MARIPOSA COUNTY RESOLUTION NO. 81-99
A RESOLUTION ADOPTING FINDINGS OF FACT ON
APPEALS OF LDA'S 939, 951, 967 AND 992

BE IT HEREBY RESOLVED by the Board of Supervisors of Mariposa
County, a political subdivision of the State of California, as
follows:

WHEREAS, Land Division Applications Nos. 939, 951, 967 and
992 came before the Board of Supervisors on April 6, 1981, and
were consolidated for the appeal hearing by stipulation of all
parties; and

WHEREAS, a noticed public hearing was held on that date, on
April 27, 1981 and on May 12, 1981 by continuance, with all
parties and the general public given an opportunity to present
evidence and testimony, and a record was made of all proceedings;
and

WHEREAS, the Mariposa County Planning Commission adopted Neg-
ative Declarations on each said Land Division Application on or
about March 5, 1981 and appeals having been filed by one Frank
Long:

NOW THEREFORE IT IS HEREBY RESOLVED by the Board of Supervi-
sors of Mariposa County that the following findings of fact are
adopted for each of the Land Division Applications, Numbers 939,
951, 967 and 992:

1. The findings of fact adopted by the Mariposa County
Planning Commission in the Negative Declaration adopted for each of
the four Land Division Applications are hereby adopted by the Board
of Supervisors as though set forth in full herein, a copy of each
such Negative Declaration being attached hereto as Exhibits A-D in-
clusive.
2. The mitigation measures identified in the initial study for each Land Division Application and adopted in the Negative Declarations are hereby adopted and included herein by reference, with the addition of the following additional mitigation measure which shall appear on the face of each and every recorded map for each of said divisions:

"Specially designed sewage disposal systems shall be built and maintained up to standards and specifications approved by the Mariposa County Sanitarian."

3. It is found that the potential environmental effects, both cumulative and individual, of each Land Division Application will not be significant because the mitigation measures described in the initial study will be added to each project proposal as conditions of approval and will mitigate environmental effects entirely or to an acceptable level.

4. It is found from the evidence and testimony presented that it cannot be fairly argued upon the basis of any substantial evidence that the project may have a significant environmental impact nor that the mitigation measures adopted are inadequate.

5. Appellant has failed to present substantial evidence that each project taken individually and collectively requires an Environmental Impact Report under CEQA, and has failed to demonstrate adequate justification for a reversal of the adoption of Negative Declarations in each case by the Planning Commission.

With respect to each specific alleged ground or basis for appeal, it is found as follows:

BASIS #1. Cumulative environmental and economic impacts on agricultural enterprises:
Yaqui Gulch, Old Highway, and Buckeye Road are not "historically" just stock drives. While stock is moved along them occasionally, they are "historically" paved County roads which are used for vehicular traffic. The ability to handle such traffic appears to be adequate for the projected increase and beyond. Old Highway was historically the main vehicle access to Yosemite National Park.

The mere possibility of additional pets in the area resulting from development projects does not raise a significant impact, nor has substantial evidence been offered of any correlation between higher density and "packs of wild dogs". Nor is there substantial evidence that five acre density results in significant pet-related barriers to native animal movement, at least to any greater degree than commercial agricultural enterprises already in the area. No substantial evidence was presented that the fiscal impact of mitigation measures involving the enforcement of pet control laws would not be adequately offset by additional taxes derived from the newly formed lots.

There has been no substantial evidence that increases in land values are a significant detrimental impact to adjacent property owners or to the area in general. Practices of inheritance tax referees are beyond the scope of this agency.

BASIS #2. Effect on underground water supply:

No substantial evidence was presented that any "water table" exists in the area as normally described, nor that any actual adverse effect can be accurately forecast where parcels no smaller than five acres are contemplated.

BASIS #3. Impact on water quality:

No substantial evidence was presented that sanitation systems
proposed by project proponents and approved by the County Sanitar-
ian would not satisfactorily mitigate any problems created by poor
soil conditions.

BASIS #4. Commercial and industrial development:
None of these applications propose a commercial or industrial
development, but rather the proposed projects are residential in
nature.

