

LETTER 28 - MARIPOSA PUBLIC UTILITY DISTRICT, DECEMBER 22, 2005

DIRECTORS:
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MARIPOSA PUBLIC UTILITY DISTRICT

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cid
Aling
water
wastewater
fire protection

December 22, 2005

Mr. Kris Schenk
Mariposa Co. Planning Dept.
Box 2039
Mariposa, CA 95338

RECEIVED
DEC 22 2005

REF: COMMENTS ON DRAFT GENERAL PLAN EIR

Mariposa County Planning Dept

Dear Kris:

At the December 2005 meeting of the MPUD Board of Directors, the Board discussed some of the environmental impacts that the proposed General Plan will have on MPUD. Please add the following comments on the General Plan EIR to my comments dated Nov. 14, 2005.

Section 4.1 (land use) does not address increased land use within the watershed for public water supplies. The District is especially concerned about the Stockton Creek watershed area. Land use, condition of the watershed and water quality have a significant effect on the minimum treatment required for surface water sources. The District's public water supply permit requirements are partially determined by the watershed survey that the District must prepare and update. Reducing the development restrictions and requirements in the watershed will no doubt affect the water quality and required treatment technology for the public water supply.

Currently, most all the parcels within the Stockton Creek Reservoir watershed are zoned agricultural exclusive (AE), Mountain Transition (MT), and Mountain Home (MH). The larger parcels are zoned AE and MT. The minimum parcel sizes for these land uses are as follows:

AE	=	160 acres
MT	=	20 acres
MH	=	5 acres

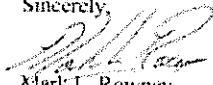
All parcels within the Stockton Creek watershed including parcels below the Stockton Creek dam are within the open watershed overlay (OWO). The minimum parcel size in the OWO area is 20 acres. Therefore, the existing MH zoned parcels within the watershed would actually have a minimum parcel size of 20 acres.

The newly proposed General Plan proposes changes in the current land use requirements within the watershed. Most all of the Stockton Creek watershed above the dam is proposed to be residential land use. The proposed new residential land use provides for more development than the MH in the current General Plan. Residential land use allows one dwelling unit per legal parcel, one dwelling unit per five acres of grassland area, a new subdivision can have 2.5 acre parcels provided the average density does not exceed one dwelling unit per 5 acres for a subdivision.

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As long as the Mariposa County zoning ordinance Title 17 (which includes the OWO requirements) is still in effect, the minimum parcel size would be 20 acres in the watershed. Without change to the OWO requirements, the new General Plan would only change the allowable land use to the one large parcel that surrounds the Stockton Creek Reservoir from 160 acres to 20 acre minimum.

The General Plan EIR should evaluate the impacts of any land use change within a public water supply watershed.

Sincerely,

Mark L. Rowney
General Manager

MLR:gp

LETTER 29 - MORRISON FOERSTER, ON BEHALF OF REDINGTON RANCH,
LLC, DECEMBER 27, 2005



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WALNUT CREEK, CENTURY CITY
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SINGAPORE, BRUSSELS

December 27, 2005

Writer's Direct Contact
415/268-7248
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VIA FACSIMILE AND MAIL

Kris Schenk
Mariposa County Planning Department
Post Office Box 2039
Mariposa, California 95338-2039

Re: Comments On 2005 General Plan Update and
Accompanying Draft Environmental Impact Report

Dear Mr. Schenk:

This firm represents Redington Ranch, LLC, located in Mariposa County. We are writing to comment on Mariposa County's 2005 General Plan Update and accompanying Draft Environmental Impact Report. Specific comments on various aspects of the General Plan and Draft EIR follow. We also request that you provide us with copies of other comments on the Draft EIR as they are received, and place us on the County's notification list for hearings and other activities related to the General Plan. Please advise if there is a fee associated with being on this mailing list.

General Plan: Extent Of Uses Allowed In Agriculture/Working Landscape Land Use Classification p. 5-43

The General Plan states that the "primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings, agriculture, timber and mining activities requiring large acreages for production activities, and processing." (Page 5-43.) Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include "rock crushing, feed lots, lumber mills, and other uses associated with primary uses *that are known to have characteristics which require site specific compatibility.*" (Page 5-43 (emphasis added).) If the County intends to change the existing law with respect to agricultural lands, the General Plan needs to specify which agricultural uses would be allowed as primary uses and those agricultural uses that are "known to have characteristics which require site specific compatibility," and thus, would only be allowed after a public review process.

