RECOMMENDED ACTION AND JUSTIFICATION: December 8th at 2:00 PM is the rescheduled meeting time of the Mariposa County LAFCo, pursuant to the Commission's 2009 schedule of meetings. A public hearing has been duly noticed and publicly advertised to consider approving LAFCo Annexation No. 2009-141, annexing certain properties into the service area of Mariposa Public Utility District (MPUD).

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Mariposa County LAFCo consists of 3 supervisors and 2 public members, with appointed alternates. The Commission meets at regular intervals to conduct LAFCo business and to discuss public matters of interest to LAFCO members.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Delay or inability of the Commission to conduct the public hearing for the advertised MPUD annexation.

Financial Impact? ( ) Yes  (x) No  Current FY Cost: $  Annual Recurring Cost: $
Budgeted In Current FY? (x) Yes  ( ) No  ( ) Partially Funded
Amount in Budget: $  
Additional Funding Needed: $  
Unanticipated Revenue $ 4/5s vote
Transfer Between Funds $ 4/5s vote
Contingency $ 4/5s vote

CLERK'S USE ONLY:
Res. No.: LAFCO 09-2 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

Revised Dec. 2002
Local Agency Formation Commission Resolution No. 09-02

A RESOLUTION ADOPTING A NEGATIVE DECLARATION AND APPROVING LAFCO ANNEXATION NO. 2009-141 FOR THE ANNEXATION OF TERRITORY TO THE MARIPOSA PUBLIC UTILITY DISTRICT, WITH FINDINGS

WHEREAS, pursuant to the provisions of the Local Government Reorganization Act of 2000, commencing with Section 56000 (et seq.), Title 6, of the Government Code, an application for annexation of property into the Mariposa Public Utility District was received by the LAFCo Executive Officer; and

WHEREAS, Mariposa Public Utility District Resolution 2004-1529, a Resolution of Applications, was filed with the Executive Officer of this Local Agency Formation Commission in accordance with State law; and

WHEREAS, The Executive Officer has reviewed the available information and prepared a report, including recommendations, and the report and related information has been presented to and considered by the Commission; and,

WHEREAS, the Executive Office conducted an Initial Study on the proposed annexation per the requirements of the California Environmental Quality Act; said analysis concluded that the proposal would have no significant environmental effects on the environment. A Notice of Completion and Initial Study, pursuant to the California Environmental Quality Act (CEQA), was distributed to the State Clearinghouse and appropriate agencies for the purpose of obtaining written comments from these agencies on the adoption of a Negative Declaration for LAFCo Annexation No. 2009-141; and

WHEREAS, the Local Agency Formation Commission held a duly noticed and properly advertised public hearing on December 8, 2009 to solicit and evaluate public testimony regarding the annexation; and

WHEREAS, at the December 8, 2009 Public Hearing, the Commission heard and received all oral and written comments, all plans and proposed changes in reorganization, objections and evidence which were made, presented, or filed, received evidence as to whether the territory is in habiteted or uninhabited, improved or unimproved, and all person present were given an opportunity to hear and be heard.

NOW THEREFORE BE IT RESOLVED, that the Mariposa County Local Agency Formation Commission does hereby find, determine, resolve and order as follows:

Findings:

1. The territory proposed for annexation, as described in Exhibit A, is uninhabited.
2. All property owners in said territory have been given notice regarding Annexation 2009-141 pursuant to LAFCo policies and Government Code Section 57025, Chapter 2, of the Local Government Reorganization Act.

3. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.

4. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.

5. Approval of this annexation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Mariposa County Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Local Agency Formation Commission of the County of Mariposa shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

6. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.

7. The Commission has reviewed and considered the information contained in the Initial Study and Negative Declaration prepared for LAFCo Annexation 2009-141, and makes a specific determination that the issues discussed have been adequately address for this annexation.

8. The Commission directs the Executive Officer to file a Notice of Determination as provided under Section 15094 of Title 14 of the California Code of Regulations upon completion of the LAFCO proceedings.

ON MOTION BY Commissioner Casto, seconded by Commissioner Bibby, this resolution is duly passed and adopted this 8th day of December, 2009 by the following vote:

AYES: BIBBY, ALLEN, CANN, CASTO, MEE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE
ATTEST:

Margie Williams
Clerk of the Local Agency
Formation Commission

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
EXHIBIT A

A tract of land situated in a portion of the North one-half (N1/2) of Projected Section 15, Township 5 South, Range 18 East, M.D.B. & M., Rancho Las Mariposas, Mariposa County, State of California, said tract of land also being delineated on that certain map entitled “Parcel and Lot Line Adjustment Map for Mariposa First Baptist Church” filed December 27, 2001 in Book 28 of Parcel Maps at Page 7, Mariposa County Records, said tract of land consisting of Parcel A, Parcel B, and that certain 15.08 acre Parcel as said Parcels are shown on said certain map, said tract of land being more particularly described as follows:

COMMENCING at the northeast corner of said Projected Section 15; thence
S89°49’19”W, along the northerly line of said Projected Section 15, a distance of 768.48 feet to the northeast corner of said Parcel B, said northeast corner being marked by a drill steel monument tagged L.S. 3812, said northeast corner also being the POINT OF BEGINNING of the herein described tract of land; thence traversing around the boundary of the herein described tract of land the following twenty-two (22) courses and distances;

1. S35°48’00”E for 1330.31 feet; thence,
2. S02°07’07”W for 279.28 feet; thence,
3. S15°59’29”E for 57.30 feet; thence,
4. N71°24’48”W for 152.10 feet; thence,
5. S29°37’48”W for 87.70 feet; thence,
6. N55°33’09”W for 179.70 feet; thence
7. S83°10’05”W for 290.36 feet; thence,
8. N86°57’46”W for 360.87 feet; thence,
9. S80°37’34”W for 81.73 feet; thence,
10. S89°16’52”W for 281.38 feet; thence,
11. N89°04’21”W for 353.21 feet; thence,
12. S77°20’42”W for 242.07 feet; thence,
13. S69°28’06”W for 216.19 feet; thence,
14. S61°56’15”W for 372.51 feet; thence,
15. N40°33’45”W for 32.88 feet; thence,
16. N31°53’15”E for 76.10 feet; thence,
17. N05°08’15”E for 254.22 feet; thence,
18. N39°51’45”W for 294.03 feet; thence,
19. N14°35’16”W for 392.57 feet; thence,
20. N10°57’18”E for 647.48 feet; thence,
21. N77°52’57”E for 396.93 feet; thence,
22. N89°49’19”E for 1416.86 feet, more or less, to the POINT OF BEGINNING.
Executive Officer’s Report
Annexation 2009-141, Mariposa Public Utility District

Project: LAFCo Annexation 2009-141

Applicant: Mariposa Public Utility District
P.O. Box 494
Mariposa, CA 95338

Project Description: The proposed project is the annexation of approximately +/- 74.17 acres into the Mariposa Public Utility District service boundaries. The property comprises two zoning districts and land uses in the Mariposa Town Planning Area Town Plan. The Professional Office Zone extends along the State Highway frontage, encompassing approximately +/- 1.19 acres. The remainder of the property, approximately +/- 72.98 acres, is in the Single-Family Residential, ½ (SFR-1/2) Acre Minimum Zone and land use.

No residential subdivision development is proposed for this annexation. No buildings, structures, or any other physical changes are proposed. The annexation area is not inhabited. The site is comprised of two properties:

**Property 1**, APNs 012-142-023 and 012-142-025 are owned by the Mariposa First Baptist Church and is comprised of approximately 21.58 acres. A Conditional Use Permit for a church was approved by the Mariposa County Planning Commission, and the church is under construction. A condition of approval of the church was obtaining water and sewer service from MPUD. The Church has an out-of-service area agreement with the MPUD to provide water and wastewater services.

**Property 2**, APNs 012-140-026 and 012-142-027 are approximately 52.59 acres. Property 2 is vacant, and is owned by Mariposa County. The County has no immediate plans for this property. Mariposa County might decide to use a portion of this site for public recreation. However, no decision has been made by the County on the use of the property formerly known as the “Field of Dreams” site, which would require a zoning and land use amendment for recreational uses.

No land use or zoning amendments are being requested with this annexation. Any public recreational project, or zoning and land use amendment, would be subject to discretionary review and the California Environmental Quality Act, and would be based upon specific proposals and designs at a subsequent point in time.

Services Provided: Water, Wastewater and Fire Protection
Application Initiation: Resolution of Application, Attachment a

Lead Agency: Mariposa County Local Agency Formation Commission

Conducting Authority: Mariposa Public Utility District

Territory Population: Uninhabited

Contiguous Annexation: The annexation site is contiguous with the current MPUD boundaries along the southerly property lines of APNs 012-142-023 and 012-142-026.

Background: This annexation request is the result of past actions by the Mariposa County Planning Commission on a Use Permit; the sale of property by the First Baptist Church to Mariposa County; and a LAFCo approved Out of Boundary Service Agreement between the First Baptist Church and the Mariposa Public Utility District (MPUD).

In July, 2001, the Planning Commission approved Conditional Use Permit No. 259 for the construction of the First Baptist Church. This approval had conditions requiring the annexation of the property to MPUD within 5 years, and that LAFCo either approve an out-of-service-area agreement, or approve the annexation, prior to the issuance of a building permit. The conditions also required that the church be connected to MPUD for water and wastewater prior to the issuance of a certificate of occupancy.

In August, 2003, the First Baptist Church entered into an agreement with Mariposa County for the sale/purchase of two adjacent parcels of approximately 52.59 acres. The agreement with the County required that the County pay for and complete the annexation of the First Baptist Church property and the County property. This agreement did not set a time limit on the annexation.

In July, 2004, the Planning Commission approved Application No. 2004-104 which amended the conditions for Use Permit No. 259. The request for amended conditions covered several subjects including the annexation conditions. The Church argued that since the agreement for the sale of the property required the County to pay for and complete the annexation to MPUD, the Church no longer had control over the County’s actions to complete the application. The Planning Commission agreed and removed the condition requiring the First Baptist Church to complete the annexation to MPUD within 5 years.

In April, 2005, LAFCo approved Out of Boundary Service Agreement Application 2005-072 between MPUD and the First Baptist Church in accordance with the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000 and LAFCo policies and procedures. This action was based upon an “Agreement for Water and Sewer Service Outside District Limits” between MPUD and the Baptist Church. This Agreement for Water and Sewer Service Outside District Limits is in process at this time. The First Baptist Church is presently installing a water main in accordance with this agreement, and is working towards the installation of a sewer main.

Mariposa County subsequently entered into an agreement with MPUD to process this annexation on behalf of the two property owners. This application was
initiated by a Resolution of Application by MPUD, not a petition by the property owners.

Local Agency Formation Commission Action Required:
This annexation is being processed in accordance with the Cortese-Knox Hertzberg (CKH) Local Government Reorganization Act, Division 3 (commencing with Section 56000) of Title 5.”

In accordance with the CKH, when in receipt of a Resolution of Application for the annexation of land into a District, the Executive Officer makes a determination on the completeness of an application. Upon such a determination, the Executive Officer shall schedule a public hearing, if necessary. At this public hearing, LAFCo will consider the application and provide for the opportunity for public comment. LAFCo must also make a finding that the annexation is consistent with LAFCo policies.

If the application is approved, a resolution shall be adopted and the conducting authority will be notified. For this project the conducting authority will be the Mariposa Public Utility District.

Conducting Authority Action and Process:
The Mariposa Public Utility District (MPUD), as the conducting authority, has procedural responsibilities for final completion of the annexation. If this application is approved by LAFCo, the Board of Directors of MPUD will initiate the process and procedure for adopting a resolution approving the annexation. After adoption of the resolution by MPUD, they will take action to file a Certificate of Completion with the State of California.

Recommended Action:
Staff is recommending the Local Agency Formation Commission adopt a resolution approving Annexation 2009-141 with findings as required by LAFCo policies and procedures, and the CKH.
Project Considerations (Service Plan)

Project Area:

The project area is defined in the legal description included in the Resolution of Application, Exhibit A Resolution of Application from MPUD, and as shown on Figure 1.

Project Services To Be Provided And the Level and Range Of Services:

Water and wastewater services, in addition to structural fire protection services in the wastewater services, in the project area. Water and wastewater mains have been provided to the subject properties. The property owners will be responsible for all on-site water and wastewater mains and infrastructure development. Water and wastewater treatment services will be provided by MPUD. No capital improvements will be provided by MPUD. As part of the application, MPUD provided a Service Area Plan which is included as Appendix B of this report. The following is a brief summary of the Service Area Plan.

