creek is severe at the present time - with no development in the area. Extensive new construction without very strict grading controls would assuredly aggravate loss of our already thin top soil and create extensive sedimentation along the creek bottom.

Pg. 24 Septic system effluent may travel for long distances and in unpredictable directions due to our fractured rocky strata underlying the top soil. Tributaries of Mariposa Creek disappear underground and reappear further downstream. On one property a large containment dam has been constructed across a tributary of Mariposa Creek, but water impounded invariably seeps away through the fractured rock strata at the foot of the dam and is gone by early summer. Similarly, closely spaced septic systems required for high density housing would greatly increase the potential for contamination of adjacent wells or possibly contaminate the watershed.
Public access into the project area, as well as the adjoining area within the Mariposa T.P.A., is exclusively along French Camp Road. For 0.6 miles from Hwy 49N this roadway meets County Road Standards, Class II-C, with regard to road surface. For approximately 0.2 miles the roadway is less than the required 20 foot width, has absolutely no shoulder, and a steep drop-off exists along one side. The remaining roads within the area minimally meet County Standards for Class II-B roads. The roadway is deficient by county standards at the present time, for the number and size of parcels involved.

Fig. 12 If the Mountain Home classification were to be applied, a 500% increase in traffic could be anticipated. Under that traffic load the roadway would be extremely hazardous during normal conditions. Were a major fire to erupt in the area the roadway would quickly become impassable between fire equipment entering and home-owners attempting to evacuate the area.

The culverts carrying Mariposa Creek under French Camp Road are undersized for the volume of water flowing during major storms. Water regularly backs up-stream of the culverts and spills over the roadway, creating impassable driving access to or from the entire area.

Fig. 9 For the reasons enumerated above plus the findings detailed in the reference E.I.R. Report, I do not believe the project area is best suited for the Mountain Home land use classification. At some future date, if it becomes economically feasible to bring public sewers and water supplies into the area, and additional access it provided, at that point Mountain Home classification would be appropriate. Therefore, I would recommend alternative #4 for this project with the provision that Specific Plan applications be given very careful consideration due to the marginal environmental limitations involved.

Sincerely,

[Signature]
Glenn H. Robinson

GHR/br
Memorandum

To: Projects Coordinator  
Resources Agency  

Jim Mackenzie  
Mariposa County Planning Department  
P. O. Box 2039  
Mariposa, CA 95338

From: Department of Fish and Game

Subject: SCH #85090201, General Plan Amendment 82-25-G, Mariposa Creek Watershed DEIR, Mariposa County

Date: September 20, 1985

We have reviewed the DEIR for GPA 82-25-G, a project that will change the land use classification of 2,100 acres near Mariposa, resulting in growth inducing impacts.

The Department has previously commented on this project. Our letters are appended to the subject DEIR. However, the concerns we expressed in our letter have not been adequately addressed. We would like to reemphasize that unless the EIR includes an accurate discussion of the biological resources of the site, the potential related impacts and proposed protection or compensation measures, the document is not in compliance with CEQA requirements.

If we can be of further assistance, please contact Robert Ehlers at 1234 E. Shaw Avenue, Fresno, CA 93710, phone (209) 222-3761.

Jack C. Parnell  
Director

RECEIVED  
OCT 1 1985
State Clearinghouse

D-18
Mariposa County Planning Commission
P.O. Box 2059
Mariposa, Calif. 95338

Dear Jim Mackenzie:

We are in receipt of your letter dated 9-18-85 regarding a change in the County General Plan. We own 10 ± acres of vacant land, Tax Parcel # 012-25-0-015-0 on French Camp Road. We have been told we are in a 5-acre min. area. If this new proposal is adopted will it change our land use and if it does, to what?

We would prefer it to remain a 5-acre or less per parcel use. We will be at the below address through most of December '85:

Robert & Peggy Welles
5376 Berkeley Rd.
Santa Barbara, Calif. 93111

OR you can reach me at work *(805) 486-4125.

We will appreciate hearing from you.

Sincerely,

Robert C. Welles
October 11, 1985

Robert and Peggy Welles
5376 Berkeley Road
Santa Barbara, CA 93111

RE: Your letter received October 9, 1985

Dear Mr. and Mrs. Welles,

In response to the above letter, allow me to offer the following:

1. Your property (APN: 12-250-015) is not within the area proposed for a land use change at this time. Your property is adjacent to the amendment area and therefore you received a notice because you are what we call an "affected property owner". General Plan Amendment No. 82-25-G would not change the land use or minimum parcel size on your property.

2. Your property is presently within the Single Family Residential Land Use, ½ acre minimum parcel size. This land use is from the Mariposa Town Planning Area Specific Plan which was adopted in March of 1981. The zoning on your property is the Unclassified Zone.

I hope this information is of some help to you. Please feel free to contact me if you have any other questions.

Sincerely,

Jim Mackenzie
Planner II

JH: nh
Mariposa County Planning Commission

Mr. Jim MacKenzie
Planner II
Post Office Box 1039
Mariposa, Cal. 95338

RECEIVED
OCT 2 1985

Dear Mr. MacKenzie:

Our conversation on September 25th was interesting. Thank you for sending the map.

