

SECTION V

LEAD AGENCY RESPONSES TO COMMENTS ON THE MARIPOSA TPA SPECIFIC PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT

Response to Comment Document #1

The California Department of Food and Agriculture states the Specific Plan will not result in the conversion of agricultural land to non-agricultural uses. This is discussed in the Draft EIR and no response is necessary.

Response to Comment Document #2

The California Department of Fish and Game (DFG) states the mitigation measures contained in the Draft EIR are insufficient to mitigate potentially significant impacts on wildlife resources and consequently the Specific Plan as proposed and subsequent development will have a significant impact on wildlife resources. To mitigate potential impacts to a non-significant level, the Department of Fish and Game recommends additional mitigation measures: (1) establishing a 200+ foot riparian corridor along Mariposa Creek which prohibits future development; (2) prohibiting the removal of native riparian vegetation; and (3) requiring any diversion or obstruction of Mariposa Creek to comply with the Fish and Game Code.

Section 4.D(1) of the Draft EIR concurs with DFG's statement that the Specific Plan and subsequent development will adversely impact wildlife resources, especially the riparian habitat along Mariposa Creek. The Draft EIR states Mariposa Creek riparian habitat may be impacted by the conversion of riparian habitat to urban uses and the intensification of compatibility conflicts with adjacent urban uses which are not conducive to the preservation of habitat or utilization by wildlife. The Specific Plan proposes development standards, including the mitigation measures contained in Section 4.D(1), to protect the riparian habitat from conversion to urban uses and incompatible adjacent uses. The Draft EIR contains a mitigation measure which establishes a building and fill setback from Mariposa Creek to address potential flood impacts. No buildings or fill placements can be located within 50 feet from the centerline of Mariposa Creek or the 100-year floodplain which extends in some areas to 80 feet from the centerline of the creek. Grading is not specifically prohibited within the setback, but grading on commercial, industrial, and multi-family residential parcels which extend along most of the creek cannot occur except in conjunction with an approved project. The development project must be consistent with the Specific Plan's design review standards which establish Mariposa Creek as an open space area for flood control, recreation, pedestrian circulation, and community enhancement purposes and requires individual development to observe

and enhance the open space area. In addition, drainage easements are required along Mariposa Creek for any residential subdivision fronting the creek. Thus, the Specific Plan will substantially restrict development along Mariposa Creek that may remove riparian vegetation or be incompatible with the riparian habitat.

In order to adequately mitigate the potential impacts on the riparian habitat and wildlife along the creek, DFG states additional mitigation measures are necessary. These mitigation measures include a 100' buffer from the edge of the riparian habitat which prohibits all development and a prohibition against the removal of native vegetation. These mitigation measures are unreasonable and excessive for mitigation of the potential impacts to a non-significant level. This statement is supported by the following:

- 1) Riparian vegetation along Mariposa Creek does not extend beyond the 100-year floodplain and the 50' setback. The prohibition of building and fill placements within the floodplain and the community design review standards will ensure that development permitted by the Specific Plan will not convert significant amounts of riparian habitat to urban uses or be incompatible with adjacent riparian habitat. An additional 100' buffer will not protect riparian habitat along Mariposa Creek to a reasonably or substantially greater extent than the proposed Specific Plan standards.
- 2) Although the Specific Plan does not specifically prohibit the removal of native riparian vegetation, the standards previously mentioned will protect riparian vegetation from removal by permitted commercial, industrial, and multi-family residential development. Riparian vegetation may be removed for single family residential development, but this amount will not be substantial in comparison to the total amount of vegetation. In addition, the total prohibition of native riparian vegetation may result in overgrowth which may hinder use by wildlife. The prohibition of the removal of native riparian vegetation will not reasonably protect substantial amounts of native riparian vegetation from removal which are not already protected by the proposed Specific Plan standards.
- 3) A secondary benefit of the Mariposa Creek floodplain setback is the creation of an open space corridor. The Board of Supervisors has designated Mariposa Creek from the Fairgrounds to Highway 49 North as a future creekside park. This creekside park project is included as a public improvement project in Section 4 of the Specific Plan and will enhance the creek as a wildlife resource by retaining native vegetation; removing intrusive non-native species; revegetating the stream channel with native species; and restoring and protecting bird and wildlife habitats along the creek. Although the project proposes pedestrian and bike paths, bridges, and rest areas, a Negative Declaration was

adopted for the project stating the Mariposa Creek Project will not have a significant impact on wildlife resources or the riparian habitat along Mariposa Creek.