Water MPUD's permitted water sources include two surface and four underground sources. The maximum water available from surface water resources is over 5,000 acre feet and the current annual demand of the MPUD service area is 480 acre feet per year. The current underground water sources can provide 270 gallons per minute, or 70,956,000 gallons, or 217 acre feet per year. The water treatment facility nears capacity during peak flows in August peak flows when outside water use increases with the summer temperatures. The annexation site has adequate water mains to the project site. Calculations in the Service Plan indicate that the project site has sufficient flow to serve the project site. Calculations on water use for the property owned by Mariposa County are based upon the conceptual field of dreams, which has a much higher flow demand than the current single family residential zoning.

Wastewater The wastewater plant currently runs at 33% capacity during dry weather, and the facility is in compliance with current NPDES requirements. During dry weather the plant can treat .610 million gallons per day (mgd), the existing collection system has a capacity of .432 mgd, and the current flow is .100 mgd during dry weather. The wastewater collection system for the project site meets current standards and has adequate capacity for the project site. Calculations in the Plan indicate that wastewater discharge from the project site is well within MPUD's wastewater treatment facility and collection system capacity.

Fire The MPUD fire equipment includes 2 pumpers and a quint with a 50' ladder/snorkel. MPUD has two fire stations. One is located at Highway 49 North and Smith Road, approximately ¼ mile from the project site. Fire hydrants are located on the subject property, and are being added as part of the church improvements.

Project Water And Wastewater Treatment

The existing water and wastewater treatment facilities of MPUD are providing currently has sufficient capacity to accommodate existing development within the current District boundaries. The District has taken action to increase capacity of its treatment facilities.

The water treatment facility operates near capacity during the summer months due to increased watering during the warmest months. MPUD is nearing the
completion of the engineering design for a new water treatment plant to replace the existing one. The estimated project cost is $3.5 million dollars. This new plant would increase capacity by approx 20%, and provide more reliable treatment to meet current drinking water standards. MPUD received a grant for $1 million dollars from The California Clean Water State Revolving Fund. The project also qualified for a $2 million dollar grant through the California Proposition 50 infrastructure funding program however due to the State fiscal crisis this grant offer has been suspended indefinitely.

The existing waste water treatment facility is operating at less than 33% of dry weather capacity. During the wetter portions of the year, rainwater infiltration into the collection system increases the treatment plant influent by nearly double on days with heavy precipitation, but the plant still meets waste discharge requirements. Since preparation of the Study, the District has developed a program to identify the infiltration areas and correct them over time as resources are available.

LAFCO Considerations

In accordance with Government Code Section 56668 of the Reorganization Act and Mariposa County LAFCo policies, the following topics were considered in the review of this application.

Population and Densities:

The formation of the annexation will not affect planned population and densities in Mariposa County. The annexation is not proposing any amendments to zoning districts or land uses. If annexed, the property could be developed in accordance with the zoning districts and land uses of the Mariposa Town Plan.

Land Uses:

The County General Plan and zoning currently provides the standards and regulations for the land uses. This project would not modify any of the land uses, the land use standards, or land use areas within Mariposa County. The annexation would provide water and wastewater services that serve to implement the zoning, land uses, and policies of the Mariposa Town Plan.

Mariposa County purchased this property with the initial concept of using it for a regional sports complex. This annexation has been evaluated, however, based upon the current zoning and land uses of the site. Any public recreational project, or zoning and land use amendment would be subject to discretionary review and the California Environmental Quality Act, and would be based upon specific proposals and designs at a subsequent point in time.

Natural Boundaries or Drainage Basins

The project site is composed of rolling hills and valleys, and contains no natural internal boundaries or drainages that need to be considered when defining the annexation area.

Proximity to other Populated Areas:

The project site is located towards the north end of the Town of Mariposa on Highway 49 North and Hospital road, and is adjacent to the existing population center in the town of Mariposa. The annexation would not represent a "leap-frog" development due to its proximity to the largest population center in Mariposa County and the availability of water, wastewater and fire protection services.
Growth Potential: The Town of Mariposa zoning and land use provides some of the highest densities in Mariposa County due to the available services and infrastructure in the community. While there is a potential for growth in the town, based upon past growth rates the likelihood of significant growth in the project area and adjacent unincorporated areas is low over the next ten years. MPUD has issued permits for only four new sewer connections in the last 2 years, and growth rates prior to that are not significantly different. With the available services and infrastructure, however, the Mariposa Town Planning Area (TPA) could accommodate the growth as planned for in the Mariposa Town Plan.

Community Services: As the largest population and commercial center in Mariposa County, the community has organized community services available for all residents of Mariposa County, not just residents of the town of Mariposa. Being in closer proximity to the main governmental center, services can be provided more efficiently to future residents. The annexation will not result in the immediate need for additional services from any public agency. MPUD has a desire to increase the number of connections for water and wastewater services so that they can reduce individual expenditures by dispersing costs over more users, and to increase revenues for future infrastructure development.

Adjacent Areas and Government Structure: The proposed annexation will not affect adjacent areas. There are no cities or other water and wastewater districts adjacent to or within proximity to the MPUD boundaries. The Mariposa Town Plan and County Ordinances have established policies and standards that require this project site to obtain public water and wastewater services from MPUD to reach maximum development potential. The proposed annexation would serve to implement the Mariposa Town Plan and have no effect on the governmental structure of the County.

General Plan Consistency: The proposed annexation would be consistent with the Mariposa County General Plan and the Mariposa Town Plan. The annexation would support the following General Plan Goals and Policies:

Goal 5-2: “Create land use densities and development patterns to manage growth in patterns avoiding sprawl”

Policy 5-2a: “Ensure that development shall occur first where services are located”

The annexation to MPUD serves to implement the Mariposa Town Plan based upon the permitted single-family residential ½ acre land use and zoning and the need for water and wastewater services from MPUD. Residential densities of less than 5 acres require that water services be obtained from MPUD. Residential densities of less than 2.5 acres require that water and wastewater services be provided by MPUD. The annexation is in a Planning Area of the General Plan where such development is appropriate based upon the adopted Town Plan. Once annexed, all future residential development will be required to connect to MPUD, as required by the Mariposa Town Plan.

Agricultural Land: There are no agriculturally zoned lands within the annexation, and there are no agricultural lands adjacent to the annexation area. The annexation would not prematurely convert agricultural land to urban uses. The proposed annexation will
not have any affect on maintaining the physical and economic integrity of agricultural lands in Mariposa County.

**Boundaries:**

The proposed boundaries will be delineated by a Record of Survey that will be provided to the State of California when the annexation is completed by MPUD. There are no known boundary issues, and the annexation will not create an “island” of land not within MPUD boundaries.

**Sphere Of Influence**

The proposed annexation is within the Sphere of Influence (SOI) of the MPUD. County Service Area No. 3 (CSA No.3) for structural fire protection does not apply to properties within the MPUD boundaries. CSA No. 3 is not required, nor does it have, a SOI. There are no other districts, with SOIs, providing water, wastewater, or structural fire protection services that are adjacent to or in proximity to the MPUD SOI. There are no other local agencies with SOIs that would be applicable to the services provided by MPUD.

**Assessments:**

With the annexation to MPUD, the subject properties will no longer be within County Service Area No. 3 for structural fire protection. Only one of the Assessors Parcels has a structure on it at this time, so Mariposa County Service Area No. 3 will not receive the annual assessment for this parcel. This is not a significant reduction in the County wide annual assessment. The annexation of the Mariposa County owned property into the MPUD boundaries will not result in a revenue loss to Mariposa County.

MPUD derives a small tax increment from the property taxes collected within the District’s boundaries. In accordance with the Revenue and Taxation Code 99, Mariposa County has a responsibility to determine 1) the assessed value of land in the annexation; 2) the tax rate; 3) the tax revenues from the annexation for the current tax year; 4) an estimate of the portion of the property tax attributable to each local agency affected; and 5) after consultation with affected agencies, settle any exchange of property tax revenues. Upon action by LAFCo, the Mariposa County Assessor will be notified of any action to approve the annexation, and the above steps will be undertaken.

The annexation will not change or modify the property values of the properties. The County owned portion of the annexation is currently exempt, and the Baptist Church property will also be exempt when the can file for a non-exempt status upon completion of the church.

With the annexation to MPUD, the properties will be subject to the assessments of MPUD Assessment Districts 89-1 and 94-1 for wastewater collection and water supply projects respectively. Based upon discussion with MPUD staff and the MPUD Board of Directors, the District may allow for a deferment of payment for the assessments on the publicly owned land until those properties are developed or sold. Assessment will be recalculated at that time and either, 1) be paid at the time of development of the parcel, or 2) pay any assessments or liens on any portion of the properties if it is sold before development occurs. This condition would remain in force as long as Mariposa County owns the land or portion there of, regardless of the assessment bond redemption date.
The Out Of District Service agreement for the First Baptist Church includes a provision that the District will consider the calculation and method for payment of assessments at the completion of the annexation of the property.

Housing Needs:

The proposed annexation will provide for smaller residential lots than the rural zones outside of the Mariposa TPA boundaries. However, with a probable net overall parcel size of 1-acre or more, and based upon County discussions with the State Department of Housing and Community Development on income levels for parcels of this size, residential parcels within the annexation area would probably not provide residential uses that would accommodate the Regional Housing Needs Allocation (RHNA).

LAFCo Policies

The project is consistent with LAFCo policies, as discussed below.

- The proposed annexation is planned for by the Mariposa Town Plan and the General Plan. The annexation encourages orderly growth and development and promotes the efficient use of community and governmental services provided the Mariposa TPA. The development of residential uses within the TPA helps preserve agricultural and open space lands by directing residential development within the commercial and governmental center of the County.

- The annexation site is adjacent to the existing MPUD boundaries and is the orderly expansion of the MPUD boundary where water and wastewater services are available, and does not represent urban sprawl.

- MPUD is a single multi-purpose governmental agency that is able to assess and be accountable for community service needs. LAFCo policy encourages the services within such a multi-purpose agency. The annexation will not create any overlapping districts or service areas.

- Community needs are met most effectively and efficiently by existing governmental agencies that are capable of coordinating service delivery over a relatively large area. MPUD is the only existing agency within the Mariposa TPA that can provide public water and wastewater services for annexation area. This annexation is encouraged by LAFCo policy.

- The annexation will not create any overlapping or competing agencies. The annexation to MPUD is appropriate and in accordance with adopted LAFCo policy that encourages consolidation of services in the area.

- The annexation is consistent with LAFCo policy that looks favorably on proposals that provide urban services in the denser developed and higher population areas. The annexation is also consistent with LAFCo policy that looks favorably on proposals that provide urban-type services in areas with high growth potential, which is planned for in the Mariposa Town Plan.

- LAFCo policy encourages local agencies that are governed by officials directly elected by the residents or landowners. The District is governed by the a Board of Directors that is directly elected by the registered property owners within the District’s boundaries.
LAFCo policy requires the Commission to ensure that each territory included in the annexation received services of an acceptable quality and is the most efficient and effective service provider. MPUD can provide acceptable service to the subject property and is the only provider in the Mariposa area and can provide the best service to the site.

LAFCo Findings:

LAFCo policies and procedures require that the Commission make findings to support their actions, based upon evidence in the Commissions record of the proposal and may incorporate this Executive Officer’s Report and any other report or document accepted by the Commission.

Required Findings:

1. The Commission has considered the Executive Officers Report, all written and verbal evidence and testimony, and all factors required to be considered by the Commission by the Reorganization Act and LAFCo policies, procedures and standards.

   The Commission will take public testimony at the December 8, 2009 public hearing, and review and analyze the evidence and information provided in this Report.

2. The proposal is consistent with the purpose and policies of the Reorganization Act and the LAFCo policies, procedures and standards.

   The annexation encourages orderly growth and development and promotes the efficient use of community and governmental services provided the Mariposa TPA. The annexation site is adjacent to the existing MPUD boundaries and is the orderly expansion of the MPUD boundary where water and wastewater services are available, and does not represent urban sprawl. MPUD is a single multi-purpose governmental agency that is able to assess and be accountable for community service needs. LAFCo policy encourages the services within such a multi-purpose agency. The annexation will not create any overlapping districts or service areas. MPUD is the only existing agency within the Mariposa TPA that can provide public water and wastewater services for annexation area. This annexation is encouraged by LAFCo policy. The annexation to MPUD is appropriate and in accordance with adopted LAFCo policy that encourages consolidation of services in the area. The annexation is consistent with LAFCo policy that looks favorably on proposals that provide urban services in the denser developed and higher population areas. The annexation is also consistent with LAFCo policy that looks favorably on proposals that provide urban-type services in areas with high growth potential, which is planned for in the Mariposa Town Plan. The District is governed by the Board of Directors that is directly elected by the registered property owners within the District’s boundaries. MPUD can provide acceptable service to the subject property and is the only provider in the Mariposa area and can provide the best service to the site.

