

**FILED**

MARIPOSA COUNTY RESOLUTION NO. 81-125

AUG 5- 1981

A RESOLUTION ADOPTING FINDINGS OF FACT ON  
APPEALS OF LDA No. 991

COUNTY CLERK

BY DEPUTY CLERK

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

4 WHEREAS, Land Division Application No. 991 came before the  
5 Board of Supervisors on June 9, 1981; and

6 WHEREAS, a noticed public hearing was held on that date, on  
7 June 23, 1981 and on July 14, 1981 by continuance, with all parties  
8 and the general public given an opportunity to present evidence  
9 and testimony, and a record was made of all proceedings; and

10 WHEREAS, the Mariposa County Planning Commission adopted a  
11 Negative Declaration on said Land Division Application on or about  
12 April 16, 1981 and an appeal having been filed by one Frank Long;

13 NOW THEREFORE IT IS HEREBY RESOLVED by the Board of Supervi-  
14 sors of Mariposa County that the following findings of fact are  
15 adopted for the Land Division Application Number 991:

16 1. The findings of fact adopted by the Mariposa County  
17 Planning Commission in the Negative Declaration adopted for LDA 991  
18 is hereby adopted by the Board of Supervisors as though set forth  
19 in full herein, a copy of such Negative Declaration being attached  
20 hereto as Exhibit A.

21 2. The mitigation measures identified in the initial  
22 study for such Land Division Application and adopted in the Nega-  
23 tive Declaration are hereby adopted and included herein by refer-  
24 ence, with the addition of the following additional mitigation  
25 measure which shall appear on the face of each and every recorded  
26  
27  
28

1 map for each of said divisions:

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

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

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

15 5. Appellant has failed to present substantial evidence  
16 that each project taken individually and collectively requires an  
17 Environmental Impact Report under CEQA, and has failed to demon-  
18 strate adequate justification for a reversal of the adoption of a  
19 Negative Declaration by the Planning Commission.

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

22 BASIS #1. Cumulative environmental and economic impacts on  
23 agricultural enterprises:

24 Yaqui Gulch, Old Highway, and Buckeye Road are not "histori-  
25 cally" just stock drives. While stock is moved along them occa-  
26 sionally, they are "historically" paved County roads which are used  
27 for vehicular traffic. The ability to handle such traffic appears  
28 to be adequate for the projected increase and beyond. Old Highway

1 was historically the main vehicle access to Yosemite National Park.

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

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

17 BASIS #2. Effect on underground water supply:

18 No substantial evidence was presented that any "water table"  
19 exists in the area as normally described, nor that any actual ad-  
20 verse effect can be accurately forecast where parcels no smaller  
21 than five acres are contemplated. Testimony offered was not appli-  
22 cable to Mariposa County or this project.

23 BASIS #3. Impact on water quality:

24 No substantial evidence was presented that sanitation systems  
25 proposed by project proponents and approved by the County Sanitar-  
26 ian would not satisfactorily mitigate any problems created by poor  
27 soil conditions. Generalized charts presented as evidence were not  
28 applicable to this project nor to this area of Mariposa County

APPENDIX "D"

MARIPOSA COUNTY

NEGATIVE DECLARATION

(Pursuant to California Administrative Code, Section 15083)

APPLICANT/APPLICATION Harold Locke - Land Division Application No. 991

PROJECT TITLE/DESCRIPTION A division of 22 acres into four 5.5 acre parcels located 1/3 mile west of Yaqui Gulch Road, two miles south of State Highway 140.

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 as follows: 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 Haasman*  
Chairman, Mariposa County Planning Commission

April 16, 1981  
Date

1 and were of no merit in this situation. The soils survey data is  
2 limited to a depth of five feet or bedrock whichever occurs first,  
3 and does not impact most septic systems.

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.

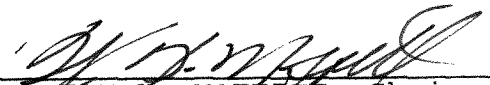
8 BASIS#5. Traffic impacts:

9 A formula from an old textbook was offered by appellant with-  
10 out foundation or expert opinion on its application and the Board  
11 accepts the methods and formulas utilized by the County Engineer  
12 to compute and forecast road capacity as adequate for this area  
13 and this project for purposes of this appeal at this time.


14 6. The Board of Supervisors of Mariposa County finds  
15 that Land Division Application Number 991 was properly granted a  
16 Negative Declaration and the appeal in this case is therefore  
17 denied.

18 PASSED AND ADOPTED this 21st day of July, 1981 by the  
19 Board of Supervisors of Mariposa County, by the following vote:


20 AYES: Taber, Erickson, Moffitt  
21 NOES: Dalton  
22 ABSENT: District One (Vacant)  
23 ABSTAINED: None

24   
25 \_\_\_\_\_  
26 WILLIAM H. MOFFITT, Chairman  
27 Board of Supervisors

28 ATTEST:

29   
30 \_\_\_\_\_  
31 ELLEN BRONSON, County Clerk and  
32 Ex Officio Clerk of the Board

33 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

34   
35 \_\_\_\_\_  
36 RICHARD K. DENHALTER, County Counsel