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We believe that the County needs to maintain a diverse agricultural base and should allow a wide range of traditional agricultural uses, such as orchards, row crops, and vineyards, to be considered "primary uses." Allowing these traditional uses as primary uses is consistent with several policies in the draft Plan. A cornerstone of the General Plan is the preservation of the working landscape. (Page 10-2.) A key strategy to preserving the working landscape is to nurture the agricultural sector, and one of the primary goals of the General Plan is to "[p]reserve agricultural economic viability to the greatest extent possible." (Page 10-2, 10-7 (Goal 10-3).) As the General Plan recognizes, agricultural businesses operate on small profit margins, and their viability is susceptible to the high costs of regulation. (Page 10-2.) Subjecting these traditional agricultural uses to an additional set of regulatory hurdles, in the form of a discretionary permit and public review process, threatens the viability of such uses, contrary to the policies of the General Plan.

Another major policy of the General Plan is to "[m]aintain viability of agriculture lands when historic parcels are discovered," particularly for those lands subject to Williamson Act contracts." (Page 10-5, 10-9 (Policy 10-6a).) Many of these historic parcels are too small to maintain viable ranching uses. Thus, in order to preserve agriculture on these parcels, other agricultural uses, such as vineyards or orchards, should be allowed. If landowners are required to obtain a discretionary permit and go through a public review process in order to establish such agricultural uses, they may abandon all agriculture production on the property, leading to non-renewal or cancellation of Williamson Act contracts.¹

Given the strong policy of the General Plan to preserve the viability of agriculture throughout the County, we recommend the language on Page 5-43 of the General Plan, regarding the extent of uses allowed under the Agriculture/Working land use classification, be amended as follows²:

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings, agriculture (including, but not limited to commercial vineyards and orchards; nurseries; wineries; commercial row crops; forage crops; greenhouses; and on-site agricultural processing plants), timber and mining activities requiring large acreages for production activities, and processing. Secondary or accessory uses which may be permitted with an appropriately-noticed

¹ We recognize the County is currently considering an amendment to its zoning ordinance that would make a number of traditional agricultural uses conditional uses under the AEZ zoning classification. We intend to submit similar comments to the County with regard to this proposed amendment.

² This list of allowable primary uses is similar to primary uses allowed in other agricultural counties. For example, Fresno County allows the raising of "tree, vine, field, forage, and other plant life crops of all kinds" without a conditional use permit. (Fresno County Zoning Ordinance section 816.1.)



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public review process include rock crushing, feed lots, lumber mills, and other uses associated with primary uses that are known to have characteristics which require site specific compatibility.

General Plan: Criteria For Lands Proposed To Be Removed From Agriculture/Working Landscape Land Use Classification pp. 5-45 - 5-46

The General Plan sets forth four findings the Board of Supervisors must make before a General Plan amendment changing the land use classification from Agriculture/Working Landscape to another land use classification is approved. One of the required findings is that:

The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification. (Page 5-46; *see also* Implementation Measure 10-2a(1) Page 10-7.)

This criterion is circular and would foreclose *any* amendment to the General Plan since land classified in the General Plan as Agriculture/Working Landscape has *by definition* been identified in the County General Plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification. In order to maintain flexibility and to allow for desirable General Plan amendments, such as for agri- or eco-tourism, the General Plan needs to delete this criterion or substantially revise it.

General Plan: Certificates Of Compliance And Agricultural Parcels p. 10-5

The General Plan states that "the challenge that results from issuance of a certificate of compliance is the creation of individual parcels that may be incapable of meeting Williamson Act Contract requirements." (Page 10-5.) This statement misinterprets the law regarding certificates of compliance and could cause confusion and mislead property owners, planners and decision-makers. Certificates of compliance do not "create" parcels, but merely verify that parcels have been created in compliance with the Subdivision Map Act and local subdivision ordinances. (Gov. Code §66499.35.) This statement should be deleted or amended to read "the challenge that results from issuance of a certificate of compliance is the recognition creation of individual parcels that may be incapable of meeting Williamson Act Contract requirements."

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The General Plan goes on to state:

The requirements of the overall Williamson Act contract still apply to the entire contracted property even when an underlying parcel is recognized or otherwise sold. To maintain overall economic viability of an agricultural preserve and ensure it remains in compliance with the contract, the General Plan places a great emphasis on ensuring that substandard agricultural parcels are not recognized through the certificate of compliance process during the tenure of the contract. (Page 10-5.)

