

**LETTER 6 - MARIPOSANS FOR THE ENVIRONMENT AND RESPONSIBLE
GOVERNMENT (B. BOYKIN), NOVEMBER 1, 2005**

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NOV 07 2005

Mariposa County Planning Dept.

MARIPOSANS FOR THE
ENVIRONMENT AND
RESPONSIBLE
GOVERNMENT

BOX 2121, MARIPOSA, CA 95338

11/1/05

Mariposa County Board of Supervisors
Comments on the General Plan and DEIR

Good afternoon. My name is Betty Boykin and I am representing Mariposans for the Environment and Responsible Government (MERG).

The General Plan states, and I quote "Mariposa County residents have witnessed the impact of rural sprawl in surrounding counties and, as a result, have clearly stated a desire to avoid this type of development pattern" We heartily agree. In addition, during the Visioning process of the late 1990's County residents overwhelmingly stated that our environment was the most important single issue.

We have reviewed the various volumes of the proposed plan and find that there are many features which will be helpful in preserving the rural character of the county, but also some that will be destructive of that character. We are concerned about the large scale conversion of large parcels to small, inviting scattered growth on dirt roads in areas without infrastructure or services.

We are also concerned about maintaining large parcel open space between communities so that separation and rural character are kept in tact. The spreading of Mariposa community from east of the Fairgrounds to a mile beyond the airport appears to be an invitation for sprawl. And the use of density as opposed to area zoning for development on problem parcels also is a concern.

With the large number of parcels already available and many subdivisions rapidly developing, we do not need to have further land divisions that will increase traffic, carve up forests and ranchlands, and destroy the historic small-town and rural qualities that make Mariposa a great place for residents and tourists alike.

There is an alternative in the General Plan called "Enhanced Alternative #3" which we feel could be developed into a more protective format while still allowing for development of the 7,219 parcels currently available for such. With appropriate mitigation measures, this alternative could be a unifying choice for various constituencies.

MERG has the benefit of professionals in planning and CEQA to help us in this effort. We are consulting with our County Planners and decision makers to see if we can create the best possible plan for the future of Mariposa County, one which will preserve our rural character and our environment, which is crucial to our economy.

We will be submitting detailed and specific comments on both the DEIR and the General Plan for review by decision makers and planners. We appreciate the chance to comment. We look forward to working with the county. Thank you.

LETTER 7 - TOLLEY GORHAM, NOVEMBER 3, 2005

cc: Bob
Pickering

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NOV 13 2005

Mariposa County Planning Dept.

November 3, 2005

Bob Pickard, Chairman
Mariposa County Board of Supervisors
P. O. Box 784
Mariposa, CA 95338

Dear Mr. Pickard,

Let me say thank you to you and the other members of the board for making your day go well beyond the norm to allow the interested members of the community to comment on the general plan update well into the evening. I know that the considerable hours each board member puts into the job goes well beyond what most people put into their jobs.

I feel that the comments made at this meeting were very clear to the board and the other attendees that the residents and landowners in the existing TPA do not want to see the proposed changes in the general plan update implemented for the Cathey's Valley TPA. Based on these comments, I ask that the draft language be quickly changed to leave in tact the TPA for Cathey's Valley.

I am concerned about some comments that were made by people who are in official capacities. I believe there are some officials who have already closed their minds to the discussion on the matter of the Cathey's Valley TPA, and that their personal views may be affecting their abilities to carry out the will of the people. The majority of the attendees that I spoke with after the meeting seemed to feel the same way.

Not only did some minds appear made up, but some of the comments made by officials appear to be intentionally misleading. The proposed update is in fact for 5 acre minimum parcel size. One such comment was that by putting a second residence on the parcel, you have effective 2.5 acre zoning, and accordingly, the same effective zoning that currently exists. The current zoning allows 2.5 acre parcel size – period. It is not the same in anyone else's eyes.