3. The annexation has been processed in accordance with the California Environmental Quality Act (CEQA).

   In accordance with CEQA and the Public resources Code, an Initial Study was prepared for the project. The Initial Study concluded that the annexation
would not have a significant impact on the environment and recommended the adoption of a Negative Declaration. The Initial Study was submitted to the State Clearinghouse and to affected local agencies. A 30 day Clearinghouse review was established and ended on October 22, 2009 with no adverse comments from affected agencies. A duly noticed public hearing was scheduled on December 8, 2009 and public testimony will be considered as part of the record. The Commission adopted a resolution approving Negative Declaration for the project.

**Comments from Affected Agencies:**

**Resource Conservation District**

The Resource Conservation District (RCD) requested that for all future projects proper erosion control measures shall be taken on all disturbed soils in constructing the necessary water and wastewater mains. The comment also requested the ability of RCD to comment on all future construction projects.

Water and wastewater mains have already been installed to the property boundaries. All future utility construction will be on-site and subject to the requirements of the County Grading Ordinance. This ordinance established regulation and standard for the erosion control and re-vegetation of disturbed soils. Any future project would be subject to review and comment by the RCD.

**Mariposa County Department of Public Works**

No comments.

**Environmental Review:**

In accordance with CEQA Guidelines, Mariposa County LAFCo is the Lead Agency since it is the public agency responsible for approving the annexation project (Section 15051(a) Guidelines for CEQA. An Initial Study (IS) was prepared for the project, and it concluded that there were no significant impacts associated with the project and recommended the filing of a Negative Declaration with no mitigation measures.

The Executive Officer is recommending the adoption of a resolution that would approve a Negative Declaration for the project. A copy of the Initial Study is included in the report as Attachment 3.

**Attachments:**

Attachment 1 – Resolution of Application from Mariposa Public Utility District
Attachment 2 – Service Area Plan
Attachment 3 – Initial Study
Attachment 4 – Draft LAFCo Resolution
Attachment 1

Mariposa Public Utility District
Resolution of Application 2004-1529
RESOLUTION #2004-1529
A RESOLUTION OF APPLICATION

By the Mariposa Public Utility District (MPUD) requesting the Local Agency Formation Commission (LAFCO) to take proceedings for annexation of unincorporated land to the Mariposa Public Utility District.

RESOLVED, by the Mariposa Public Utility District Board of Directors that

WHEREAS, MPUD desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation; and

WHEREAS, the proceedings will propose to add approximately sixty-five (65) acres to MPUD and propose the following changes of organization: annexation; and

WHEREAS, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is consistent with the sphere of influence of the affected District; and

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

(See MPUD Resolution #2003-1507 attached); and

WHEREAS, the reasons for this proposal are as follows:

Project owners have requested MPUD public services (water, sewer and fire protection) for proposed development on the property.

WHEREAS, the Board of Directors has adopted a service area plan for the affected territory, attached hereto and by this reference incorporated herein.

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Board of Directors of the Mariposa Public Utility District, and the Local Agency Formation Commission of Mariposa County is hereby requested to take proceedings as stated above according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

PASSED AND ADOPTED this 17th day of August 2004 by the following vote:

AYES: Directors Muller, Bondshu, Finney & Radanovich

NOES: None

ABSENT: Director McKnight

ABSTAIN: None

[Signature]
Chairman, Board of Directors

ATTEST:

[Signature]
Clerk, ex-officio, Secy.
Attachment 2

Service Area Plan
Section 14.040 of the Mariposa LAPCo Policies, Procedures, and Standards Manual requires all applications to include information on the services to be extended or provided, how the services will be provided, and the costs of those services. For applications initiated by petition, the applicants must provide the information required below and the information must be complete and accurate. Any information on the affected district which is of public record is available to you from the district.

1. List the types of services which will be extended or provided to the affected territory.
   
   Public water, wastewater disposal and fire protection

2. Describe the level and range of those services.
   
   WATER: Potable water service in compliance with Federal and Calif.
   State drinking water requirements. MPUD water system State Dept.
   of Health Services Permit #22-001
   
   WASTEWATER: Wastewater collection and treatment in compliance with
   Federal and Calif. State NPDES requirements. MPUD Calif. NPDES Permit
   No: CA0079430
   
   FIRE: Availability of two pumpers (1967 1000 gpm and 1986 1250
   gpm) and one quint (1975 1500 gpm w/50' ladder/snorkel). Staffed
   by volunteer/paid call fire fighters.

3. Indicate when the services will be extended or provided to the affected territory.
   
   Refer to MPUD Resolution #2003-1507. The property owners will be
   responsible to extend wastewater collection lines and water distribution
   lines when service is desired for development.
4. Indicate the improvements or upgrading of structures, roads, sewer or water facilities, or other infrastructure necessary to serve the affected territory with the listed services (e.g. construction of 4" diameter water main along Main Street from Poplar Avenue to Elm Avenue).

WATER: Construction of 10" and 12" PVC water main along the southern boundary of Parcel 2 as shown on LDA 2003-158 and from that southern boundary to Parcel #1 (proposed Baptist Church).

WASTEWATER: Construction of 8" PVC sewer main from an existing manhole in State Hwy. 49 at the access road to Parcel #2.

5. Indicate and itemize the approximate costs of extending the services and constructing the improvements.

Design of water main and wastewater collection mains is currently taking place. Construction cost estimates may be available when design is complete.

6. Discuss how the services and improvements will be financed.

Refer to MPUD Resolution #2003-1507. Property owners are responsible for all costs associated with extension of public water and sewer services.

ATTACH ADDITIONAL SHEETS IF NECESSARY

I, Mark Downey, being the project applicant or agent authorized to act in behalf of the project applicant, declare under the penalty of perjury that this form contains all required information and the statements and information contained herein are in all respects true and correct to the best of my knowledge. I understand that the processing of the application

1/12/94
will be delayed if any required information is incorrect, incomplete, omitted, or illegible.

Signature

Date 8-30-04
FIELD OF DREAMS/BAPTIST CHURCH ANNEXATION:

SERVICE AREA PLAN

The project will affect the capacity of public facilities. MPUD will only address the services to be provided by the District, i.e., water, wastewater and fire protection.

WATER:
The District permitted water sources include two surface and four groundwater sources. The surface water sources are permitted under water right licenses issued by the Calif. State Water Resources Control Board. The maximum water available from surface water sources is over 5,000 acre feet per year. The current annual water demand of the MPUD service area is 480 acre feet per year. The current untreated surface water conveyance system capacity based on 12 hours pumping per day is 2,200 acre feet per year. The ground water sources can provide up to 270 gpm, or 70,956,000 gallons per year (pumping 12 hours per day), or 217 acre feet per year.

All surface water must be treated at the water treatment facility (WTF) located on Powderhouse Road. The WTF is operated near capacity during peak flow in August. The ground water sources are operated at 26% of pumping capacity (12 hours per day based on a maximum pumping of 12 hours per day). Wells pump directly to the distribution system and do not require full treatment.

The water distribution system consists of four pressure zones with a total of 2,072,000 gallons of potable water storage. Distribution of water currently available in the project area must be pumped from the water treatment facility. Water is pumped through two booster stations to a one million gallon water tank located at an adequate elevation to gravity feed to the entire project area. Although the storage capacity and elevation are adequate for the project area, the pumping system and pipe size up to the project pressure zone is not adequate to maintain the required supply to the tank at the full reported water demand of the sports complex project.

WASTEWATER:
The wastewater treatment facility (WWTF) was constructed in 1983. The design treatment capacity (flow) was based on the projected future wastewater demand for the Mariposa Town Planning Area (MTPA). The proposed project area is within the MTPA boundary as it was described in 1984. The WWTF is currently running at approximately 33% of dry weather design flow. Design dry weather is .610 mgd. The facility and operation is in compliance with current NPDES requirements. The capacity of the existing collection system at the minimum slope (8" pipe at 1.2% worst case condition) is .432 mgd. The current flow in the existing 8" main is estimated at less than .100 mgd dry weather flow.

The wastewater collection system from the project site to the WWTF meets current construction standards and has adequate capacity for both intended projects as described in this annexation proposal.
FIRE:
MPUD's fire equipment includes a 1986 Westates 1250 gpm pumper housed at the MPUD office on 7th Street, a 1967 Van Pelt 1000 gpm pumper and a 1975 Seagrave 1500 gpm quint with a 50' ladder/snorkel buildup, both housed at MPUD Fire Station #1 on Hwy. 49 North at Smith Road. In addition, MPUD owns and operates a self-contained breathing apparatus (SCBA) filling station. The Fire Chief, appointed by the Board, oversees a group of paid call fire fighters who are paid for emergency response within the District, drill and equipment maintenance. MPUD has two station: Station #1 on Hwy. 49 North & Smith Road, and Station #2 at the MPUD office on 7th Street.

SERVICE REQUIREMENTS FOR THE PROJECT AREA:
The proposed projects for the area to be annexed include a church complex for the Baptist Church and the Mariposa County Sports Complex (Field of Dreams). The District currently has limited information on the demands these projects will have on the MPUD facilities.

MPUD staff has prepared the following service demand requirements based on information submitted by Mariposa County Public Works and the Baptist Church. The Baptist Church is further along in project planning and design providing more complete information for utility service demand estimates. At the time of current application for annexation to MPUD, the Mariposa County Sports Complex project is in the beginning stages of planning and design. As the project develops the District will be providing recommendations and requirements for the provision of utility services.

BAPTIST CHURCH

The Baptist Church proposes to construct a new church facility including school room, sanctuary and appurtenant structures.

The Mariposa County Planning Office use permit describes the project as follows:

1. 20,223 sq. ft. main building including a 4,795 sq. ft. sanctuary for 548 persons, nursery, offices, library, chapel and classrooms.

2. Two 4,380 sq. ft. (total 8,760 sq. ft.) School buildings with a total capacity for 150 students and a small play area.

3. 14,444 sq. ft. multi-purpose buildings for church related activities.

4. A parsonage with a 2,400 sq. ft. structure to be used for vehicles and storage.

5. There is an existing 2,400 sq. ft. metal storage building on the site.

6. The project is to be situated on a 21.58 acre parcel.
Access to public water and wastewater services will require the extension of existing water mains and wastewater collection mains. Water distribution mains must be constructed to provide required fire flow, normal water use demands and consideration of future development and extension beyond the proposed project area. The cost of all improvements are the responsibility of the project proponents.

Water use is estimated based on full project build out compared to facilities in the current District service area. Comparing the proposed project to the existing Catholic and Baptist's churches should be adequate to address the proposed sanctuary, activity building and parsonage. Comparison with the Mariposa County Elementary School should address the per student water demand plus some demand from outside irrigation for landscaping and outside sports areas.

Catholic Church and existing Baptist Church:
  Monthly avg. use over one year = 28,000 gallons
  Peak Month = 54,000 gallons

Mariposa Co. Elementary School:
  Monthly avg. use over one year = 4,800 gallons (32 gallons per day per student X 150 students)
  (Also includes summer irrigation and no students)

System demand should be based on highest use per day. Treatment and distribution facilities must be able to supply water at peak demand. The peak demand is calculated at 6600 gallons per day. Considering the distribution system capacity in the elevated pressure zone, 6600 gallons per day will require 10 gpm pumping 12 hours per day additional demand on the existing distribution and treatment facilities, or groundwater supplies. For this project alone, the existing water system has adequate capacity.

Wastewater estimated discharge:

Sanctuary 5-7 gallons/seat 3,836 gallons per day
Office 20 gallons/person x 2 40 “
School 25 gallons/student x 150 3,750 “
Parsonage/SFR 300-400 gallons/day 300 “
Total 7,926 gallons per day

The estimated flow of 7,926 gallons per day is well within the capacities of the WWTF and the existing collection system.
MARIPOSA COUNTY SPORTS COMPLEX (FIELD OF DREAMS)

Mariposa County Public Works has submitted some water use estimates provided by their consultant. At that time (February 7, 2002) the project was to be located on 35 acres. Mariposa County has acquired more than 35 acres, however, Public Works indicates the full project size and water demand has not changed. Information available at this time:

1. At full build out the project will use an estimated 10,625,000 gallons per year – primarily for irrigation.

2. Most of the water use will occur between May and September.

3. The daily demand is estimated at 60,000 gallons with a peak flow requirement of 83 gpm.

Access to public water and wastewater services will require the extension of existing water mains and wastewater collection mains. Water distribution mains must be constructed to provide required fire flow, normal water use demands and consideration of future development and extension beyond the proposed project area. The cost of all improvements are the responsibility of the project proponents.

