

MARIPOSA COUNTY RESOLUTION NO. 88-35

A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT NO. 86-4, KARL BAUMANN-APPLICANT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Mariposa County has received a request for an amendment to the Land Use Element of the General Plan; and

WHEREAS, the Mariposa County Board of Supervisors, acting as the Lead Agency in accordance with Section 15367 of the California Administrative Code, has determined that an Environmental Impact Report is necessary to analyze the potential environmental effects of the project; and

WHEREAS, a draft Environmental Impact Report was prepared in accordance with Section 21000 of the Public Resources Code, otherwise known as the California Environmental Quality Act (C.E.Q.A.), and the adopted Mariposa County Environmental Review Policies and Procedures; and

WHEREAS, public review on the draft Environmental Impact Report was conducted in accordance with C.E.Q.A. and County Environmental Review Policies and Procedures; and

WHEREAS, responses to the significant environmental points raised during the public review period have been responded to by the Lead Agency in accordance with C.E.Q.A.

NOW THEREFORE BE IT RESOLVED, that this Board determines that the Environmental Impact Report for the General Plan Amendment No. 86-4 is certified in compliance with Section 21080 et seq of the Public Resources Code otherwise known as the "California Environmental Quality Act (C.E.Q.A.) in accordance with the following:

The Final Environmental Impact Report shall consist of the following:

1. The Draft Environmental Impact Report prepared by the environmental

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consultants, Community Concepts.

2. A copy of all written comments received in regard to the Draft Environmental Impact Report received during the public hearing held on the Draft Environmental Impact and the Board of Supervisor's responses to all such comments as contained in "Attachment A" of this resolution.

3. Modifications to the text of the Environmental Impact Report as recommended by the Planning Commission, as shown in "Attachment B".

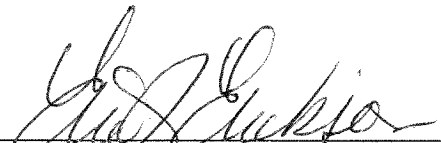
PASSED AND ADOPTED on the 2nd day of February, 1988 by the Mariposa County Board of Supervisors by the following vote:

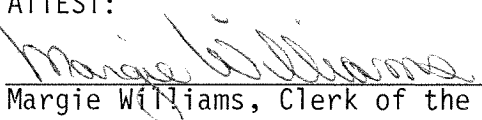
AYES: Baggett, Radanovich, Taber

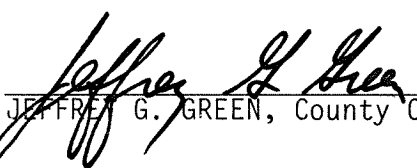
NOES: Erickson

EXCUSED: Dalton

ABSTAINED: None


ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams, Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel

ATTACHMENT "A"

SECTION I

PURPOSE AND FORMAT OF THE FINAL EIR

Under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the County of Mariposa as Lead Agency is required, after completion of a Draft Environmental Impact Report (DEIR), to consult with and obtain comments from public agencies having jurisdiction by law with respect to the proposed project and to provide the applicant and general public with opportunities to comment on the DEIR. The County is also required to respond to significant environmental points raised during the review and consultation period. This Final EIR (FEIR) has been prepared to respond to the public agency and general public comments received on the Whispering Oaks General Plan Amendment, which was circulated for review in August and September, 1987.

This document has been prepared in the form of an attachment or addendum to the DEIR as allowed by Section 15146 (b) of the CEQA Guidelines. This document and the DEIR, herein incorporated by reference, constitutes the FEIR. The following sections of this document include:

Section II - Comments and responses, prepared by the EIR consultants listed by person/group submitting comment, and

Section III - Amendments to the DEIR, by page.

Section IV - A copy of all written comments received on the draft Environmental Impact Report.

Note: No verbal testimony was received on the Draft Environmental Impact Report.

Whispering Oaks II General Plan Amendment Environmental Impact Report

Introduction:

The following has been prepared in response to comments received for the Whispering Oaks II General Plan Amendment EIR. The Mariposa County Board of Supervisors held a public hearing on the project on September 1, 1987 in the Mariposa County Courthouse. There were no comments received at the public hearing and only three written comments were received as a result of the EIR public review process.

The following responses to these written comments have been prepared by Community Concepts, the firm responsible for the preparation of the Draft Environmental Impact Report.

Comment No. 1.

From the California Department of Transportation.

Dana Cowell, Chief, Transportation Planning Branch

The state comments is that "As development occurs, the traffic impacts at the Hornitos Road and Route 140 intersection will become more severe." The state is seeking assurance that this intersection design, at Hornitos Road and Highway 140 meets state standards. The state response did not provide us with any indication as to present status of the intersection with respect to it meeting state standards.