The mitigation measures contained in the Draft EIR will adequately mitigate potential impacts to wildlife resources along Mariposa Creek, including riparian vegetation, to a non-significant level. Nonetheless, DFG correctly states any diversion or obstruction of the natural flow or alteration of the creek channel is subject to Sections 1601 to 1603 of the California Fish and Game Code. In that minor grading within the Mariposa Creek floodplain is still permitted under the Specific Plan, the statutory requirements of Sections 1601 to 1603 of the Fish and Game Code have been incorporated into Mitigation Measure No. A.3(b) to require a Streambed Alteration Permit or waiver from DFG for grading within the Mariposa Creek setback area. This will ensure that the Department of Fish and Game has review authority over creek obstructions or alterations which may impact wildlife resources along Mariposa Creek.

The amended mitigation measure is stated in Section VI(B.3) of the Final EIR.

Response to Comment Document #3

The California Department of Transportation's comments are on the public improvement programs indicated in Section 4 of the Specific Plan document. The programs commented on by CalTrans are not mitigation measures but rather potential circulation and parking improvements identified in the Specific Plan. These potential improvements are identified as alternatives and options which should be further studied by the County to address future circulation issues in Mariposa. The Board of Supervisors has not approved, adopted, or funded these programs, and an environmental document will be required for these programs in accordance with the California Environmental Quality Act prior to their approval, funding, and implementation.

No response is necessary to these comments for the following reasons:

- 1) The identified programs are potential circulation and parking improvements to be studied by and acted upon by the County at a later date.
- 2) In that priorities and timetables have not been established for the alternative circulation and parking improvements, potential impacts which may result from such improvements are too speculative for evaluation at this time.
- 3) The approval, funding, and construction, of the improvement programs will be subject to the requirements of the California Environmental Quality Act. Environmental documentation will be prepared for all improvement programs prior to implementation.

- 4) The improvement programs identified by CalTrans are not mitigation measures listed in the Draft EIR.

Response to Comment Document #4

The Mariposa Public Utility District (MPUD) has provided up-to-date and accurate information concerning MPUD and comments on specific portions of the Specific Plan with a reference for necessary corresponding changes in the Draft EIR. The response to this information and comments is as follows:

Comment #4A--The information on MPUD included in the Community Profile of the Specific Plan and incorporated by reference into the Draft EIR will be amended to reflect the up-to-date and accurate information provided by MPUD. In addition, the information on MPUD has been updated to reflect circumstances which have changed since MPUD's comments. The necessary amendments and additions have been made to the Community Profile. Since the Community Profile is a referenced and incorporated document, no revisions are necessary to the EIR.

Comment #4B--MPUD's comments on the Specific Plan do not affect mitigation measures contained in the Draft EIR except for Section 3.35(D)(3) which requires installation of fire hydrants for residential development. MPUD has commented that development located within MPUD should install fire hydrants in accordance with MPUD standards which may be different than the proposed standard. The MPUD is the fire protection agency for property within MPUD and their standards will ensure adequate sizing and spacing of fire hydrants. Based on their comments, Mitigation Measure No. H.1(c)(c) has been amended to state that fire hydrants for residential development within MPUD will be installed in accordance with MPUD standards. The amended mitigation measure is stated in Section VI(B.7) of the Final EIR. No other revisions to the Draft EIR are necessary to respond to MPUD's comments.