Comparing water use of an existing sports facility (high school ball fields), the above estimated water use may be low. However, the new facility will most likely utilize more efficient turf and water systems. This project is still in the development and planning stages. If current design information is insufficient (i.e., low water use estimate) the project proponent will be required to provide for the means to improve the public water supply system to meet their needs at the time additional design/plans are available. See MPUD terms and conditions resolution #2003-1507.

At the reported full build out water demand of 60,000 gallons per day, the public water supply will be required to produce 83 gallons per minute for 12 hours per day. This exceeds the current capacity of the existing water treatment and distribution system pumping capacity. MPUD reported the deficiency to Mariposa County Public Works in a written communication dated January 28, 2003. In that communication the District estimated 25,000 gallons per day may be available through the existing water system.
Attachment 3

Initial Study
A. PROJECT APPLICATION INFORMATION:

Project Title: LAFCo Annexation 2009-001

Lead Agency: Mariposa County Local Agency Formation Commission

Comments Due By: October 21, 2009

Contact Person: Larry Enrico, Senior Planner
County of Mariposa Planning Department
5100 Bullion Street, Mariposa CA 95338
Phone: (209) 742-1222 Fax: (209) 742-5024
Email: lenrico@mariposacounty.org

Project Applicant: Name: Mariposa Public Utility District
P.O. Box 494, Mariposa, CA 95338
Phone Number: (209) 966-2515

Project Description: The proposed project is the annexation of approximately +/- 74.17 acres into the Mariposa Public Utility District service boundaries. The property comprises two zoning districts and land uses in the Mariposa Town Planning Area Town Plan. The Professional Office Zone extends along the State Highway frontage, encompassing approximately +/- 1.19 acres. The remainder of the property, approximately +/- 72.98 acres, is in the Single-Family Residential, 1/2 (SFR-1/2) Acre Minimum Zone and land use.

No residential subdivision development is proposed with this annexation. No buildings, structures, or any other physical change is proposed. Water and sewer mains could be constructed to provide service to the site. The annexation area is uninhabited.

Site Development Characteristics: The site is comprised of two properties.

Property 1, APNs 012-142-023 and 012-142-025 are owned by the Mariposa First Baptist Church and is comprised of approximately 21.58 acres. A Conditional Use Permit for a church was approved by the Mariposa County Planning Commission, and the church is under construction. A condition of approval of the church was obtaining water and sewer service from MPUD. The Church has an out-of-service area agreement with the MPUD to provide water and wastewater services.

Property 2, APNs 012-140-026 and 012-142-027 are approximately 52.59 acres. Property 2 is vacant, and is owned by Mariposa County. The County has no immediate plans for this property. Mariposa County might
decide to use a portion of this site for public recreation. However, no
decision has been made by the County on the use of the property formerly
known as the "Field of Dreams" site, which would require a zoning and
land use amendment for recreational uses.

There are no amendments being requested with this annexation. Any
public recreational project or zoning and land use amendment would be
subject to discretionary review and the California Environmental
Quality Act, and would be based upon specific proposals and designs.
Absent definitive plans for recreational uses or amendments to the
zoning and land use, this Initial Study was prepared based upon the
existing zoning and land uses for the Mariposa Town Planning Area
Town Plan, which are coterminous with each other.

Project Location:  The project is located on the north end of the Town Planning Area,
with a 32 foot frontage on Highway 49 North near the Cal Fire
headquarters; and it has frontage on Hospital Road, just north of the
John C. Fremont Hospital. APNs 012-142-025, 012-142-026, and 012-
142-027.

Project Environment  The project site consists of pine-oak woodlands and brush land. The
area was settled in the mid-19th century, and while the property is
mostly vacant, the land has been modified by man’s proximity and the
use of natural resources in building the community. However, the site
still retains many oaks and brush providing habitat to a variety of
wildlife.

B. PROJECT IMPACT TO ENVIRONMENTAL FACTORS:

(blank): no impact
L: Less than Significant Impact
M: Less than Significant Impact with Mitigation
PS: Potentially Significant

<table>
<thead>
<tr>
<th>Aesthetics</th>
<th>Agriculture Resources</th>
<th>Air Quality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological Resources</td>
<td>Cultural Resources</td>
<td>L</td>
</tr>
<tr>
<td>Hazards &amp; Hazardous Mat.</td>
<td>Hydrology/Water Quality</td>
<td></td>
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<tr>
<td>Mineral Resources</td>
<td>Noise</td>
<td>L</td>
</tr>
<tr>
<td>Public Services</td>
<td>Recreation</td>
<td>L</td>
</tr>
<tr>
<td>Utilities/Service Systems</td>
<td>Transportation/Traffic</td>
<td>L</td>
</tr>
</tbody>
</table>

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Section A—CEQA Determination of Impact ................................................................. 6
Section A
CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

☐ 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ 4) I find the proposed project MAY have a “potentially significant impact” or “Less Than Significant With Mitigation” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: __________________________ Date: __________________________
Larry Enrico
September 18, 2009

Title: Senior Planner Representing: County of Mariposa

Signature: __________________________
Section B
ENVIRONMENTAL CHECKLIST
EVALUATION OF ENVIRONMENTAL IMPACTS

B.1 AESTHETICS

<table>
<thead>
<tr>
<th>1. AESTHETICS Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

B.1.a Scenic Vista
A significant impact would be one that has a substantially adverse effect on a scenic vista. There are no Mariposa County ordinances, policies, resolutions or other documents that identify designated scenic vistas. Areas surrounding the town of Mariposa have been zoned Scenic Resource, and have specific Town Plan policies along zoning standards and regulations to protect the scenic resource. The project is not located in any of these scenic resource zones.

The annexation to the MPUD does not include any specific projects at this time. Approximately .5 acres of the project site is in the Professional Office (PO) Zone, and is subject to the Design Review Overlay Zone which provides discretionary review by the County to ensure compliance with proper design standards for protecting scenic resources. The property is part of the rolling hills around the Mariposa community and not a particular focal point for scenic views.

A church is currently located on the 20.8 acre parcel owned by the Baptist Church, and was subject to a conditional use permit that considered the scenic and aesthetic qualities of the project. There are no plans on the church's part to use the small portion of their property in the PO zones or to subdivide the property into ½ acres minimum lots at this time. The Mariposa Town Planning Area Specific Plan was adopted with a certified Environmental Impact Report in accordance with State law. The 74.4 acres in the SFR-1/2 zone could be developed into single family residences, in accordance with the Mariposa Town Planning Area Specific Plan. Due to these factors, the project will have a less than significant impact.
B.1.b State Scenic Highway
A significant impact would be one that substantially damages scenic resources such as trees, rock outcroppings and historic buildings along a state scenic highway. A Scenic Highway Overlay Zone (SHOZ) exists along State Highway 140 from the northerly end of the Town of Mariposa to the community of El Portal just outside of the Yosemite National Park Hwy 140 entrance. The subject property is not within the SHOZ. Thus, there is no impact.

B.1.c Aesthetics
A significant impact would be one that substantially degrades the existing visual character or quality of the site and its surroundings. The project does not involve the construction of any physical structures, but residential uses are planned for the area. The application involves annexation of land into MPUD to provide the services anticipated by the Town Plan densities for residential purposes. The future construction of structures will change how the property currently looks. The Mariposa Town Planning Area is the rural urban center for the County, and due to the concentration of residential, commercial, industrial and governmental uses, has a completely different character than the rural areas that encompass the vast majority of the property in the County.

The Mariposa Town Plan and Final EIR established policies on the development of all uses in the Town Planning Area. The zoning and Town Plan establishes zoning regulations on the style of buildings, grading, setbacks, and height, and standards to name a few. These regulations were adopted and are enforced in accordance with the mitigation measures identified in the Final EIR for the Town Plan. The annexation site is also subject to these regulations.

Without a specific development to review, it is not possible to determine effects on the areas aesthetics, and will need to be evaluated at the time actual development occurs. Significant impacts to the areas aesthetics will not occur because future development of uses will be in accordance with the standards and regulations of the Town Plan, the standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with the area’s aesthetics to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.1.d Create Light or Glare
A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The Mariposa Town Planning Area is the rural urban center for the County, and due to the concentration of residential, commercial, industrial and governmental uses, has a completely different character with respect to additional lights and activity that the community center creates. The amount of light generated in the community is generally much greater than seen in the rural low density areas of the County.

The project does not involve the construction of any physical structures, but the Town Plan does identify zones and land uses for the area. The application involves annexation of land into MPUD to provide the services anticipated by the Town Plan densities for office and residential purposes. The future construction of structures will include additional lighting.

The Town Plan and zoning establish standards for the use of lighting, and the creation of glare. In particular, the Plan’s standards require the use of cut-off lighting meeting dark sky standards for office and commercial uses, and regulations require that all lighting be directed to and remain on-site and not onto adjacent properties, thus reducing glare. The Town Plans Design Review process will evaluate the any specific project’s proposed lighting plan. These regulations apply to the property at this time and for any future uses.
Without a specific use to review, it is not possible to determine impacts to light and glare for the area. That will need to be evaluated at the time actual development occurs based upon the uses, densities and design of a specific project. Significant impacts from light and glare will not occur because future uses will be in accordance with the standards and regulations of the Town Plan, the standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with the introduction of light and glare in the area to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.2 AGRICULTURAL RESOURCES

<table>
<thead>
<tr>
<th>2. AGRICULTURE RESOURCES Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

B.2.a Convert Farmland to Non-Agricultural Use
A significant impact would be one that converts farmland designated as “prime,” “unique” or “farmland of statewide importance” to non-agricultural uses. No farmland designated as “Prime”, “Unique”, or “Farmland of Statewide Importance” exists on the project site (Mariposa County Important Farmland Map, 2004). Thus, there is no impact.

B.2.b Conflicts with Zoning for Agricultural Use or a Williamson Contract
A significant impact would be one that conflicts with agricultural zoning or a Williamson Act contract. Agricultural zoning that is not subject to a Williamson Act Contract can be used for residential purposes, with no more than two residences per parcel. There are more than 200,000 acres of property in Mariposa County that is under Williamson Act contract. A residential use on a property under Williamson Act is permitted only if it is necessary to support the agricultural use of the land, which would include farm worker housing.

None of the proposed annexation area is in the Williamson Act. There is property under Williamson Act contract southwest of the town of Mariposa, but the subject property is separated from this area by Highway 49 North and the hillsides on the southwest side of the town. The planned use of this property
for the long-term for residential uses will not affect the continued use of the Williamson Act property for agricultural purposes. The project will have no impact.

**B.2.c Convert Farmland to Non-Agricultural Uses**
A significant impact would occur if the project involves other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural uses. There is no farmland on this property, so the annexation will not be a conversion of any farmland for non-agricultural uses. Thus, the project will have no impact on farmland conversion.

### B.3 AIR QUALITY

<table>
<thead>
<tr>
<th>3. AIR QUALITY</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>

**B.3.a and b. Air Quality Plan and Violation of Air Quality Standards**
A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan. A significant impact would be one that violates any air quality standard or contributes substantially to an existing or projected air quality violation. Under the California Clean Air Act of 1988, districts designated as non-attainment for state Clean Ambient Air Quality Standards (CAAQS) must submit a plan for attaining or maintaining state standards for these pollutants.

Mariposa County is located in the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the Mariposa County Air Pollution Control District (MCAPCD). The MCAPCD has not yet adopted recommended significance thresholds for air quality review of development projects subject to the
California Environmental Quality Act (CEQA) within District boundaries. Mariposa County is classified as either attainment or unclassified status for all federal air quality standards, except ozone. The Mariposa County Air Pollution Control District has not prepared an attainment plan; however, they are in the processing of preparing such a plan. The plan is expected to be completed in 2009. Since a plan has not been prepared at this time, the project will have no impact on the applicable air quality plan.