6. The Board of Supervisors of Mariposa County finds
that Land Division Applications Number 939, 951, 967 and 992 were
properly granted Negative Declarations and the appeal in each case
is therefore denied.

PASSED AND ADOPTED this 19th day of May 1981, by the
Board of Supervisors of Mariposa County, by the following vote:

AYES: Taber, Erickson, Moffitt

NOES: Dalton

ABSENT: District I (vacant)

ABSTAINED: None

WILLIAM H. MOFFITT, Chairman
Board of Supervisors

ATTEST:

ELLEN BRONSON, County Clerk and
Ex Officio Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

RICHARD K. DENHALTER, County Counsel
NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15063)

APPLICANT/APPLICATION William Ying - LDA 939

PROJECT TITLE/DESCRIPTION Land Division Application to divide 82.3 acres into four parcels of 45.8, 6.0, 6.0 and 24.3 acres Located Hwy 140 and Yaqui Gulch Rd.

No significant effect is based on the following findings:

(1) No unique or significant natural features including but not limited to animal life, fish life or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

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

___ Building Department   ___ County Health Department

___ Planning Commission    ___ County Road Department

Other

No significant effect is based on additional conditions (if found necessary by Environmental Review - Land Use Technical Advisory Committee): Conditioned pending mitigation of those items addressed in the Initial Study.

Initial Study prepared by Planning Office
and on file at Mariposa County Planning Commission
5101 Jones Street
Mariposa, California 95338

ROGER LANKIER
Chairman, Mariposa County Planning Commission

March 5, 1981

EXHIBIT "A"
NEGATIVE DECLARATION  
(Pursuant to California Administrative Code, Section 15063)

APPLICANT/APPLICATION   Thomas Perkins, LDA 951

PROJECT TITLE/DESCRIPTION  Land Division Application to divide 22.17 acres into four parcels of 5.0, 5.0, 6.08, and 6.09 acres. Located on Guadalupe Creek Road.

No significant effect is based on the following findings:

(1) No unique or significant natural features including but not limited to animal life, fish life or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

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

Building Department  
County Health Department
Planning Commission  
County Road Department

Other

No significant effect is based on additional conditions (if found necessary by Environmental Review - Land Use Technical Advisory Committee): Conditioned pending mitigation of those items addressed in the Initial Study.

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March 5, 1981  
Chairman, Mariposa County Planning Commission  
Date

EXHIBIT "B"
NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15003)

APPLICANT/APPLICATION  Roy Hasselquist - LDA 967

PROJECT TITLE/DESCRIPTION  Land Division Application to divide 22.19 acres into four parcels of 5.0, 5.0, 6.09, and 6.1 ac. Located on Guadalupe Creek Road.

No significant effect is based on the following findings:

(1) No unique or significant natural features including but not limited to animal life, fish life or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion or silation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

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

___ Building Department  ___ County Health Department

X  Planning Commission  X  County Road Department

Other

No significant effect is based on additional conditions (if found necessary by Environmental Review – Land Use Technical Advisory Committee): Conditioned pending mitigation of those items addressed in the initial study.

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and on file at Mariposa County Planning Commission
5101 Jones Street
Mariposa, California 95338

Roger Hammer  March 5, 1981

Chairman, Mariposa County Planning Commission  Date

EXHIBIT "C"
NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15063)

APPLICANT/APPLICATION  John D. Keith - LDA 992

PROJECT TITLE/DESCRIPTION  Land Division Application to divide 23.44 acres into three parcels of 6.0, 6.0, 6.0, and 5.14 acres. Located on Yaqui Gulch Road

No significant effect is based on the following findings:

(1) No unique or significant natural features including but not limited to animal life, fish life or plant life, or its habitat or movement are to be adversely affected; (2) No known archeological, cultural, historical, recreational or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

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

____ Building Department  ____ County Health Department

___ Planning Commission  ___ County Road Department

Other

No significant effect is based on additional conditions (if found necessary by Environmental Review - Land Use Technical Advisory Committee): Conditioned pending mitigation of those items addressed in the Initial Study.

Initial Study prepared by Planning Office
and on file at Mariposa County Planning Commission
510 Jones Street
Mariposa, California 95338

Chairman, Mariposa County Planning Commission  March 5, 1981

Date

EXHIBIT "D"