Response to Comment Document #5

The Mariposa Local Agency Formation Commission concurs with the mitigation measure prohibiting new private wells within MPUD and states as a responsible agency that the Environmental Impact Report adequately addresses and mitigates potential impacts associated with the proposed update to the MPUD sphere of influence. No response is necessary.

Response to Comment Document #6

The Mariposa County Department of Public Works has commented on specific sections of the Draft EIR and has also provided a response to CalTrans' comments on the Draft EIR (Comment Document #3). The

responses to the Department of Public Work's comments are as follows:

Comment #6A--The Public Works Department concurs with the Draft EIR conclusion that traffic increase on Highway 49 South may be significant. The traffic study indicated in Mitigation Measure No. G.1(b) may be incorporated in the County-wide traffic study recommended by the Public Works Department. As the mitigation measure does not prohibit the traffic study for the Ben Hur Road and Fairgrounds Road intersections being done in conjunction with a County-wide study, no revision to the mitigation measure is necessary.

Comment #6B--The Highway 49 North continuous left-turn lane improvement program as contained in the State Transportation Improvement Program is new information not available at the time of the Draft EIR preparation. This new information and amendments to the Highway 49 North mitigation measures have been incorporated into the EIR. The amendments are contained in Section VI(B.5) of the Final EIR.

Comment #6C--The comment states that traffic levels on Highway 49 South are greater than Highway 140 West. The last sentence of Paragraph #2 of the discussion on traffic impacts has been revised to clarify that traffic levels on Highway 49 South are less than Highway 140 between Highway 49 South and North. The amended sentence is stated in Section VI(A.1) of the Final EIR.

Comment #6D--Since the level of service for a segment of highway is determined by CalTrans, the level of service for segments of the highway will be determined by using traffic engineering methods accepted by CalTrans. The Public Works Department requests that the studies be conducted every three (3) years instead of two (2) years because traffic level determinations are conducted at three year intervals by CalTrans and the County Public Works Department. Since the mitigation measure is based on level of service determinations, Mitigation Measure No. G.1(a) has been amended to state the traffic studies will be conducted once every three (3) years. The mitigation measure requiring the reduction and removal of parking along Highway 140 in the downtown area was developed in conjunction with Mitigation Measure G.4(b) which requires improving public parking in the downtown area and promoting safe, visible, and convenient access for pedestrians. Mitigation Measure No. G.4(b) will be implemented prior to or concurrently with the reduction or removal of parking along Highway 140. No amendments to the Draft EIR are necessary for this response.

Comment #6E--This comment supports adopting Option #1 of Mitigation Measure No. G.2(c) rather than Option #2. The Public Works Department's comments have been noted and will be taken into account in the adoption of the appropriate mitigation measure. No amendments to the Draft EIR are necessary for this response.

Comment #6F--The level of service will be determined by CalTrans or by the County utilizing traffic engineering methods accepted by CalTrans. The urgency of improving traffic flow along the main traffic corridor of Mariposa necessitates the need for the quick responses indicated in Mitigation Measure No. G.1(a). Requesting the placement of the left-turn channelization improvements into the State Transportation Improvement Program only when the Level of Service reaches an E level will result in the improvements being constructed several years after traffic flow has reached unacceptable conditions. This will result in significant traffic impacts on Highway 140 not being mitigated for an extended and unacceptable period of time. The mitigation measure will require the County and/or CalTrans to adopt improvement plans and funding mechanisms before the level of service on Highway 140 reaches an E level. This will allow the County and/or CalTrans to construct highway improvements within a reasonable period of time after traffic flow becomes unacceptable. No amendments have been made to the Draft EIR in response to this comment.

Comments #6G--The Public Works Department has provided a response to CalTrans' comments on potential circulation and parking improvement programs identified in the Specific Plan. The EIR response to CalTrans' comments is found in the "Response to Comment #3".