The closest Air Pollution Control District that has published criteria for thresholds of significance is the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The SJVUAPCD is a much larger district, located to the south and west of the project. The SJVUAPCD has the most protective standards for assessing the significance of impacts of a project of any of the 3 air pollution control districts that adjoin the MCAPCD. For comparison purposes, the Guide for Assessing and Mitigating Air Quality Impacts, SJVUAPCD was used to look at this project and it was determined that the project would not have a significant impact if it were located within the jurisdiction of the more restrictive SJVUAPCD. Therefore, the project will have a less significant impact.

B.3.e Cumulative Impacts

A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). Actions taken by the State of California to reduce Greenhouse Gas (GHG) emissions in the state, including AB 32, the California Global Warming Solutions Act of 2006, do not include methods for determining cumulatively considerable increases in GHG generated by individual projects. SB 375 made findings and declarations relative to greenhouse gas emissions and linked transportation and the California Environmental Quality Act (CEQA) and required that draft guidelines be developed by June, 2010, with final adoption in September, 2010.

The potential impacts of Greenhouse Gas (GHG) emissions were addressed in the Air Quality impacts section of the Certified 2006 Environmental Impact Report for the Mariposa County General Plan. The General Plan EIR GHG impacts discussion is repeated below:

"Impact AQ-4. Build-out of the proposed General Plan may result in changes in air movements, moisture, temperature, or climate. However, no projects of the magnitude that would cause such impacts are anticipated in the County. Major projects that would produce large amounts of greenhouse gases are likewise 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.

Plan Policies that Serve as Mitigation

If, in the unlikely event, 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. This would result in impacts that are at a level of less than significant. Policies serving as mitigation are not required for inclusion in the General Plan."

Subsequent to the 2006 certification of the General Plan EIR, the state of California enacted a statute known as AB 32 which identifies the statewide goals of;

(a) achieving by 2020 a statewide greenhouse gas emissions limit no higher than total 1990 Statewide GHGs, and
(b) continuing after 2020 to achieve even further reductions in greenhouse gas emissions.

The Act requires the California Air Resources Board (CARB) to adopt lists, plans, and regulations to advance these goals. The CARB approved its Scoping Plan to reduce GHG emissions on December 12, 2008. The Scoping Plan contains measures to roll back California GHG emissions and the CARB is developing detailed emission reduction strategies that must be in place by 2012.

The Governor’s Office of Planning and Research (OPR) has proposed amendments to the CEQA Guidelines for the mitigation of GHG emissions pursuant to Public Resources Code section 21083.05. OPR transmitted its proposed CEQA Guidelines Amendments to the Natural Resources Agency on April 13, 2009. The Natural Resources Agency’s rulemaking process is continuing, and must be completed by January 1, 2010. However, indications are that the process may be completed earlier.

Because the rulemaking process leading to adopted amendments to the CEQA Guidelines is not complete, the following discussion is based on the proposed CEQA Guidelines amendments, which may be modified during the final rulemaking discussions.

The sections of the Proposed Amendments relevant to this discussion include the following:

- Section 15364.5 - which defines greenhouse gases as including, but not limited to, carbon dioxide, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- Section 15130 Cumulative Impacts - which states that a summary of projections in previous general plans or long range development plans can be supplemented with appropriate modeling to determine if the increment is cumulatively considerable.
- Section 15183.5 Tiering - which allows GHG analysis at the programmatic level that may later be incorporated into subsequent project level analyses by reference.

Appendix G Environmental Checklist Form for preparation of CEQA documents includes a new Section VII Greenhouse Gas Emissions asking whether the project will:

a) “Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.”

b) “Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.”

DISCUSSION

Background and U.S. Greenhouse Gas Emissions

The burning of fossil fuels, such as coal and oil, and destruction of forests increase the amount and concentrations of “greenhouse gases” in the atmosphere. These gases retain heat in the atmosphere and contribute to increases in average global atmospheric temperatures and climate change. Eleven of the last twelve years rank among the 12 warmest years on record (since 1850), with the warmest two years being 1998 and 2005. Other aspects of the climate are changing such as rainfall patterns, snow and ice cover, and sea levels.
If greenhouse gas emissions continue to increase, climate models predict that the average temperature at the Earth’s surface could increase 3.2°F to 7.2°F (or higher) above 1990 levels by the year 2100.

California Greenhouse Gas Emissions

Table 1 lists 2006 California greenhouse gas emissions estimated by the CARB based on equivalent emissions were approximately 528 million U.S. tons in 2006. As shown in the table, over 87 percent of greenhouse gas emissions from within California occur from energy production/consumption, with electricity generation comprising 20 percent (100 million metric tons) and road transportation comprising 33 percent (167 million metric tons). It is important to note that federal and state regulatory processes apply to both motor vehicle emissions and electrical generation facility emissions. Motor vehicle emission standards and electrical generation facility operations and emissions are not subject to regulation by Mariposa County.

<table>
<thead>
<tr>
<th>Category</th>
<th>CO2 Equivalent (million U.S. tons)</th>
<th>Percent Total (of gross)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>204.35</td>
<td>38.4</td>
</tr>
<tr>
<td>Electric Power</td>
<td>116.51</td>
<td>21.9</td>
</tr>
<tr>
<td>Commercial and Residential</td>
<td>48.81</td>
<td>9.1</td>
</tr>
<tr>
<td>Industrial</td>
<td>105.66</td>
<td>19.9</td>
</tr>
<tr>
<td>Recycling and Waste</td>
<td>6.94</td>
<td>1.3</td>
</tr>
<tr>
<td>High Global Warming Potential Gases</td>
<td>16.66</td>
<td>3.1</td>
</tr>
<tr>
<td>Agriculture</td>
<td>33.14</td>
<td>6.2</td>
</tr>
<tr>
<td>Forestry</td>
<td>0.21</td>
<td>&gt;0.01</td>
</tr>
<tr>
<td>Total Gross Emissions</td>
<td>532.26</td>
<td>100.00</td>
</tr>
<tr>
<td>Forestry Net Emissions</td>
<td>-4.48</td>
<td>0.08</td>
</tr>
<tr>
<td>Total Net Emissions</td>
<td>527.78</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: California Air Resources Board, March 13, 2009

Carbon Sequestration

Carbon storage (sequestration) occurs in forests and soils primarily through the natural process of photosynthesis. Atmospheric carbon dioxide is taken up through leaves and becomes carbon in the woody biomass of trees and other vegetation. Approximately half of vegetation mass (biomass) is carbon. When vegetation dies and decays, some of this carbon makes its way into soils; however, carbon

---

1 The CARB emissions estimates are reported in metric tons (tonnes). One (tonne) is the equivalent of 2,200 pounds and one U.S. ton (short ton) is 2,000 pounds, which results in a conversion of 478.80 million tonnes to 527.78 million short tons.
(in the form of carbon dioxide) can return to the atmosphere when agricultural tillage practices stir up soils or when biomass decays and/or burns. Forests and agricultural soils can both sequester and release carbon dioxide and the net effect is dependent upon site-specific circumstances.

The term “sinks” is used to refer to forests, croplands, and grazing lands, and their ability to sequester carbon. Agriculture and forestry activities can release CO₂ to the atmosphere. Therefore, a carbon sink occurs when carbon sequestration is greater than carbon releases over some time period. Carbon sequestration rates vary by tree species, soil type, regional climate, topography and management practice.

Carbon can be sequestered in forests/woodlands over decades or even centuries, until mature ecosystems reach a stage of carbon saturation; however, as natural decay or other events such as fire or harvesting occur carbon is released back to the atmosphere as carbon dioxide. Carbon from forests can be stored in wood products like furniture and housing lumber for up to several decades. However, ultimately much of the carbon in wood products eventually decays and can be released back to the atmosphere as carbon dioxide. (US EPA, 2006)

In terms of its global warming impact, one unit of CO₂ released from a car’s tailpipe has the same effect as one unit of CO₂ released from a burning forest. Likewise, CO₂ removed from the atmosphere through tree planting can have the same benefit as avoiding an equivalent amount of CO₂ released from a power plant. However, the climate benefits of sequestration practices can be partially or completely reversed because terrestrial carbon can be released back to the atmosphere through decay or disturbances. Trees that sequester carbon are subject to natural disturbances and harvests, which could suddenly or gradually release the carbon back to the atmosphere. And if carbon sequestration practices in agriculture, such as reduced tillage, are abandoned or interrupted, most or all of the accumulated carbon can be quickly released. Some sequestration practices, like tree planting and improved soil management, reach a point where additional carbon accumulation is no longer possible. For example, mature forests will not sequester additional carbon after the trees have fully grown. At this point, however, the mature trees or practices still need to be sustained to maintain the level of accumulated carbon. (US EPA, 2006)

Greenhouse gas emissions (and sequestration) inventories are not available specifically for Mariposa County or for the Mariposa area. In consideration of the statewide emissions and percentages listed above, the most likely contributing factors for greenhouse gas emissions within the Mariposa Town Plan area are transportation activities (goods transportation and personal automobile use) and electricity consumption. Electricity is supplied to the Project area by PG&E.

As reported by PG&E (2007), the carbon dioxide emissions rate of PG&E-owned electric generation was 44 pounds per megawatt-hour (lbs/MWh), while the independently certified CO₂ emissions rate associated with the power sold by PG&E to its customers was 489 lbs/MWh. The national average carbon dioxide emissions rate for power generation was approximately 1,363 lbs/MWh and the California average CO₂ emissions rate was approximately 879 lbs/MWh, as shown in Table 2.

<table>
<thead>
<tr>
<th>Table 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comparison of 2005 PG&amp;E, California and U.S. Electricity Production Average</td>
</tr>
<tr>
<td>Pounds of Carbon Dioxide Emissions per Megawatt Hour</td>
</tr>
<tr>
<td>PG&amp;E Average</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>489 lbs/MWh</td>
</tr>
</tbody>
</table>
Source: PG&E, 2007

Transportation, energy use and other activities associated with existing and planned commercial and residential uses are anticipated to result in greenhouse gas emissions typical of rural community activities. Vegetation cover on the Community Plan area's open space creates a continuous cycle of carbon dioxide uptake and release during the growth and decay of plant material. It is anticipated that the cycle of carbon dioxide uptake and release is balanced with a limited, if any, net absorption of carbon dioxide.

In addition, GHG emissions will occur as a result of electricity consumption within the Mariposa area. These emissions will occur at the source of production and could occur hundreds of miles distant from Mariposa County; nonetheless, these emissions will contribute to total worldwide GHG emissions. In 2006 statewide GHG emissions are estimated at approximately 528 million U.S. tons, less than 1 percent of the estimated 2006 U.S. GHG emissions of approximately 6.63 U.S. billion tons. (USEPA, 2009)

There are no established legally binding or advisory federal, state, county or air district thresholds of significance to which the above emissions can be compared. For the purposes of this discussion, the County has taken the following approach in determining the significance of the Project's greenhouse gas emissions. The issue is a matter of cumulative impacts, as the project's greenhouse gas emissions, by themselves, are such a small percentage of worldwide GHG emissions as to create no discernable effects of the kind occurring cumulatively (rising temperatures, changed weather, etc.). The question therefore becomes whether the project's incremental contribution to a significant worldwide cumulative impact is itself "cumulatively considerable."

Although the County is aware that "the 'one [additional] molecule rule' is not the law" (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 120), the County declines, however, to set "no net increase" as a CEQA threshold that must be met to avoid a finding of significant effect. Still, the County is aware that "the greater the existing environmental problems are, the lower the threshold should be for treating a project's contribution to cumulative impacts as significant." (Communities for a Better Environment, supra, 103 Cal.App.4th at p. 120.)

Another factor to consider is how well a project accords with statewide policy set forth in AB 32, which envisions a changing regulatory climate in California over the next decade leading to dramatic reductions in overall Statewide GHG emissions.

In enacting AB 32 the Legislature did not intend to so burden entrepreneurs acting within the State economy as to render their projects financially infeasible or uncompetitive. The State's heavy reliance on fossil fuels for transportation and energy sources is the primary problem to be addressed in achieving the Act's objectives. Land use decisions can exacerbate climate change by contributing to the needless consumption of electricity and GHG-emitting vehicle fuels; but, even so, good planning can only achieve limited results as long as the energy and transportation sectors remain highly dependent on fossil fuels.

Finally, this conclusion is consistent with what the County perceives to be the legislative intent behind AB 32. Consistent with long-standing CEQA methodologies developed for traditional air pollutants, the emission calculation methodology used for this analysis treated project emissions as if they were all "new" emissions, and does not correct for the fact that many of the future residents generating GHG emissions associated with implementation of the Town Plan could simply be moving from an existing location to Mariposa. Therefore, even recognizing that new structures generate new emissions from
construction activities and monthly power consumption, the Community Plan’s net contribution of GHG emissions to global climate change would likely be less than the estimates set forth in this discussion. Community Plan implementation will not directly induce increased birth rates leading to a net increase in GHG-emitting human beings. Rather, the Plan will provide existing human beings with additional places to live and work. For similar reasons, the Community Plan area’s proportion of global and statewide emissions would be less than described above.