While it is true that the requirements of the overall Williamson Act contract still apply to the entire contracted property even when an underlying parcel is recognized, the County cannot refuse to issue a certificate of compliance on a parcel of land that complies with the Subdivision Map Act, regardless of whether the parcel may be viewed as "substandard" for purposes of the Williamson Act, unless there is an express provision in the Williamson Act contract allowing it to do so. The Subdivision Map Act expressly mandates that where a parcel complies with the Act, the County "shall cause a certificate of compliance to be filed...." (Gov. Code §66499.35(a).) In determining whether a certificate of compliance should be issued, whether a parcel would be deemed substandard under an existing Williamson Act contract is irrelevant. (Gov. Code §66499.35.) Therefore, in order to comply with the Subdivision Map Act, the General Plan must be amended to delete any policy that places an emphasis on ensuring that substandard agricultural parcels are not recognized through a certificate of compliance because of the existence of a Williamson Act contract.

General Plan: Implementation Measure 10-6a(1) p. 10-9

Implementation Measure 10-6a(1) prohibits "the construction of residences on historic parcels subject to a Williamson Act contract unless complying with the terms of a Williamson Act contract." (Page 10-9.) Again, unless there is a specific provision in an existing Williamson Act contract that prohibits the construction of residences on historic parcels, this implementation measure would constitute an unlawful unilateral amendment to existing Williamson Act contracts. Implementation Measure 10-6a(1) should be amended to read "Prohibit the construction of residences on historic parcels subject to a Williamson Act contract unless complying with the terms of a Williamson Act contract where such construction is prohibited by the terms of the contract." (Page 10-9.)

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Draft EIR: Mitigation Measure LU-3 p. 4-7

The Draft EIR concludes that the General Plan will lead to the conversion of Prime, Unique, or Farmland of Statewide Importance, and that such conversion will result in a significant impact. In order to mitigate this impact, the Draft EIR recommends Mitigation Measure LU-3, Prevent the Loss of Prime, Unique, or Farmland of Statewide Importance. To implement this measure, the Draft EIR states that General Plan Policy 10-2a shall be amended to include the following implementation measure:

Prohibit the loss of agricultural land in Mariposa County designated as prime, unique, or farmland of statewide importance by the California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program. (Page 4-7.)

This implementation measure is vague and ambiguous, in direct conflict with other policies of the General Plan (encouraging agri-tourism as an example) and potentially unenforceable since it completely prohibits amendment of the General Plan if it would result in the "loss of agricultural land." This prohibition attempts to tie the hands of future decision-makers which the General Plan should not do. Further, as it is currently written, it would prohibit even allowable uses (i.e. the construction of a single-family residence) on agricultural lands, since the construction of houses results in the "loss" of agricultural land, even if only a small loss. We suggest that this Mitigation Measure be amended to "discourage the conversion of agricultural land in Mariposa County to suburban or urban uses."

Draft EIR: Impact and Mitigation Measure LU-4 pp. 4-7 - 4-8

The Draft EIR's standard of significance for Impact LU-4 impermissibly benchmarks the significance of the environmental impact of the proposed amendment of the General Plan to "interference with" the existing zoning. Thus, the DEIR asks whether the Project will "increase the potential for cancellation or non-renewal of any existing Land Conservation Act (Williamson Act) contracts or interfere with existing zoning for agricultural uses." (Page 4-7.) However, zoning ordinances must conform to the General Plan, not vice versa. (Gov't Code §65860(a).) When a project under CEQA is the amendment of a General Plan, the threshold of environmental significance should not be based on "existing zoning." The General Plan sits atop the hierarchy of land uses and has been described as the "constitution for all future development." (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540.) To assess the impacts of a General Plan amendment by looking at its impact on existing zoning ordinances stands this planning hierarchy on its head. The phrase "or interfere with existing zoning for agricultural uses" should be deleted from the standard of significance and the impact be reassessed in light of this change.