Response to Comment Document #7

General information on potential air quality impacts in the County and methods to identify these impacts is provided by the Mariposa County Air Pollution Control Officer. It is stated the Specific Plan may have a significant effect on air quality if the Specific Plan and subsequent development will cause or contribute to a violation of ambient air quality standards. However, the Air Pollution Control Officer does not state or provide information that the Specific Plan and subsequent development may impact air quality beyond that discussed in the Draft EIR. Lacking this determination, no amendments are necessary to the Draft EIR relating to air quality.

The Board of Supervisors will be considering the air pollution standards and control measures discussed in the last paragraph of the comments in the near future to address air quality in the County.

Response to Comment Document #8

The Mariposa County Historical Sites and Records Preservation Commission, an advisory body to the Board of Supervisors, has stated the Draft EIR adequately addresses potential impacts relating to historical resources. No response is necessary.

Response to Comment Document #9

The following responses address specific comments raised by Donald J. Starchman:

Comment #9A--The Uniform Building Code and soils report for subdivisions address building pad and foundation construction to ensure structural integrity and safety and do not address potential soil impacts (e.g. soil erosion) unrelated to structural integrity which may be caused by soil compaction and altered water absorption rates and drainage patterns. In addition, the Soils Report is only required on future parcels which may be created by subdivisions for five (5) or more parcels. The mitigation measures are supplementary to the County Grading Ordinance to provide more intensive review and standards for grading on moderate to steep slopes. The Board of Supervisors has modified the mitigation measures so they are implemented on slopes greater than 20% rather than 15%. The amended mitigation measures are discussed and stated in Section VI(B.2, B.3) of the Final EIR.

Comment #9B--The mitigation measure has been incorporated into the Specific Plan as a development standard which will be applicable to private development projects and County public improvement projects. CalTrans is exempted from County standards as it is a State agency. In addition, the construction work on Highway 140 has been completed.

Comment #9C--The mitigation measure addresses visual impacts which may result from development on the hillsides and ridges. The preservation of the hillsides and ridges in a natural appearing state has been identified as a key objective in achieving the goals of the Specific Plan. Although the minimum parcel size is 20 acres on the hillsides, development may occur on the hillsides and ridges on existing and future parcels. Since the hillsides and ridge are highly visible from the town of Mariposa and the State highways, the Draft EIR concluded that any development on the hillsides and ridges may significantly impact the aesthetic and natural quality of the hillsides and ridges. Hence, screening is required by the mitigation measure to reduce visual impacts created by development on the hillsides and ridges to a non-significant level. No amendments to the Draft EIR are necessary to address this comment.

Comment #9D--The Board of Supervisors has not adopted County-wide well standards. The comment does not state the mitigation measure is not necessary but rather how it should be implemented. The comment has been noted and considered in determining how the mitigation measure will be implemented through the Mitigation Monitoring and Reporting Program.

Comment #9E--The comment is a general statement that the mitigation measures contained in the Draft EIR will make it impossible to develop property in the Town Planning Area in an environmentally and economically sound manner. The comment is policy-oriented and cannot be adequately addressed in the response to comments. The Draft EIR is an informational document which analyzes potentially significant environmental impacts, including impacts on housing, that may result from the Specific Plan and includes necessary mitigation measures and alternatives which will allow development in the Town Planning Area to occur in an environmentally sound manner. The Draft EIR concludes the Specific Plan will not significantly impact housing in the Town Planning Area. The Specific Plan is the policy and regulatory document which takes into account and balances economic, housing, environmental, and other issues. The "balancing" of these competing interests and issues and the feasibility of mitigation measures will be determined by the Board of Supervisors through the adoption of the Specific Plan. In addition, the comment refers to a section which provides an option for a "Statement of Overriding Considerations" for the Smith Road improvements. A "Statement of Overriding Considerations" finding is acted upon at the Specific Plan approval stage and not at the EIR certification stage. The comment has been noted and considered.