It appears that my land is in what you call proposed mountain general.

Please write to me regarding the following: (1) My land is already divided into 10 acre parcels. Is this grandfathered? (2) Will it or someone sell to be issued a building permit based on your proposals?

Thank you,

Charles J. Stone

Mid-Cal Insurance Associates Inc.
P.O. Box 2224
Bakersfield, Cal. 93303
Mr. Charles Stone  
P.O. Box 2224  
Bakersfield, CA  93303

RE: General Plan Amendment No. 82-25-G

Dear Mr. Stone,

In response to your letter received October 2, 1985, allow me to provide the following:

1. As best as I can determine from our County Assessor's records, you own two parcels identified as Assessor's Parcel Numbers 12-010-008 and 12-010-009. I have enclosed another map showing the location of these two parcels outlined in red.

2. As you can see on the enclosed map, Parcel 8 would be directly affected by the proposed amendment and is proposed to be placed in the Mountain Home land use. Parcel 9 is adjacent to the amendment area and is not proposed for a land use change at this time.

3. These parcels were created by you with a Parcel Map recorded in Book 6 at Page 7, Mariposa County Records. Therefore, these parcels were legally created in compliance with State Law and can be considered "grandfathered" in relation to the minimum parcel sizes now in effect in the area.

4. The issuance of a building permit involves many factors including setbacks, septic disposal, building plans, etc. The present zoning in the area does not restrict the issuance of a residential building permit to either parcel.
4. (cont'd)

The proposed plan amendment would not change this in any way. However, you should be aware that the County is in the process of revising our zoning codes which may change the restrictions on your property. Unfortunately, I have no idea of how a future zoning ordinance might read and therefore I cannot provide any insight on how any new zoning might affect your property.

Please don't hesitate to contact me if I can be of anymore help.

Sincerely,

Jim Mackenzie
Planner II

JM:nh
September 19, 1985

Jim Mackenzie
Mariposa County Board of Supervisors
P.O.Box 2039
Mariposa, CA 95338

RE: General Plan Amendment No. 82-25-G, Mariposa Creek Watershed
SCH# 85090201

The Native American Heritage Commission appreciates the opportunity to express its concerns and comments in the environmental review process. As you may know, the Commission is mandated to preserve and protect places of special religious or cultural significance to California Indians (Native Americans) pursuant to Section 5097 et seq of the Public Resources Code.

The Commission has the further responsibility of assisting Native Americans in cemetery and burial protection pursuant to Section 5097.94 (k) of the Public Resources Code. We request that the County Coroner's office be contacted if human remains of Native American origin are encountered during the project, pursuant to the procedures set forth in Section 7050.5 of the Health and Safety Code. Should this occur, the Commission will assist in expediting the preservation and protection of the remains in a respectful manner.

We request that you consult with the local Indian community in this project area in order to mitigate potential impacts to burial sites and other cultural resources of value to their particular tribal customs. I have enclosed an attachment listing those individuals and/or groups which may have concerns regarding the project area.

If you have any questions please contact me for further assistance.

Sincerely yours,

[Signature]

Annette Ospital
Special Assistant

AO:jg

Attachment

D-24
American Indian Council of Mariposa County
P.O. Box 235
Yosemite, CA 95389

RE: Draft Environmental Impact Report (EIR)
For General Plan Amendment No. 82-25-G,
Mariposa Creek Watershed

Dear Sirs,

The California Native American Heritage Commission has requested that we contact you regarding a proposed amendment to the Mariposa County General Plan. This amendment proposes to change the land use classification on about 2100 acres from Mountain Transition (20 acre minimum parcels) to Mountain General (40 acre minimum parcels - 735 acres total) and Mountain Home (5 acre minimum parcels - 1378 acres total). The amendment area is located about 2 miles northwest of Mariposa and basically encompasses the primary watershed of Mariposa Creek. A map of the project area is enclosed.

At the present time, we are in the public review period on the Draft EIR prepared for the project. The Draft EIR did not identify any cultural or historical resources in the area which have unique or special importance and therefore no special protection was proposed. However, we would appreciate your comments on the conclusions reached in the Draft EIR, especially concerning any significant Native American sites in the area.

A copy of the Draft EIR may be reviewed at the Mariposa Branch Library or at the County Planning Office, 5101 Jones Street, in Mariposa. The Board of Supervisors will hold a public hearing to receive and consider comments on the Draft EIR on October 22, 1985 at 2:00 p.m. in the County Courthouse in Mariposa. Written comments can be sent to the Planning Office and must be received before October 22 to be included in the hearing record.

D-25
American Indian Council of Mariposa County
September 27, 1985
Page 2

Please don't hesitate to contact me if you have any questions.

Sincerely,

Jim Mackenzie
Planner II

JM:nh

CC: Jay Johnson
    Rosalie Bethel
    Julia Parker
    Doreen Bellas