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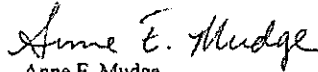
To implement this mitigation measure, the Draft EIR explains that County policies for implementing the Williamson Act will be amended to specifically address residential development on contracted lands. (Page 4-8.) This mitigation measure is vague and ambiguous and fails to explain *how* County policies for implementing the Williamson Act will be amended. For example, if such an amendment prohibited residential development on contracted land where residential development was not prohibited under the existing contractual terms, the amendment would have the effect of an unlawful unilateral amendment to the contract and would be void. Mitigation Measure LU-4 should be amended to explain how County policies for implementing the Williamson Act will be amended to address residential development on contracted lands.

Draft EIR, Mitigation Measure BR-3, pp. 2-8 and 4-32.

As described on page 2-8, Mitigation Measure BR-3 delegates control over adequacy of mitigation measures to the California Department of Fish and Game when impacts to nesting raptors are identified. As stated on that page, "no construction would be allowed until CDFG agreement with the proposed mitigation is reached." Requiring consultation by the County with CDFG over the adequacy of mitigation is desirable but the County should retain the ultimate decision over the adequacy of mitigation. We note that the language of BR-3 on page 4-32 does not contain the requirement that "agreement by CDFG" be reached.

Thank you for the opportunity to comment on the Mariposa County General Plan Update and Draft Environmental Impact Report.

Sincerely,


Anne E. Mudge

AEM:raa

cc: Lee Stetson (via e-mail)
Lyle Turpin (via e-mail)
Janet Bibby (via e-mail)
Dianne Fritz (via e-mail)
Bob Pickard (via e-mail)

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LETTER 30 - SOUTHERN SIERRA MIWUK NATION, DECEMBER 27, 2005



SOUTHERN SIERRA
MIWUK NATION

P.O. BOX 1200, MARIPOSA, CALIFORNIA 95338

Chairman
Anthony C. Brochini
Vice Chairman
Russell D. Rhoad
Secretary
Winona Brown
Treasurer
Lynn Cater
Director at Large
Jeremy Brice

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DEC 29 2005

John Berry/County

December 27, 2005

To: Mariposa County Board of Supervisors and Mariposa County Planning

From: Southern Sierra Miwuk Nation, AKA American Indian Council of Mariposa County, Inc.

Subject: Official Consultation Notice and comments about 2005 Draft General Plan and the 2005 Draft EIR.

The Southern Sierra Miwuk Nation has determined that the 2005 Draft General Plan and the 2005 Draft EIR clearly does not address the "Tribes" views and concerns of our Traditional Tribal Cultural Sites.

The Tribe has not been included in the development of the 2005 Draft General Plan or the 2005 Draft EIR. The Tribe has not received any letters asking for participation or consultation in this process by Mariposa County Planning. The only notice the Tribe has received was the October 2005 Memorandum which documented the official notice to respond to Mariposa Planning for comments and not consultation.

The Southern Sierra Miwuk Nation is officially asking to enter into consultation with the Mariposa County Planning concerning the recent documents of 2005 Draft General Plan and 2005 Draft EIR (Volumes 1, 2, 3, and 4) before they are approved by the Board of Supervisors.

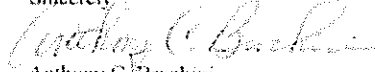
This consultation request must take place to meet CEQA, SB 18 and SB 922 guidelines of State law that requires 90 days for the Tribe to respond to the Mariposa Planning to request consultation. (Govt. code 65325.3 (a) (2)).

Consultation is a process in which both the Tribe and Mariposa County Planning invest time and effort into seeking a mutually agreeable resolution for the purpose of preserving or mitigation impacts to cultural places. Public meetings do not meet consultation guideline requirements of SB 18 law. Government to government meetings with the Tribe and Mariposa Planning shall meet consultation guidelines as set forth in the SB 18 and SB 922 guidelines.

COUNTY OF MARIPOSA GENERAL PLAN –VOLUME IV
ENVIRONMENTAL IMPACT REPORT

Please contact the Southern Sierra Miwuk Nation tribe to set up consultation concerning the 2005 Draft General Plan and 2005 Draft EIR before they are approved by the Board of Supervisors.

