

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

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

7 WHEREAS, Land Division Applications Nos. 939, 951, 967 and
8 992 came before the Board of Supervisors on April 6, 1981, and
9 were consolidated for the appeal hearing by stipulation of all
10 parties; and

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

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

20 NOW THEREFORE IT IS HEREBY RESOLVED by the Board of Supervi-
21 sors of Mariposa County that the following findings of fact are
22 adopted for each of the Land Division Applications, Numbers 939,
23 951, 967 and 992:

24 1. The findings of fact adopted by the Mariposa County
25 Planning Commission in the Negative Declaration adopted for each of
26 the four Land Division Applications are hereby adopted by the Board
27 of Supervisors as though set forth in full herein, a copy of each
28 such Negative Declaration being attached hereto as Exhibits A-D in-
clusive.

1 2. The mitigation measures identified in the initial
2 study for each Land Division Application and adopted in the Nega-
3 tive Declarations are hereby adopted and included herein by refer-
4 ence, with the addition of the following additional mitigation
5 measure which shall appear on the face of each and every recorded
6 map for each of said divisions:

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

10 3. It is found that the potential environmental effects,
11 both cumulative and individual, of each Land Division Application
12 will not be significant because the mitigation measures described
13 in the initial study will be added to each project proposal as con-
14 ditions of approval and will mitigate environmental effects en-
15 tirely or to an acceptable level.

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

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

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

27 BASIS #1. Cumulative environmental and economic impacts on
28 agricultural enterprises:

1 Yaqui Gulch, Old Highway, and Buckeye Road are not "histori-
2 cally" just stock drives. While stock is moved along them occa-
3 sionally, they are "historically" paved County roads which are used
4 for vehicular traffic. The ability to handle such traffic appears
5 to be adequate for the projected increase and beyond. Old Highway
6 was historically the main vehicle access to Yosemite National Park.

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

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

22 BASIS #2. Effect on underground water supply:

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

27 BASIS #3. Impact on water quality:

28 No substantial evidence was presented that sanitation systems

1 proposed by project proponents and approved by the County Sanitar-
2 ian would not satisfactorily mitigate any problems created by poor
3 soil conditions.

4 BASIS #4. Commercial and industrial development:

5 None of these applications propose a commercial or industrial
6 development, but rather the proposed projects are residential in
7 nature.


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

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

- 14 AYES: Taber, Erickson, Moffitt
- 15 NOES: Dalton
- 16 ABSENT: District I (vacant)
- 17 ABSTAINED: None

18 
19 WILLIAM H. MOFFITT, Chairman
Board of Supervisors

20 ATTEST:

21
22 
23 ELLEN BRONSON, County Clerk and
Ex Officio Clerk of the Board

24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY:

26 
27 RICHARD K. DENHALTER, County Counsel

28

NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15083)

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:

<u> </u> Building Department	<u> X </u> County Health Department
<u> X </u> Planning Commission	<u> X </u> 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 Aramian

March 5, 1981

Chairman, Mariposa County Planning Commission

Date

EXHIBIT "A"

NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15083)

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

 X 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
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5101 Jones Street
Mariposa, California 95338

Roger Hammer

March 5, 1981

Chairman, Mariposa County Planning Commission

Date

EXHIBIT "B"

NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15083)

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 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:

<u> </u> Building Department	<u> X </u> County Health Department
<u> X </u> Planning Commission	<u> X </u> 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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5101 Jones Street
Mariposa, California 95338

Roger Grammer

March 5, 1981

Chairman, Mariposa County Planning Commission

Date

EXHIBIT "C"

NEGATIVE DECLARATION
(Pursuant to California Administrative Code, Section 15083)

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:

- | | |
|-----------------------------------|---------------------------------------|
| <u> </u> Building Department | <u> X </u> County Health Department |
| <u> X </u> Planning Commission | <u> X </u> 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

Ray Brummer March 5, 1981
Chairman, Mariposa County Planning Commission Date

EXHIBIT "D"