Comment #9F--The mitigation measure for Smith Road requires minimum travel lane, shoulder, and pedestrian path improvements. General impacts which may result from the widening of Smith Road (e.g. increased traffic and development in the area) have been considered in the Specific Plan and Draft EIR. The Board of Supervisors has reduced the necessary improvements for Smith Road and approved a general cross-section of the improvements. However, specific engineered improvement designs and cross-sections for the improvements have not been developed and the mitigation measure has been incorporated into the Specific Plan as a public improvement program. Lacking a specific engineered improvement design, specific impacts which may result from the widening of Smith Road cannot be determined in the Draft EIR. However, prior to the establishment of the development impact fee program or approval and construction of the improvements, the specific improvement designs for the Smith Road widening will be established and the project will be reviewed in accordance with the requirements of the California Environmental Quality Act to address potential environmental impacts. Environmental documentation will be prepared for the project prior to its implementation.

Comment #9G--The comment has been noted and considered.

Comment #9H--The comment is a general statement in the alternatives section on the inconsistency between implementing existing County Road Improvement and Circulation Policy standards and preserving the small-town characteristics of Mariposa; the comment does not address specific environmental

impacts. The Specific Plan does contain a planned unit development overlay district which permits flexible development and improvement standards for residential development, and the County Road Improvement and Circulation Policy allows for alternative road standards for residential developments. In addition, the Board of Supervisors has established policy in the Specific Plan to encourage reduced road standards for residential developments to enhance community character. This comment has been noted and considered, and no amendments to the alternatives section of the Draft EIR are necessary for this comment.

Comment #9I--Appendix B is a listing of those properties for which the town planning area boundary line must be adjusted to follow legally definable lines as required by State law. The properties have not been removed from the Town Planning Area because of the steepness of their slopes. No amendments to the Draft EIR are necessary for this comment.

Response to Comment Document #10

The comments from Michael Czaja address the Specific Plan only and do not address mitigation measures contained in the Draft EIR except for the moderate to steep slope development standard. The comment states no buildings should be constructed on slopes greater than 20%. The Draft EIR concluded that development could occur on moderate to steep slopes without significant environmental impacts provided there are special grading and development standards and reduced densities on the slopes. The Draft EIR contains mitigation measures to require these special standards and reduced densities. No amendments to the Draft EIR is necessary for this comment.

Response to Comment Document #11

The following responses address specific comments raised by Roberta M. Standen:

Comment #11A--The prohibition of new private wells will not constitute a "virtual" building moratorium. New development is permitted provided the development obtains water from MPUD or develops a individual water source which is controlled by MPUD. The comment states "there is no evidence that new wells drilled by the private sector will diminish the quality and quantity of wells drilled by MPUD". However, the Draft EIR concludes that the factors of an unknown finite amount of subsurface water and the limited water supply of MPUD indicate that the new private wells within MPUD have the potential to impact MPUD wells and this impact may be significant to existing MPUD water users and the ability of MPUD to provide water service. Any impact which has the potential to be significant must be feasibly mitigated to a non-significant level in accordance with the California Environmental Quality Act. The Draft EIR concluded the

prohibition of new private wells will substantially protect the MPUD water supply in that new water sources will be developed in accordance with the standards of MPUD.

Comment #11B--The land use plan is not inconsistent with the specified mitigation measures of the Draft EIR. The land use plan indicates the permitted and conditional uses of a particular parcel but any such uses must comply with development standards which are applicable to the uses. The mitigation measures have been incorporated into the Specific Plan as development standards, and all development must comply with these standards. Thus, the land use plan and development standards work in conjunction to designate permitted development on a parcel. The remainder of the comment is policy-oriented, and no response is necessary.

Comment #11C--The information provided on the Smith Road development impact fee program is contained in the Specific Plan. Any development impact fee program established to implement the Smith Road mitigation measures will have to comply with the requirements of State law before the fees can be imposed on development in the Smith Road area.