Sincerely,



Anthony C. Brochini
Chairman of AICMC
Southern Sierra Miwuk Nation
P.O. Box 1200
Mariposa, Ca. 95338
209-742-4051- home phone
209-379-1120- work phone
209-628-0085- cell phone
E-mail, tony_brochini@nps.gov

LETTER 31 - JIM AND J.J. GILLISPIE, JANUARY 11, 2006

-Original Message-----

From: ralph mendershausen [mailto:ralphr@sierratel.com]

Sent: Tuesday, December 27, 2005 12:08 PM

To: mariposaplanning@mariposacounty.org

Cc: bpickard@mariposacounty.org; lee stetson

Subject: Draft EIR

Regarding the General Plan Update EIR:

I think the county should be steering a course that fosters growth, and not sprawl, that provides reasonable guidelines for developers and assurances to the community at large that their rural lifestyle will survive. I am afraid the current document has two major flaws that stand out to me. The first is the inclusion of large areas between current population centers in TPA's. I am not sure that there is an adequate rationale provided to justify such a dramatic expansion of planning areas. Perhaps this is meant to provide a sense of control for planning staff because of the rapid suburbanization of the foothills in Mariposa County. In any case, without proper rationale it seems a potential invitation to development. It is important that the separate communities preserve their integrity and that open space is the dominant characteristic between communities. In this regard, the typical lot between Mariposa and Bear Valley should not be allowed to creep down towards 40 acres in places that now provide a sense of significant open space. This becomes more important the closer one is to Highway 49N.

The other issue also arises from concern about sprawl. The five acre density concept, will probably be used (misused) to develop more lots than will be developed under the current and more rigid standard.

For that reason it is not a good idea because we have many lots available at present and there has been little issue about lack of growth under the current system. I am afraid that with the flexibility built into the density concept fifteen, twenty, or thirty acre parcels that will only be developed with one home now because of terrain and drainage problems will be developed using gerrymandered lot lines or other chicanery as people seek the maximum level of development. I am afraid that this last approach, the worst case scenario, may be much more common than we like to imagine in planning.

In talking with people about the plan I often hear the fact that this or that idea stems from our former planner, Eric Toll. And it is true that tremendous time and money has gone into this planning process already. Frankly, neither point is of interest to me. What matters is that the values/concerns represented in the extensive scoping process we went through at the outset be recognized and embodied in this document. I do not believe the current documents come close to doing that. It is very sad that the enthusiasm with which our community embarked on this process years ago has become cynicism and indifference.

Sincerely yours,

Dr. Ralph R. Mendershausen

COUNTY OF MARIPOSA GENERAL PLAN –VOLUME IV
ENVIRONMENTAL IMPACT REPORT

According to the new General Plan, expansion of the Mariposa area would include expanded industrial and airport uses as well as up to 19 square miles of additional suburban residential densities. There is a 2500 acre parcel between Mt. Bullion and Bear Valley, and between Pendola Gardens Road and Hwy 49 N which is being changed to 5 acre residential. There is a potential of 500 homes going up. If the allowable 2 homes are put on each 5 acre parcel, this becomes a potential of 1000 homes being built directly behind me and my neighbors. If, for example, each household has a minimum average of 2 people this would be a population of 2000. With the build-out of the General Plan as proposed, the area between Mt. Bullion and Bear Valley will have a greater population than Mariposa proper. This is a huge impact, not only for my neighborhood, but also for Mariposa County to absorb.

I thought the general intent of the General Plan was to keep Mariposa County a rural and agricultural environment, which makes this county so special. How can the General Plan allow new developments to be larger than the largest town in Mariposa County? This is totally contrary to the general intent of the General Plan. There needs to be a maximum amount of acres allowable to develop in any one area of the county. There needs to be buffer zones between towns in order to maintain our rural and agricultural atmosphere. Existing 160 acre agricultural parcels should not be further broken down, but should be left as is, to create buffer zones. There is a natural amount of growth occurring in Mariposa County in the last several years due to uncontrollable circumstances. Why do we need to bring more uncontrollable growth to Mariposa County by breaking down large acreage to 5 acre parcels. This only invites developers to come in, develop to the fullest, make their money, and leave us to deal with the resulting uncontrolled growth and its associated problems.

The #1 concern is water. Some areas have much less water than other areas. Here, in the Mt. Bullion/Bear Valley area, will we have to dig much deeper wells in order to reach, hopefully, the aquifer that is being depleted by a potential of 1000 homes? This is already happening in Bear Valley. Several residents there have already been forced to dig to 700 ft. with poor results.

At this point, there has been no environment impact study done to determine what kind of impact large acreage that is changed to smaller parcels, like 5 acre parcels, will have on the environment. For some reason, this has been deemed a good idea to make these changes for the new General Plan. We DO NOT NEED UNCONTROLLED GROWTH at all. It is contrary to the intent of the General Plan.