Another factor to keep in mind is the reality that land use decisions can have only limited effects on reducing GHG emissions. Other than insisting on aggressive energy conservation and taking steps to design and orient land uses to reduce overall vehicle miles traveled, a city or county has few additional options for making additional GHG emission reductions.

For all of these reasons, the County has taken a conservative approach and has determined that implementation of the Mariposa Town Plan will not create a cumulatively considerable incremental contribution to global climate change. This conclusion is not intended to trivialize or minimize the many respects in which the Plan addresses energy conservation issues, or to minimize the need to provide for mitigation measures on a project-level basis. Due to these factors, the project will have a less than significant impact.

B.3.d Sensitive Receptors to Pollutants
A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these populations groups would reside for long periods. These groups include children, elderly, the acutely ill and the chronically ill, and typical land uses include schools, residential care facilities, and hospitals. Such land uses are located throughout Mariposa County, but in general are more concentrated in the town planning areas.

Office or residential development, through a design review, subdivision or a building permit, does not have inherent properties that would cause it to produce concentrations of pollutants that would impact these population groups. Throughout Mariposa County residential development is always located in close proximity to these sensitive receptors, and there are no problems associated with their close proximity to one another. Thus, there is no impact.

B.3.e Objectionable Odors
A significant impact would be one that creates objectionable odors affecting a substantial number of people. The type of development associated with the project should not create any objectionable odors. Thus, the project will have no impact.

B.4 BIOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>4. BIOLOGICAL RESOURCES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations,</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<table>
<thead>
<tr>
<th>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td>✓</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>✓</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>✓</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>✓</td>
</tr>
</tbody>
</table>

**B.4.a Candidate, Sensitive or Special Status Species**

A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species. Mariposa County has many environments that support these species. In some cases the environments are confined to specific microclimate or biological areas within the county, or the environment might cover hundreds of square miles. Numerous biological studies have been conducted throughout the county for specific public and private projects.

The Final Impact Report (EIR) adopted by the County for the Mariposa Town Planning Area Town Plan included mitigation measures and mitigation monitoring that requires biological surveys at the time that soil is disturbed or habitat reduced. The proposed annexation will not result in an immediate loss of habitat or the disturbance of soils. In keeping with the mitigation measures of the Town Plan, at the time that specific residential development is proposed, appropriate biological surveys will be performed in accordance with the applicable County standards, guidelines and regulations of the Town Plan, the General Plan, and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with
candidate, sensitive, or special status species to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.4.b Riparian or Other Sensitive Natural Community
A significant impact would be one that adversely affects riparian habitat or another sensitive natural community. Numerous factors such as geography, elevation, climate, and the rural nature of Mariposa County contribute to varied riparian habitat and sensitive natural communities throughout the county. Numerous biological studies have been conducted throughout the county for specific public and private projects.

The site is not within the Mariposa Creek riparian habitat, but there is a minor drainage on-site identified in the Final EIR for the Town Plan. These will require mapping and protection in the form of setbacks or easements at the time of specific residential development on the property, as required in the mitigation measures from the Final EIR. Oak tree canopy habitat is also evident on the property to be annexed. The proposed annexation will not, in itself, result in any ground or habitat disturbance.

At the time of actual development, in accordance with the mitigation measures from the Town Plan and policies of the General Plan, appropriate biological studies will need to be performed. Significant impacts to riparian and other sensitive natural communities will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the Town Plan, the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with riparian and other sensitive natural communities to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.4.c Wetlands
A significant impact would be one that adversely affects wetlands. The Mariposa Creek riparian habitat corridor lies off-site to the southwest of the proposed annexation area. None of the annexation area is within the habitat. The Final EIR for the Town Plan did not identify any other wetlands within the annexation area. However, at the time of actual development, in accordance with the mitigation measures from the Town Plan and policies of the General Plan, studies will need to be performed to identify any wetland habitats on the site that will need to be protected. Significant impacts to wetlands will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the Town Plan, the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with wetlands to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.4.d Migration/Native Wildlife Nursery Sites
A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, or with migration corridors, or one that impedes the use of native wildlife nursery sites. Given the large areas of wilderness and all of the other natural factors of climate, geography and large elevation variation, Mariposa County provides various migratory routes and nesting sites for ground and flying animals.

At the time of actual development, in accordance with the mitigation measures from the Town Plan Final EIR and policies of the General Plan, appropriate biological studies will need to be performed to identify habitat, migration sites or potential wildlife nursery sites. Adherence to the Final EIR's mitigation measures will reduce potential impacts associated with migration/native wildlife nursery sites to a less than significant level. Due to these factors, the project will have a less than significant impact.
B.4.e **Ordinances and Policies Protecting Biological Resources**

A significant impact would be one that conflicts with local ordinances and policies protecting local biological resources. Oak Woodland habitat is very common in Mariposa County. As part of all environmental review, the potential impacts from a specific project are evaluated for their impacts to the oak woodland habitat. The Mariposa County General Plan requires, as appropriate, that biological assessments be prepared for subdivision projects. For specific development projects, Mariposa County applies a mitigation measure to projects requiring specific mitigation for significant loss of oak trees due to easement roads or other on-site construction construction. This measure allows qualified consultants to propose alternative measures to reduce impacts to oak woodlands to less than significant levels. Due to these factors, the project will have a less than significant impact.

B.4.f **Conservation Plans**

A significant impact would be one that conflicts with any conservation plan. The project site is not part of or near any property which is a part of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. Thus, the project will not impact an adopted conservation plan.

### B.5 CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>5. CULTURAL RESOURCES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>d) Disturb any human remains, including those intered outside of formal cemeteries?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>

### B.5. a, b, c, d **Historic/Archaeological/Paleontological Resources/Geologic Feature**

A significant impact would be one that would cause a substantial adverse change in the significance of an historic, archaeological, unique paleontological resource; unique geologic feature; or that would disturb human remains. Mariposa County has many unique and significant cultural resources, ranging from prehistoric settlements and migratory routes, to historic sites and artifacts from the settlement of California. Numerous site specific cultural resources have been identified by way of cultural resource surveys prepared for specific projects.

The proposed annexation is not located within the Historical District Overlay Zone the Mariposa Town Plan. The Final EIR and Town Plan included a historical sites inventory. No structures or other features of historical significance were identified on the proposed annexation site. The Final EIR for the Town Plan established mitigation measures that require the preparation of a cultural resources survey prior to
considering the approval of any subdivision with parcels less than 5 acres. The County General Plan also establishes policies for requiring such studies on specific projects. While the subject property can be subdivided into parcels less than 5 acres upon completion of the annexation, the proposed annexation is not being processed with any subdivision of the property.

Significant impacts to these cultural resources will not occur because future development of uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with cultural resources to a less than significant level. Due to these factors, the project will have a less than significant impact.

### B.6 GEOLOGY AND SOILS

<table>
<thead>
<tr>
<th>6. GEOLOGY AND SOILS -- Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>ii) Strong seismic ground shaking?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>iii) Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>iv) Landslides?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994), creating substantial risks to life or</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
### B.6.a Faults, Ground Shaking, Ground Failure and Landslides

A significant impact would be one that exposes people or structures to loss, injury or death.

**Earthquakes:** The two fault zones within Mariposa making up the Foothill Fault System include the Bear Mountain Zone and the Melones Zone, both of which are located on the western side of the County. The Foothill Fault System is considered active. Additionally, three other faults known to be active near Mariposa include the San Andreas Fault to the west, the Owens Valley Fault to the east and the White Wolf Fault to the south. According to the Five County Study, the three faults may cause small periodic local earthquakes. Almost all of Mariposa County falls within the lowest earthquake hazard zone of 10-20 percent probability. No earthquake with a magnitude above 5 has occurred in Mariposa County since 1800. When earthquakes do occur in Mariposa County, records show they occur at around magnitude 2.7 or less. Section 8.2.02 – Physical Geology, in Volume III of the Mariposa County General Plan, states that the probability of earthquake occurrence on the Foothills Fault System is rated as low.

**Ground Shaking:** All construction in California is required to comply with all California Building Code standards with respect to the seismic design category applicable to a specific area. Future homes and other structures requiring building permits will be required to be constructed to these standards.

**Ground Failure:** Liquefaction hazard areas have not been identified in Mariposa County. The State’s Seismic Hazard Mapping Program has not yet mapped the County of Mariposa to determine the probability of various types of ground failure likely to occur as a result of earthquake activity. The County of Mariposa is not considered a priority area within the state and no schedule exists as to when Mariposa County will be mapped. New California Building Code standards that went into effect on January 1, 2008 require the preparation of a “soils investigation” report for all new building construction. These reports are required to provide complete evaluations of the foundation conditions of the site including design criteria related to the nature and extent of foundations materials, groundwater conditions, liquefaction potential, settlement potential and slope stability. The soils report must be prepared by a California-Registered Engineer. The building permit process for any future development on-site will ensure that this report is properly prepared and reviewed.

**Landslides:** The State’s Seismic Hazard Mapping Program has not yet mapped Mariposa County to determine the probability of landslide occurrence as a result of earthquake activity. The Five County Seismic Safety Study performed a generalized landslide risk appraisal and found that there was minimal risk of landslides caused by earthquakes in areas of low relief and moderate to high risk found in the remaining mountainous areas of the County. Most of the soils found in the County have minimal amounts of clay and low shrink-swell potential and do not result in landslide hazards. According to the Technical Background Report for the Mariposa County General Plan, there are two areas within the County that have a high risk of sliding, however, the project site is not located in either of these two areas. Since earthquake activity greater than magnitude five (5) has not occurred within Mariposa County, the occurrence of landslides as a result of earthquakes is unlikely.
Many other factors can play a role in the development of landslides: rock types susceptible to sliding, steep slopes, heavy rainfall during winter months, and slopes that have been modified by development activity. Landslides generally occur on slopes of 15 percent or greater. The project site’s topography is generally of slopes between relatively flat to 20 percent. A grading plan in accordance with Mariposa County’s Grading Ordinance will be required for grading for future residential development.

Significant impacts associated with ground shaping and landslides will not occur because future development will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with ground shaking, ground failure and landslides and to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.6.b Soil Erosion
A significant impact would be one that results in substantial soil erosion or loss of topsoil. There is no grading for the annexation project. The Final EIR for the Town Plan included mitigation measures requiring that all exposed soils for grading be required to obtain a grading permit, and the Town Plan included additional standards for prevention of soil erosion. These standards and regulations will apply to the future grading on-site.

The standards of the County Grading Ordinance apply to all site grading work done for future residential development in the county. These adopted policies contain requirements for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. Any amendments to drainage systems will ensure that the function and capacity of the affected drainage course is maintained following construction. Onsite inspections by County inspectors are conducted to ensure compliance with these standards.

These adopted policies and ordinance requirements, the permitting and inspection process for future construction, will ensure a less than significant impact from any future grading.

Significant impacts to soil resources will not occur because future development will be in accordance with the mitigation measures of the Final EIR and Town Plan, the standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with soil erosion to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.6.c Unstable Soil
A significant impact would be one where soil becomes unstable as a result of the project. There will be no grading as a result of the annexation.

Future development will be in accordance with the mitigation measures of the Final EIR for the Town Plan, applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with unstable soils to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.6.d Expansive Soils
A significant impact would occur if any future construction project is placed on expansive soils and creates substantial risk to life or property. Mariposa County has been mapped by the USDA Soil
Conservation Service Soil, and a Survey of Mariposa County Area, California (October 1974) is available. Soils vary widely throughout the county, with expansive soils ranging from low to highly expansive. Construction of homes in the county will require compliance with the California Building Code standards for the construction of foundations. The California Building Code standards are implemented through the building permit process. Onsite inspections by building inspectors are conducted to ensure construction is in compliance with these standards.

Future development will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with expansive soils to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.6.e Septic Systems
A significant impact would occur if septic tanks or systems are utilized for the project and the soil is unable to support their use. Construction of septic systems is subject to a building permit from Mariposa County, and the Health Department has the authority to require that soils report prepared for any residential project, including building permits. However, MPUD regulations require connection to the MPUD waste water system for any property within the District’s boundary. By annexing this property, septic systems will not be allowed on the property. Thus, the project will have no impact.