SECTION VI

AMENDMENTS TO MARIPOSA TPA SPECIFIC PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT

A. Discussion

- 1) This amendment is made pursuant to a response to a comment by the Mariposa County Public Works Department. The last sentence of the second paragraph of the discussion section on Page 33 is amended as follows:

" . . . but these highways have substantially less traffic than Highway 140 between Highway 49 South and Highway 49 North with better traffic flow, . . . "

B. Mitigation Measures

- 1) This amendment is made pursuant to a determination from the Board of Supervisors. Mitigation Measure No. A.1(a) on Page 6 is amended to state the mitigation measure applies to grading ". . . on slopes 20% or greater".
- 2) This amendment is made pursuant to a determination from the Board of Supervisors. Mitigation Measure No. A.1(d) on Page 6 is amended to state the mitigation measure applies to ". . . parcels which have an average slope of 20% or greater".
- 3) This amendment is made pursuant to a response to a comment by the California Department of Fish and Game. The following sentence is added to the end of Mitigation Measure No. A.3(b) on Page 9:

"A Streambed Alteration Permit or waiver to such permit shall be received by the California Department of Fish and Game in accordance with Sections 1601 to 1603 of the California Fish and Game Code for all grading within the setback and floodplain area."

- 4) This amendment is made pursuant to a response to a comment by the Public Works Department. The first sentence of Mitigation Measure No. G.1(a) on Page 36 is amended to state the traffic study ". . . shall be conducted every three years . . . "
- 5) These amendments are made pursuant to new information on the CalTrans' improvement program for construction of a continuous left-turn lane on Highway 49 North between Highway 140 and Mariposa Creek. The last sentences of Options #1 and #2 of Mitigation Measure No. G.1(c) on Pages 36-37 are amended to state "Such improvements shall be funded by State transportation improvement funds and/or" Mitigation Measure No. G.1(d) on Page 37 is amended to state that the

mitigation measure is "OPTION #2 . . ." and the following mitigation measure is added as Option #1:

"OPTION #1--Left turn channelization and associated encroachment improvements on Highway 49 North shall be constructed for the Highway 49 North/Joe Howard Street intersection within five (5) years. Such improvements shall be funded by State transportation improvement funds."

- 6) This amendment is made pursuant to a determination from the Board of Supervisors. Mitigation Measures No. G.2(c) and G.3(c) on Pages 40 and 44 respectively are amended to state "Smith Road shall be improved with a minimum of two 12' travel lanes, two 3' shoulders, curb, gutter, and at least one sidewalk/path when . . ."
- 7) This amendment is made pursuant to a response to a comment by the Mariposa Public Utility District. Replace Mitigation Measure No. H.1(c)(c) on Page 55 is replaced with the following:

"All new residential subdivisions within MPUD shall install fire hydrants in accordance with MPUD standards."

C. Mitigation Monitoring

- 1) The mitigation monitoring information for Mitigation Measure No. A.1(d) on Page 7 is amended to state the mitigation measure applies to ". . . parcels which have an average slope of 20% or greater".
- 2) The first and last sentences of Paragraph #2 of the mitigation monitoring information for Mitigation Measure No. G.1(c) on Page 38 is amended to state ". . . the State and/or County will construct . . ."
- 3) The mitigation monitoring information for Mitigation Measure No. G.1(d) on Page 38 is amended to state this information is "OPTION #2--. . ." and the following monitoring information is added as Option #1 for the mitigation measure:

"OPTION #1--The left-turn lane improvement project along Highway 49 North has been incorporated into the State Transportation Improvement Program and partial funding of the project has been obtained. If full funding is not obtained for the project, the Board of Supervisors shall notify CalTrans that left-turn channelization/encroachment improvements on Joe Howard Street are a high priority for completion under the available funding."
- 4) Mitigation Measure No. I.1(a) was inadvertently omitted from the Specific Plan as a development standard, and the mitigation monitoring information for the mitigation measure is incorrect.