There will be many impacts that will be felt, not only by every neighborhood affected, but by every citizen of Mariposa County. Traffic will greatly increase and bring environmental noise and air pollution. There will be a reduced level of service on state highways and county roads, reduced level of service at intersections, greater air quality emissions than listed significance thresholds. Will we have to smog our vehicles? There will be an unmet demand for additional school capacity. Fire department coverage will definitely be hampered. There will be a much greater need for personnel and expensive equipment. There will be a much greater need to educate people on fire safety. Of course, water is needed to fight fires. Will there be enough local water to douse residential or wild fires? The police department will have to hire a minimum of 250 new personnel, according to the General Plan, in order to maintain minimum levels of coverage. The level of crime, with that much of an influx of people, will definitely increase. How will the ambulance service be able to deal with the influx of people and the wide area of coverage? How will our local hospital, which is the ONLY hospital around this area, cope with the new influx of people?

COUNTY OF MARIPOSA GENERAL PLAN – VOLUME IV
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The land zoned as 160 acre parcels has historically been agricultural. According to the intent of the General Plan, we want to maintain our agricultural heritage. This loss of land will have a significant and irreversible effect. There will also be a loss of non-renewable mineral resources. What will happen to our natural resources? In springtime, many parts of the county are ablaze with color from the astounding display of wildflowers. Pendola Gardens Road is a magnificent view of many different wildflowers. What about the birdlife and wildlife? Where are they displaced to? Many people who visit Mariposa come because they enjoy experiencing the rural atmosphere. Some of these people, who live in urban areas, have never experienced it.

I moved out of the urban environment 10 years ago by choice and blessedly found Mariposa. I love it here. This is a very special place. With proper planning, we don't have to jump on the bandwagon and become another large suburbia with all the problems associated with it. We need to stick to our general intent of staying rural and agricultural. This is what makes us unique.

Jim & J.J. Gillispie
6505 Hwy 49 N
Mariposa, Ca 95338
377-8458

January 11, 2006

LETTER 32 - UPPER MERCED RIVER WATERSHED COUNCIL, NOT DATED

Upper Merced River Watershed Council
Mariposa Resource Conservation District
5009 5th Street P.O. Box 748
Mariposa, CA
watershed@eli.net 209 968-2221

The Upper Merced River Watershed Council submits the following comments on the September 2005 Draft EIR and General Plan documents.

The Upper Merced River Watershed Council is a local organization that represents individuals, organizations, and agencies that care about the Upper Merced River Watershed. The Watershed is the centerpiece of Mariposa County's scenic beauty. The Merced River Canyon and Yosemite National Park attract millions of visitors to Mariposa County each year. County residents work and play in the Watershed. The Merced River and its main tributaries, the South Fork and the North Fork, are major water bodies in the County.

The Upper Merced River Watershed Council supports the goals in the draft EIR and General Plan that protect the natural, scenic, cultural, and historical resources of the Watershed. The Council believes that sections of the draft EIR do not adequately protect these resources.

Goal 10-3, p. A 37: The County shall maintain a commitment to programs for invasive species eradication.

The Upper Merced River Watershed Council supports this goal through education and work on the ground. The goal in the General Plan is listed for agricultural lands. However, the threat of invasives extends to new developments, private lands, the shoulders of county roads, and open space.

The Upper Merced River Watershed Council recommends further implementation measures:

- Implement a proactive prevention and education program for all areas of the county – not just in the agricultural lands section
- Address the spread of invasive species along county roads
- Require equipment operators to wash their equipment before moving from one development site to another to prevent the spread of invasives like yellow starthistle

Goal 11-2, p. A 40 – 42: Protect and manage the use of Mariposa County's limited water resources.

The Upper Merced River Watershed Council believes that further implementation measures would protect water quality and water quantity and improve management of this limited resource. Water is the key resource in preserving

**COUNTY OF MARIPOSA GENERAL PLAN – VOLUME IV
ENVIRONMENTAL IMPACT REPORT**

Comments on Draft EIS
Upper Merced River Watershed Council

Mariposa County's quality of life. It creates the natural beauty for which the County is famous. It is essential for business, agriculture, and local residents.