B.7 HAZARDS & HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>7. HAZARDS AND HAZARDOUS MATERIALS</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project:</td>
<td></td>
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</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
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<td>✓</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 63962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>
### B.7.a Transport of Hazardous Materials
A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release of such material. The annexation project does not involve the transport, use or disposal of any hazardous materials. **Thus, the project will have no impact.**

### B.7.b Upset and Accident
A significant impact would be one that creates a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project does not involve the use or disposal of hazardous material; therefore, an upset or accidental event involving the release of hazardous materials occurring is not likely. **Thus, the project will have no impact.**

### B.7.c School Proximity
A significant impact would be one that emits hazardous emissions or results in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. While there are schools within ¼ mile of the annexation site, the project will not emit hazardous emissions or acutely hazardous materials or substances that will affect the school site. **Thus, the project will have no impact.**

### B.7.d Exposure from Existing Contaminated Sites
A significant impact would be one that is located on a listed contamination site and expose the public or the environment to the hazard. The project site is not listed on the Mariposa County Health Department list of hazardous sites. **Thus, there will be no impact.**

### B.7.e and f Hazards Near Airports and Airstrips
A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The nearest public airport is the Mariposa-Yosemite Airport which is not within two miles of the project site. The site is not located within the area governed by the airport’s land use compatibility plan. No private airstrips are known to exist within the area of the project site. Thus, there will be no impact.

**B.7.g Emergency Response Plans**
A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The future construction of single family residences on the project parcels will not interfere with implementation of the emergency response or evacuation plan. Thus, there will be no impact.

**B.7.h Risk of Wildland Fires**
A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The State of California adopted the State Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Fire Safe Regulations provide for basic emergency access and perimeter wildfire protection measures, including clearance around structures. All projects in Mariposa County are subject to these regulations, and the implementing and enforcement agency, Cal Fire has reviews all residential projects, even within the MPUD boundaries. Conditions of approval for subdivision projects are developed based upon Cal Fire input, and always require Cal Fire onsite inspection and approval of the project and improvements. Finally, residential development is subject to continued inspection by Cal Fire for maintenance of clearance around structures.

The MPUD provides structure protection within the District’s boundaries, although there are mutual aid agreements with Mariposa County Fire and Cal Fire. The MPUD fire station is approximately ¼ mile east of the annexation site. Residential development within the MPUD boundaries requires the installation of a fire hydrant within 500 feet of any proposed or future structure or lot within a residential subdivision. This regulation is intended to provide adequate proximity to a water source for fire suppression. Due to these factors, the project will have no impact.

**B.8 HYDROLOGY & WATER QUALITY**

<table>
<thead>
<tr>
<th>8. HYDROLOGY AND WATER QUALITY</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
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<tbody>
<tr>
<td>Would the project:</td>
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</tr>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits</td>
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</table>
have been granted)?

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</thead>
<tbody>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
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<td>√</td>
</tr>
</tbody>
</table>

**B.8.a. and f. Water Quality Standards**

A significant impact would occur if the project degraded surface or subsurface water quality in the area. The EIR prepared for the Town Plan addressed water quality standards with respect to drainage courses, soil erosion, surface runoff, and floodwaters. The EIR established specific mitigation measures for protection of the surface and subsurface water quality in the form of setbacks, provisions for stormwater drainage plans, and adherence to the requirements of the Grading Ordinance and the County Improvement Standards.
Future development will be in accordance with the mitigation measures of the Final EIR and Town Plan, the standards, guidelines and regulations of the General Plan and zoning, the grading ordinance, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with water quality standards to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.8.b Changes in Groundwater Resources
A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge. The Mariposa County zoning code, Section 17.336.090 specifically prohibits drilling, construction, or utilization of new private wells within the MPUD boundaries. With the annexation and the inability to drill wells and change groundwater resources, the project will have no impact.

B.8.c and B.8.d Changes in Course or Direction of Water
A significant impact would be one that substantially alters drainage and surface flows in a manner those results in substantial erosion, siltation or flooding. The EIR prepared for the Town Plan addressed protection of important and significant drainage courses in the Town. The EIR established specific mitigation measures for protection of these drainages in the form of setbacks, provisions for stormwater drainage plans, and adherence to the requirements of the Grading Ordinance and the County Improvement Standards.

Office uses along State Highway 49 are not within any drainage courses. Future residential development in the County can entail grading for driveways and homes. The standards of the County Grading Ordinance will apply to all site-grading work done for future residential development in the County. Site grading could result in minor alterations to drainage and surface flows. However, the standards of the County Improvement Standards will apply to road work done as a condition of any future map filing. These adopted policies contain requirements for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction.

Future development will be in accordance with the mitigation measures of the Final EIR and Town Plan, the standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with changing water courses to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.8.e Stormwater
A significant impact would result if the capacity of storm drainage facilities are caused to be exceeded or the project provides additional sources of polluted runoff. Future residential development will slightly increase impermeable surfaces, leading to a minor increase in stormwater runoff. The EIR prepared for the Town Plan addressed protection of important and drainage courses in the Town and the handling of stormwater runoff. The EIR established specific mitigation measures for stormwater drainage plans, and adherence to the requirements of the Grading Ordinance and the County Improvement Standards.

Further, the requirements of the County Improvement Standards and the County Grading Ordinance will ensure drainage is maintained and exposed soils are re-vegetated. In addition, any project that disturbs more than one acre is often required to contact the Regional Water Quality Control Board and obtain a National Pollutant Discharge Elimination System permit.
Future development will be in accordance with the mitigation measures of the Final EIR and Town Plan, the standards, guidelines and regulations of the General Plan and zoning, the grading ordinance, the County Improvement Standards, as well as requirements mandated during the future environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with stormwater courses to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.8.G **Housing in 100-year Flood Hazard Area**
A significant impact would occur if houses were put in a flood hazard area. The Flood Insurance Rate Maps (FIRM) has been prepared for Mariposa County, and is routinely used as a reference for residential building permits. As needed, the Building and Planning Departments require verification of 100 year flood hazard boundaries for residential building permits.

No portion of the proposed annexation site is within a 100-year flood hazard area as determined by the FIRM maps. Thus, there will be no impact.

B.8.H and I. **Impeded or Redirected Flood Flows and Dam Failure**
A significant impact would occur if project structures impede or redirect floodwaters, or if people or structures were exposed to a significant risk of loss, injury or death from flooding, including dam failure.

No portion of the proposed annexation site is within a flood hazard area, and no structures are proposed by the annexation, so flood flows will not be redirected. There are no upstream dams in the area that would pose a risk to from dam failure and flooding. Thus, there will be no impact.

B.8.J **Seiche, Tsunami and Mud Flow Hazards**
A significant impact would occur from inundation by seiche, tsunami or mudflow. The County of Mariposa is not subject to tsunami. The project site is not subject to mudflow. “Seiche” is the overtopping of a dam caused by an earthquake. See the discussion on dam failure above. Thus, there are no impacts.

### B.9 LAND USE & PLANNING

<table>
<thead>
<tr>
<th>9. LAND USE AND PLANNING</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
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</table>
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community conservation plan?

B.9.a Physically Divide an Existing Community
A significant impact would occur if the project physically divided an established community. The annexion would further solidify the project site as part of the Mariposa Town Planning Area community. Housing is part of any community within Mariposa County, and acts as a cohesive element to make the community viable. The project does not propose any structures, land use designations or other features that would physically divide an established community. Thus, there are no impacts.

B.9.b Conformance with General Plan Designation, Zoning and Other Environmental Policies
A significant impact would occur if the project conflicted with an applicable general plan policy or regulation of an agency with jurisdiction over the project. The Mariposa Town Plan is a part of the General Plan, being within the Planning Area Land Use of the General Plan. The Town Plan was determined to be consistent with the General Plan when adopted in 1992. The current General Plan incorporated the existing Mariposa Town Plan into the General Plan, and the two Plans were determined to be consistent with each other.

The proposed annexion makes no changes to the land use or zoning of the subject property. The zoning is consistent with the land use of the Town Plan. No environmental policies are affected by the proposed annexion. Applicable mitigation measures in accordance with the Town Plan and Final EIR will be applied to any future residential project. Thus, there are no impacts.

B.9.c Conservation Plans
A significant impact would occur if project conflicted with an applicable conservation plan. The project site is not part of or near any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other local habitat conservation plan. Thus, there are no impacts.

B.10 MINERAL RESOURCES

<table>
<thead>
<tr>
<th>10. MINERAL RESOURCES Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
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</table>

B.10.a, b Mineral Resources
A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state or is locally important. While there are significant mineral resources throughout Mariposa County, the project site is not known to have significant mineral resources valuable to the state or region. Thus, there are no impacts.
### B.11 NOISE

<table>
<thead>
<tr>
<th>11. NOISE</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
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<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td></td>
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<td>√</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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<td></td>
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<td>√</td>
</tr>
</tbody>
</table>

**B.11.a Noise Policies, Ordinances and Standards**

A significant impact would occur if the project resulted in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable...
standards of other agencies. Given this rural lifestyle, it is quite common to hear chainsaws, barking dogs, tractors, and such similar sounds which are part of the maintenance of that lifestyle. While these sounds may momentarily detract from the quiet side of the rural lifestyle, they are not significant.

The proposed project will not, in of itself, result in any physical structure or device that will generate noise. The annexation would allow for increased planned densities as a result of water and sewer availability. While future residential development may generate an increase in noise, the potential noise increases are not significant and not uncharacteristic of noises generated by similar residential development that currently exists in the county. Due to these factors, the project will have a less than significant impact.

B.11.b Ground-Borne Noise Impacts
A significant impact would result if the project exposed persons to or generated excessive ground-borne vibration or ground-borne noise levels. The annexation will not result in any physical structure or device that can generate ground-borne noise. Residential developments do not inherently have the capacity to create and generate ground-borne noise, so it is very unlikely that any future housing will generate ground-borne noise. Thus, the project will have no impact.

B.11.c Permanent Increase in Ambient Noise
A significant impact would result if a substantial permanent increase in ambient noise levels occurs in the project vicinity above levels without the project. The increase in population due to residential development will potentially increase noise levels with vehicle traffic, home appliances, equipment use, and domestic animals; however, new noise generated from future residences will be consistent with that generated by other residential developments in the county. Thus, the impact is less than significant.

B.11.d Temporary or Periodic Increase in Ambient Noise
A significant impact would result if a substantial temporary or periodic increase in ambient noise levels occurs in the project vicinity above levels without the project. Short-term noise impacts associated with construction activities for future residences may be higher than the existing ambient noise levels currently experienced in the project area. Thus, the project will have a less than significant impact.

B.11.e and f Exposure to Airport Noise
A significant impact would occur if exposure to excessive noise resulted from public or private airports. The Mariposa Airport is approximately 2 miles from the Project site. The site is not located within any noise pattern associated with any airport. Thus, the project will have a less than significant impact.

B.12 POPULATION & HOUSING

<table>
<thead>
<tr>
<th>12. POPULATION AND HOUSING</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
<td></td>
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<tr>
<td>b) Displace substantial numbers of</td>
<td></td>
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</tbody>
</table>
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existing housing, necessitating the
construction of replacement housing
elsewhere?

c) Displace substantial numbers of people,
necessitating the construction of
replacement housing elsewhere?

\[\checkmark\]

**B.12.a  Population Growth Inducement**

A significant impact would result if the project induces substantial population growth in an area. The proposed project would not, in and of itself result, in the construction of residences. The annexation would allow for densities provided by the Town Plan Land Use of 1 residence per ½ acre. At present, without water or waste water, the minimum parcel size is 5 acres. Therefore, the annexation would increase possible densities, but these densities are what have been planned for the area since the Town Plan was adopted in 1992. The annexation of the property into the MPUD is part of the implementation process of the Town Plan, and is based upon growth that was planned for in the development of the Plan. The annexation will not modify or change the zoning or land use designation of the project site. The annexation will allow the property to be used based upon the densities anticipated by the Plan. The Final EIR and the Town Plan recognized that these densities would occur, and established appropriate standards for residential subdivisions. The proposed annexation does not modify any land use or zoning from what was planned for the area, so it will not increase densities from what was planned. Thus, the project will have a less than significant impact.

**B.12.b  Displacement of Housing**

A significant impact would result if the project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The project does not propose any physical structures that would displace existing housing. There are no houses on the property. Thus, the project will have no impact.

**B.12.c  Displacement of People**

A significant impact would result if the project displaced substantial numbers of people, necessitating the construction of replacement housing elsewhere. The project does not propose any physical structures that would displace people. There are no residences on the property. Thus, the project will have no impact.