To correct the omission, an amendment to the Specific Plan will be initiated to place the mitigation measure into the Specific Plan as a development standard. Therefore, the mitigation monitoring information on Mitigation Measure No. I.1(a) on Pages 68-69 is replaced with the following:

"An amendment to the Specific Plan and Zoning Ordinance will be initiated upon adoption of the Specific Plan to include the mitigation measure in the Plan. Upon approval of the amendment, the measure will be incorporated into the Specific Plan as a development standard applicable to the identified historic structures and will be implemented by the Zoning Ordinance through the Planning Approval process. A Design Review or Demolition Permit application will be required for the proposed modifications or demolition. The appropriate building permits or demolition permit will not be issued unless the applications are approved and the permits comply with said approval. Non-compliance will be a violation of the Zoning Ordinance."

D. Findings

- 1) The finding for Section G.1 on Pages 38-39 is replaced with the following:

"OPTION #1--The potential impacts on State Highways 49 and 140 are significant, but the impacts will be substantially lessened to a non-significant level through implementation of the above described mitigation measures except for the impacts on the Smith Road and Joe Howard Street intersections. Option #2 of Mitigation Measure G.1(c) for Smith Road is not feasible mitigation because of the high costs for construction of the improvements. Although the improvements to the Smith Road intersections will be constructed by 1996 under Option #1 of the mitigation measure, substantial traffic volume increases may occur at these intersections prior to 1996 if development is allowed in the Smith Road area. This substantial traffic may have a significant impact on traffic flow on the highways and create significant traffic hazards before the impacts are mitigated by left-turn channelization improvements. Other feasible mitigation is not available. A finding of Overriding Considerations is adopted for the impacts on the intersections of Highway 49 North/Smith Road and Highway 140/Smith Road based on the following:

- a) The high construction costs for the improvements (approximately \$350,000) render it impractical to construct the improvements prior to 1996, and those economic considerations make the mitigation measure infeasible.

b) The benefits of residential growth in the Smith Road area and meeting the Housing Element goals and need projections outweigh the short-term, unavoidable significant impacts on the intersections and Smith Road.

c) A moratorium on the issuance of building permits is not an alternative since this area is designated as one of the primary residential areas of the TPA and there is an overwhelming need for additional housing in the TPA and County, especially special housing types.

d) The five year time period will allow for sufficient collection of development impact fees and development of supplementary funding for the improvements including State transportation improvement funds.

Option #2 of Mitigation Measure No. G.1(d) for Joe Howard Street is not feasible mitigation because of the high costs for construction and limited time-frames for completing the improvements. Although the improvements to the Joe Howard Street intersection will be constructed by 1996 under Option #1 of the mitigation measure, substantial traffic volume increases may occur at the intersections prior to 1996 if development is allowed along Joe Howard Street and additional thru-traffic utilizes Joe Howard Street. This substantial traffic may have a significant impact on traffic flow on Highway 49 North and create significant traffic hazards before the impacts are mitigated by left-turn channelization and encroachment improvements. Other feasible mitigation is not available. A finding of Overriding Considerations is adopted for the impacts on the intersection of Highway 49 North/Joe Howard Street based on the following:

a) The high construction costs for the improvements (over \$100,000) and the limited time-frames to fund and construct the improvements render it impractical to construct the improvements prior to 1996, and those economic considerations and time constraints make the mitigation measure infeasible.

b) The benefits of commercial and residential growth in this area and Joe Howard Street being used as an alternate route to the State highways outweigh the short-term, unavoidable significant impacts on the intersections and Smith Road.

c) A moratorium on the issuance of building permits in the area is not an alternative since this will result in undesired growth patterns in the TPA and will not reduce traffic levels on Joe Howard Street.

d) The five year time period will allow for sufficient collection of development impact fees and development of

supplementary funding for the improvements including State transportation improvement funds.

OPTION #2--The potential impacts on State Highways 49 and 140 are significant, but the impacts will be substantially lessened to a non-significant level through implementation of the above described mitigation measures including Option #2 of Mitigation Measure G.1(c) and Option #2 of Mitigation Measure No. G.1(d). The mitigation measures require traffic flow to be monitored along all key segments and intersections of the State Highways and left-turn channelization and other encroachment improvements to be constructed to maintain the highway levels of service at an acceptable and safe level (i.e. D level)."