Water quantity:

Threats to water quantity that should be addressed in implementation measures include

- Development: designs should be evaluated to be sure that sufficient setbacks are provided for all bodies of water. Even the smallest seasonal creek or spring helps recharge the fractured rock water storage on which everyone in the county depends.
- New developments should be able to prove that adequate water for current and projected needs can be provided without affecting the water available to neighboring properties.

Water quality:

Threats to water quality that should be addressed in implementation measures include

- Erosion from poorly sited or maintained dirt roads
- Erosion from improperly prepared building pads
- Storm run off
- Run off from excessive use of fertilizers and herbicides
- Run off from "unofficial" dump sites
- Run off from abandoned mine sites

**LETTER 33 – PLANNING COMMISSION PUBLIC HEARING, OCTOBER 14,
2005**

MARIPOSA COUNTY PLANNING COMMISSION

MINUTES OF OCTOBER 14, 2005
Regular Meeting

Meeting called to order at 9:00 a.m.

Commissioners present: Ludington, Ross, Rudzik, Skyrud and De Santis

1. **REGULAR BUSINESS:**

1A. **Pledge of Allegiance**

1B. **Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the commission that is not on the agenda.**

2. **PUBLIC HEARINGS:**

Commissioner Rudzik explained the Planning Commission's public hearing procedures.

Commissioner Rudzik briefly described the Draft General Plan (GP) process of updating the 4 volume set and the history of the project to date, including the 70 special meetings and workshops in different areas of the County of Mariposa.

Kris Schenk, Director, explained what each of the volumes include and what the Commission will be accepting comments on today. The critical document at this time is Volume 1 and the Draft EIR (DEIR), which has been sent to the State Clearinghouse. Schenk said comments will be accepted by the Board of Supervisors during a public hearing on November 1st.

Schenk stated Bob Duchek, consultant is available for any technical questions. Schenk concluded briefly describing the balance of the process.

Bob Duchek, consultant, commented on the purpose of the public hearing, the comments will be recorded and considered for the final EIR document. At that time it will be decided if the document adequately addresses impacts resulting from General Plan adoption.

2A. **September 2005 Draft Environmental Impact Report (DEIR) – Volume IV (General Plan Update)**

Public hearing to submit written comments and to present oral testimony to the Planning Commission regarding the 2005 Draft EIR.

Public Comment Portion of the Hearing Open

10/14/05 PC Comment 1:

Steve Saunders, resident of Catheys Valley

(GP) Thinks the new general plan should reflect what the old general plan did in regards to land use. There should be separation between communities. Each community should be able to develop their own policies for growth. Preserving "green space" between communities contributes to rural character.

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(GP) Under present zoning, if built out, Mariposa County has more than our fair share of growth. Should be more than adequate to meet State's requirements for residential growth.

(DEIR) By making communities too large, there has to be some environmental impact. The proposed general plan shows much larger communities than currently exist. Doesn't know exactly how the documents are addressing these issues.

10/14/05 PC Comment 2:

Tolley Gorham

Concerned about process. The DEIR evaluates the policy document, assuming that the General Plan will be adopted as proposed. Doesn't believe the DEIR addresses what would take place if the Planning Commission and Board of Supervisors have the wisdom to abandon the abolishment of the town planning areas.

Duchek responded to Gorham, stating that the DEIR is to address the impacts of the project, the proposed General Plan. The final EIR will address all comments. In addition the General Plan includes alternatives, including impacts if the General Plan remained as it stands today.

10/14/05 PC Comment 3:

Dick Kunstman, resident of Midlines since 1980 (purchased property in 1965), chemical engineer with doctorates degree

(DEIR) Concerned about DEIR, especially since the documents do not recognize that our society is facing a "long emergency". The documents assume that we will continue to be as mobile as we are now. Geologists have predicted that crude oil production in the United States and world will peak and then decline. Yet, society continues to use more crude oil each year. The reality is that our society will not be able to be as mobile in the future, when we run out of petroleum. This relates to the General Plan, as our mobility will most certainly be affected.

10/14/05 PC Comment 4:

Steve Saunders

(GP) We're at the southern end of a lot of growth in the Sierras. Mariposa County has the chance to make itself a jewel – something special. We don't have to repeat the mistakes of our northern counties. Saunders feels we should keep it close to the current General Plan.

Public Comment Portion of the Hearing Closed

Recess: 9:40

Reconvened: 9:50

Schenk talked about the 4 volumes and the 26 year old document that is causing problems. The new draft general plan will address these issues. Schenk stated the major changes adopted by the Board in March include the adoption of the community plans and the area maps. Schenk also mentioned the build out that is now included in the document. Schenk mentioned Volume III's update.