**B.13  PUBLIC SERVICES**

<table>
<thead>
<tr>
<th>13. PUBLIC SERVICES</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service</td>
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</tbody>
</table>
### B.13.a and b. Emergency Services Improvement Impacts

The proposed project would have a significant environmental impact if emergency service public facilities needed to be constructed or expanded in order to maintain adequate service levels for the proposed project and the construction or expansion of those facilities created a substantial adverse physical impact. The project does not involve the construction of any physical structures, and has been identified as an area in the Town Plan where MPUD services can be provided. The application involves annexation of land into MPUD to provide the services anticipated by the Town Plan.

The annexation site is in an area where higher density residential development has been planned to occur, and in closer proximity to the public and governmental services that can be delivered at a reduced cost. Housing and population growth, by its very nature, creates additional need for public facilities, but this is the natural outgrowth of providing housing for the County. Significant impacts to the need for public facilities will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. *Due to these factors, the project will have a less than significant impact.*

### B.13.c School Improvement Impacts

The proposed project would have a significant environmental impact if public school facilities needed to be constructed or expanded in order to maintain adequate service levels for the proposed project and the construction or expansion of those facilities created a substantial adverse physical impact. The Mariposa County School District collects school impact fees to cover the costs of such improvements. *Due to these factors, the project will have a less than significant impact.*

### B.13.d Park Improvement Impacts

The proposed project would have a significant environmental impact if public park facilities needed to be constructed or expanded in order to maintain adequate service levels for the proposed project, and the construction or expansion of those facilities created a substantial adverse physical impact. The annexation will not involve the construction of any housing project that would immediately require park facilities. Housing and population growth, by its very nature, creates additional need for parks, but this is the natural outgrowth of providing needed housing for the County. Future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. *Due to these factors, the project will have a less than significant impact.*

### B.13.e Other Public Facility Impacts / including Road Improvement Impacts

The proposed project would have a significant environmental impact if public road facilities would need to be constructed in order to maintain adequate service levels for the proposed project. There are no other specific public facilities associated with the project beyond the normal governmental services such as the...
Tax Collector, the Assessor, the County Recorder, and so on. There are no County roads serving the
annexation area at this time. The project site currently has access to State Highway 49 N and Hospital
Road.

Without specific data identifying the type and location of new residential development, it is not possible
to determine how the development of future housing units will potentially impact other public facilities
and road improvements. Individual impacts will need to be evaluated at the time actual development
occurs. In particular with respect to road improvements, residential development on the project site would
be required to provide road improvements in accordance with the Town Plan standards and regulations
and the County’s Road Improvement and Circulation Policies. Significant impacts to other public
facilities and road improvements will not occur because future development of residential uses will be in
accordance with the applicable County standards, guidelines and regulations of the General Plan and
zoning, as well as requirements mandated during the environmental review of individual projects.
Adherence to such regulations will reduce potential impacts associated with other public facilities and
road improvements to a less than significant level. Due to these factors, the project will have a less than
significant impact.

B.13.e Other Public Facility Impacts / Water and Sewer Public Facilities
The proposed project would have a significant environmental impact if public water and sewer facilities
would need to be constructed in order to maintain adequate service levels for the proposed project. The
MPUD is the project applicant, and will provide water and sewer service to the project site. The project
does not involve the construction of any physical structures or uses, so there is no immediate effect from
the annexation on water or sewer facilities. The application involves annexation of land into MPUD to
provide the services anticipated by the Town Plan.

The MPUD has a program to upgrade or replace the existing water treatment facility, and has stated that
at the present time they can service the area within the Town Planning Area boundaries. The District
would like to see more users of the wastewater treatment facility to help spread costs. Other than culverts
crossing the State highway, there are no stormwater drainage facilities in the area. The MPUD has not
indicated that the annexation will impact the water or sewer facilities of the District.

Individual impacts will need to be evaluated at the time actual development occurs based upon specific
densities and water and wastewater facility capacity at that time. Future development of residential uses
will be in accordance with the applicable County standards, guidelines and regulations of the General
Plan and zoning, as well as requirements mandated during the environmental review of individual
projects. Adherence to such regulations will reduce potential impacts associated with water and
wastewater facilities to a less than significant level. Due to these factors, the project will have a less than
significant impact.

B.14 RECREATION

<table>
<thead>
<tr>
<th>14. RECREATION</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Would the project increase the use of existing neighborhood and regional parks or recreational facilities such that substantial deterioration of the facility would occur</td>
<td></td>
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<td>√</td>
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</tr>
</tbody>
</table>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?  √

**B.14.a Use of Existing Recreational Facilities**

A significant impact would result if the project substantially increased the use of existing recreational facilities or was accelerated due to the project, and increase in use had the potential to cause substantial physical deterioration. Without the physical construction of new residences, the project will not result in the immediate increase in demand for recreational facilities. Without specific data identifying the type and location of new residential development, it is not possible to determine how the development of future housing units will potentially impact existing recreational facilities. Individual impacts will need to be evaluated at the time actual development occurs as part of a future discretionary action by the County to approve residential subdivision projects. Significant impacts to existing recreational facilities will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with existing recreational facilities to a less than significant level. *Due to these factors, the project will have a less than significant impact.*

**B.14.b Construction or Expansion of New Recreational Facilities**

A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project does not include recreational facilities and none would be required to be constructed due to this project. *Thus, the project will have no impact.*

**B.15 TRANSPORTATION & TRAFFIC**

<table>
<thead>
<tr>
<th>15.TRANSPORTATION/TRAFFIC Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
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<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<td></td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic</td>
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<td>√</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

![Signature](Image)
B.15.a  Substantial Increase in Traffic Levels
The proposed project would have a significant environmental impact if public road facilities would need to be constructed in order to maintain adequate service levels for the proposed project. The project will allow for residential development to occur at a higher density than currently permitted, but the planned land use and zoning for the project site was located in close proximity to a State Highway.

Individual impacts will need to be evaluated at the time actual development occurs. The determination of significance can then be made based upon the actual densities, and the volume of traffic on the State Highway at the time of any discretionary action occurs on a subdivision project. Future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with increases in traffic levels to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.15.b  Change in Level of Service Rating
The project will not, by itself, result in any additional traffic that would result in a change to the level of service rating for any County road or State highway. Without specific data identifying the type and location of new residential development, it is not possible to determine how the development of future housing units will potentially impact the level of service rating. Individual impacts will need to be evaluated at the time actual development occurs based upon the actual densities and the volume of traffic at that time. Future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with changes to the level of service rating to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.15.c  Change in Air Traffic Patterns
A significant impact would result if the project resulted in substantial safety risks due to changes in air traffic patterns. The project does not change air traffic patterns. Thus, the project will have no impact.

B.15.d  Creation of Hazards (by Design or Use)
A significant impact would result if the project produced hazards to safety from design features or incompatible uses. The project does not propose a project for actual residential development, so there is
no design associated with it. The residential use permitted by the Town Plan is not seen as a hazard. Thus, the project will have no impact.

**B.15.e Impacts to Emergency Access**
A significant impact would result if the project resulted in inadequate emergency access. All residential development in Mariposa County is subject to the Mariposa County Improvement Standards and Public Resource Code 4290 Fire Safe Standards. These standards ensure there will be no impacts to emergency access. Thus, the project will have no impact.

**B.15.f Impacts to Parking**
A significant impact would result if the project resulted in inadequate parking. The project does not propose any specific residential development project, so it will not result in an inadequate parking situation. Future residential development will require onsite parking for residences based upon the regulations within the Town Plan. Thus, the project will have no impact.

**B.15.g Impacts to Alternative Transportation**
A significant impact would result if the project conflicted with alternative transportation policies, plans or programs. The project will not interfere with alternative transportation policies. Thus the project will have no impact.

**B.16 UTILITIES & SERVICE SYSTEMS**

<table>
<thead>
<tr>
<th>16. UTILITIES AND SERVICE SYSTEMS Would the project:</th>
<th>Potentially significant impact</th>
<th>Less than significant with mitigation incorporation</th>
<th>Less than significant impact</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<td>✓</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>✓</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
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<td>✓</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
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<td>✓</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the</td>
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<td>✓</td>
</tr>
</tbody>
</table>
project's projected demand in addition to the provider's existing commitments?  

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  

g) Comply with federal, state, and local statutes and regulations related to solid waste?

B.16.a Water Treatment Requirements

A significant impact would result if the project caused water treatment requirements to be exceeded. Without actual residential development, the project will not immediately result in increased water treatment requirements. Future residential development in accordance with the Town Plan will result in increased users. The MPUD is the applicant, and at the property owners request is making this application to provide water treatment services to the future residences. The MPUD has a program to upgrade or replace the existing water treatment facility, and has stated that at the present time they can service the area within the Town Planning Area boundaries.

Individual impacts will need to be evaluated at the time actual development occurs based upon specific densities and water treatment capacity of the MPUD facilities at that time. Future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with water treatment requirements to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.16.b Impacts of Construction of Water and Wastewater Facilities

A significant impact would result if the project adversely affected the environment due to the amendment to existing or construction of new water treatment, wastewater treatment or storm water drainage facilities. Without actual residential development, the project will not immediately result in the need to construct water and wastewater treatment facilities. Future residential development in accordance with the Town Plan will result in increased users. The MPUD is the applicant, and at the property owners request is making this application to provide water and wastewater services to the future residences. The MPUD has a program to upgrade or replace the existing water treatment facility, and has stated that at the present time they can service the area within the Town Planning Area boundaries. The District would like to see more users of the wastewater treatment facility to help spread costs. Other than culverts crossing the State highway, there are no stormwater drainage facilities in the area.

Individual impacts will need to be evaluated at the time actual development occurs based upon specific densities and water and wastewater facility capacity at that time. Future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with water and wastewater facilities to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.16.c Impacts of Construction of Storm-drainage Facilities
A significant impact would result if the project adversely affected the environment due to construction of existing or new storm water drainage facilities. With no specific residential structures being proposed by the project, no stormwater facilities will be constructed, and no existing ones will be affected. The only stormwater drainage facilities in the area are various culverts crossing the State highway and County roads in the area; and drainage ditches that collect the water and direct it to the culverts or drains that flow into Mariposa Creek.

Significant impacts to the construction of storm-drainage facilities will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with the construction of storm-drainage facilities to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.16.d Adequacy of Water Supply
A significant impact would result if the project demands a water supply that is not available from existing entitlements and resources. Based upon water allocation and water supply data, the MPUD District General Manager has stated that the District has an adequate supply of water for all of the Town Planning Area. The property affected by this annexation is within the Town Planning Area. Thus, the project will have no impact.

B.16.e Adequacy of Wastewater Treatment Plant
A significant impact would occur if the project results in a determination by the wastewater treatment provider that it has inadequate capacity. The MPUD is the applicant for this annexation. They have not determined that they have inadequate capacity. Thus, the project will have no impact.

B.16.f Adequacy of Solid Waste Facilities (Landfill Capacity)
A significant impact would result if the project creates a disposal need that cannot be accommodated by the landfill. The improvement plans for the county landfill are based on the anticipated growth of the county. The Town Plan was and the proposed densities of the subject site are part of the area that will provide this anticipated growth.

Significant impacts to the adequacy of solid waste facilities will not occur because future development of residential uses will be in accordance with the applicable County standards, guidelines and regulations of the General Plan and zoning, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts associated with the adequacy of solid waste facilities to a less than significant level. Due to these factors, the project will have a less than significant impact.

B.16.g Compliance with Solid Waste Regulations
A significant impact would result if the project is unable to comply with federal, state and local statutes and regulations related to solid waste. The waste streams from residential homes are required to comply with federal, state and local statutes and regulations related to solid waste. Thus, the project will have no impact.
Section C
MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>Finding</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 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?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[☑️]</td>
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</tr>
<tr>
<td>2. Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[☑️]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[☑️]</td>
</tr>
</tbody>
</table>

Impact Discussion & Conclusions:

1. The annexation of the property into the MPUD involves no construction, grading, or any form of development activity. Future development will be in accordance with the policies, standards and regulations of the Mariposa Town Planning Area Town Plan and the mitigation measures of the Final Environmental Impact Report prepared and certified for the Town Plan; in addition to the standards, guidelines and regulations of the General Plan and zoning, the grading ordinance, as well as requirements mandated during the environmental review of individual projects. Adherence to such regulations will reduce potential impacts to a less than significant level.

2. The project does not have the potential to cause substantial adverse effects on human beings, either directly or indirectly.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a negative declaration will be adopted for the project.