Response:

Based upon road count data supplied by the Mariposa County Public Works Department, Hornitos Road had approximately 344 vehicle trips daily in 1985. This is a 4% increase over the 1982 road count data. Hornitos Road is the primary service road for the cattle ranches in the area and the community of Hornitos. The road also connects Highway 140 with the community of Bear Valley (at Highway 49) in addition to the Hunters Valley area of the County. Hornitos Road is also a primary access route for traffic to Lake McClure and Lake McSwain in the northwest portion of Mariposa County.

Highway 140, as it passes through Cathey's Valley near the Hornitos Road intersection, is one of the most heavily traveled roadways in the county. Although there are several commercial service businesses and many houses in the vicinity of the intersection, this section of the state route does not have any speed controls or turn pockets.

While available vehicle traffic data does not provide specific information about the type of traffic use Hornitos Road receives, it must be assumed most traffic on the road is in route to other areas or is commercial traffic serving the ranches in the area. The overall potential for traffic on this road is not likely to be significantly affected by this project.

Future growth in this area could result in the need for improvements to the intersection of Hornitos Road and Highway 140. We must assume that both CalTrans and The Mariposa County Transportation Commission will monitor this intersection and take appropriate planning steps as they are needed.

Without a more specific problem, identified by the Department of Transportation, we are unable to provide a more definitive response.

Comment No. 2.

From Mr. James Baggott, affected property owner.

In a note signed by Karla M. Baggott, it was stated that they felt that a subdivision in the area was a good idea because they thought it would increase their property values.

Response:

No response to this comment is necessary in as much as the comment is directed towards the project and not on an environmental aspect of the project.

Comment No. 3.

From George and Patricia Childs, affected property owners.

In a letter, these residents of the Whispering Oaks I Subdivision raised four concerns that are more appropriately directed towards the development project than the environmental document for a general plan amendment. We assume that if the plan amendment is approved and the project applicant submits a subdivision proposal on the property, that the concerns of these property owners will be addressed.

It should be pointed out that a recent fire in the Hornitos area resulted in CDF drawing water from the water storage tanks within the Whispering Oaks I Subdivision. The water was drawn upon to fight a fire outside the subdivision and the property owners now have to pay for refilling the storage tanks. It is of some concern to these residents as to how future development in the area will be required to have emergency water storage for fire protection. We assume that on-site fire protection water storage will be required on all major subdivisions in the area, including any proposed subdivision on Whispering Oaks II.

Response:

No further responses to these comments are necessary in as much as they are directed towards the project and not necessarily an environmental aspect of the project.

Comment No. 4

From Mr. Jerry Progner, Soil Conservation Service

As a verbal comment at the Environmental Review-Technical Advisory Committee meeting of August 5, 1987, Mr. Progner noted that the mitigation measures on page 24 of the document were adequate, but that measure number 3 should be changed to require erosion control plans on all major excavations regardless of slope.

Response:

The Mariposa County Grading Ordinance provides for the proper implementation of erosion control measures for earth movement and excavations throughout the county. It is assumed that the erosion control provisions of the Grading Ordinance are adequate to mitigate any potential erosion impacts on the project site, regardless of slope.

SECTION III

This section contains modifications and/or corrections to the text of the Draft Environmental Impact Report in response to minor typographical errors identified through the review process.

1. Chapter II, Page 5, 9th line.
Sentence should be modified to read as follows:

Bear Creek and the existing drainage system in the region of the project do not represent potential problems with flooding and drainage on the project site or to downstream improvements.

2. Chapter III, Page 23, Third paragraph, third line.

The slope range for Blasingame-La Posas rocky loams (BIF) should be changed from 15-50%.

ATTACHMENT B

The final EIR shall include the following revisions to the Draft Environmental Impact Report:

Chapter IV, E Land Use, Mitigation Section

Mitigation Measure No. 1 shall be reworded as follows:

Project densities should be reduced along the western and southwestern boundaries to create a buffer between residential and agricultural areas. This may be accomplished by establishing a 20 acre average parcel size for any parcel which contacts this boundary. Implementation of this mitigation measure can take place during the subdivision review process.

Mitigation Measure No. 4 shall be reworded as follows:

Minimum setbacks should be established between on-site residential uses and abutting Agricultural Exclusive Lands.

A minimum setback of 100 feet is recommended along the northerly 1600 feet of the westerly boundary and a 200 foot setback for the remainder of the project abutting the Agricultural Exclusive Land Use.