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MARIPOSA COUNTY PLANNING COMMISSION, MINUTES OF October 14, 2005 (cont.)

- 2B. September 2005 General Plan Update – Volume I, II and III**
Public hearing to submit written comments and provide oral testimony to the Planning Commission concerning the policies, maps or text contained in Volumes I, II and III of the 2005 General Plan Update.

Public Comment Portion of the Hearing Open

10/14/05 PC Comment 5:

Tolley Gorham

(GP) The existing town planning areas will be replaced with community planning areas. Between adoption of the General Plan Update and the adoption of the community plan documents, there will be an interim set of rules which will apply to new development. Fifteen years ago, Karl Baumann developed a plan for Catheys Valley which many people liked. He addressed needs to get people into Yosemite Valley and housing and the needs of the community. Evidently, there are some people who don't want Karl's plan to happen. The interim plan would eliminate the possibility of some property owners to use their property for the purpose for which they purchased it. Will the county move forward without giving property owners an opportunity to provide comment? The Catheys Valley Plan is at least 2 years old. If the county adopts the document and eliminates the ability of property owners to use their property, the county is depriving the property owners of opportunities they have right now. He suggests a change in land use, to not allow changes to take place in town planning areas until the community plans are adopted. Now, a property owner could subdivide his parcel into parcels of 2.5 acres. But if he submitted it now, he wouldn't be approved before the General Plan is adopted. Where is the new community map for Catheys Valley?

10/14/05 PC Comment 6:

Linda Dinnel, property owner in Catheys Valley since 1967

(GP) Likes Lyle Turpin's article about property owner's rights and agriculture. Does not support all 5-acre parcels. Would like to see Catheys Valley stay the way it is right now. Dinnel also presented a handout to the Commission and briefly described what was included.

10/14/05 PC Comment 7:

Steve Saunders

(GP) A number of months ago, a proposal was made for a dairy in Catheys Valley. It was discovered that a dairy could be established without any comment or input from neighbors. The Agricultural Advisory Committee came up with a recommendation to amend the Zoning Ordinance, to make more intense agricultural uses subject to a special review process. There is a concern in the community about development between residential and agricultural uses. Other communities have a "residential agricultural" zone, which is a transition zone.

(GP) State law allows a second residential structure on each parcel. With a second residence on a Mountain Home zoned parcel, it is like having 2.5 acre parcels. If we have 2.5 acre zoning, planned with proper roads and infrastructure, with limits to residential development through CC&Rs, we would still have buildout with the same rural character of Mountain Home with 2

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MARIPOSA COUNTY PLANNING COMMISSION, MINUTES OF October 14, 2005 (cont.)

residences allowed on each. Smaller parcels with clustering would enable the project to have parks and open space.

10/14/05 PC Comment 8:

Corrie Smith, realtor in Catheys Valley, resident, granddaughter of Karl Baumann

(GP) Catheys Valley is finally a place where people want to move. Being a realtor, many comments are made about growth and character of the county. People who move here want to maintain the rural character. In Mariposa, there is the commercial hub, with residential development surrounding. In Catheys Valley, there is the start of a commercial hub, but the residential areas surrounding the hub are limited. It should be increased. We can have smaller parcels and still maintain the rural character. She thinks 2.5 acre parcels would be appropriate. People moving in would like a few more services locally.

10/14/05 PC Comment 9:

Tolley Gorham

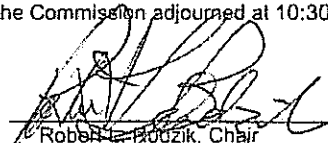
The interim land use map reflects the current zoning. The interim map eliminates the current town planning area. He believes that the community needs to see the Catheys Valley draft community plan map and not the interim map.

Commissioner Rudzik asked staff about the map that Tolley spoke of. Schenk responded. Tolley asked for clarification. Rudzik suggested Tolley speak to staff and attend Catheys Valley Planning Area Advisory Committee meetings.

Public Comment Portion of the Hearing Closed

Schenk stated written comments will be accepted for approximately another month.

With there being no further business, the Commission adjourned at 10:30 a.m.



Robert Rudzik, Chair
Mariposa County Planning Commission

ATTEST:



Tracy Gauthier, Secretary to the
Mariposa County Planning Commission