Remarks about the map were also misleading. The preliminary map being circulated is the exact map that is currently in place, showing the TPA properties in red. It appears that none of the powers to be, including the current community planning committee, have any intention of keeping these boundaries, nor any of the currently allowed land uses within the boundaries. The map labeled "Preliminary Version Cathey's Valley Community Plan Land Use Map" (the yellow octopus) should be the map that is being offered as the recommended interim land use map since it is the "approved" map for use if the changes to the TPA go forward. The map severely reduces the current acreage that can be used for commercial purposes and clearly represents down-zoning the TPA properties.

In the discussion of lot size in Whispering Oaks West, a planning department representative stated that the subdivision was made up of lots ranging from 5 - 10 acres. Several audience members offered the correction that in fact, the minimum lot size was three acres. Thirty of the 107 possible lots in this subdivision are less than 5 acres in area.

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On the topic of the EIR, once again I would like to state that the method of defining and quantifying the alternatives to any change in the general plan is at best unclear. At worst, it is meant to be unintelligible to the very people who are being asked to provide the public input necessary to determine whether this draft of the EIR is acceptable. I again asked the consultant if he could help me understand the alternatives to the proposed changes for Cathey's Valley, and he simply stated that the alternatives were not easy to translate into any specific actions related to a change to what is proposed. I am sure I am not alone in not being able to make these interpretations.

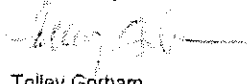
I believe it is imperative that the EIR be reviewed by the consulting firm prior to the close of the public comment window (or extend the window) to address the probability that the Cathey's Valley TPA will remain in fact. I am sure that neither the Board of Supervisors nor the people affected are in favor of adopting something that will have to be changed through the amendment process when with a slight amount of adjustment and word processing can result in a document that will be right from the start.

Supervisor Bibby stated that she had never heard any of the input supporting the current TPA prior to this meeting. At the Cathey's Valley planning committee meeting several weeks ago, some people who also attended and spoke at this meeting expressed their views in support of the TPA. The committee chair refused to allow one TPA landowner to speak because he was not on the agenda. I asked at that meeting why no members of the committee were from within the TPA, and Supervisor Bibby stated that if someone from within the TPA were on the committee, they would not be able to vote. They would have a bias since it is their property that is being decided on, so all committee members had to be from outside of the affected area. This is about as logical (and probably as legal) as asking Supervisor Bibby to abstain from any vote that involves the Cathey's Valley because she might be biased.

I am quite sure that the debate is not over on the best possible plan for the Cathey's Valley community, and I am happy that the people who attended this meeting were allowed to express their views. I am a little puzzled that none of the people who currently serve on the Cathey's Valley planning committee were in attendance, and equally puzzled by the absence of the people who have until now, been the only ones to have a voice in formulating the vision for the community. I hope that any further discussion can take place in a forum that will allow everyone with something to say to be heard.

I am including a copy of a letter I previously submitted as an editorial to the Mariposa Gazette. This letter was written immediately after the last Cathey's Valley Community Area Planning Committee meeting on September 22. I would like to make sure it is also included in the public comments received in regard to the proposed general plan update.

Respectfully,



Talley Gorham

LETTER 8 - TOLLEY GORHAM, NOVEMBER 7, 2005

On September 22, a very interesting meeting was held at the Cathey's Valley park. This was the bi-annual meeting of the Cathey's Valley Area Planning Committee. The committee, which has no legal standing under the current general plan, was formed at the request of the Mariposa County Board of Supervisors to submit a recommendation for the future of the current Cathey's Valley Town Planning Area (TPA), which the proposed general plan revision will do away with. The committee is to make the recommendation based on public opinion of what Cathey's Valley should look like in the future.

The current general plan recognizes the Cathey's Valley TPA, and there are specific zoning regulations in the TPA that allow an owner to subdivide his or her property down to 2.5 acre parcels, or smaller if an additional set of requirements are met. There are 66 parcels of land in the TPA, eleven of which are large enough to be subdivided to meet the 2.5 acre minimum requirement. Four of these parcels make up over 75% of the entire acreage of the TPA. The recommendation of this committee thus far is that no parcel within the TPA be allowed to be subdivided if any resulting parcel is less than 5 acres. Clearly, it is the three property owners of the four large parcels who will be most affected this recommendation.

What makes this meeting so interesting is that none of the affected parcel owners are allowed to be on the committee or to provide input on how they would be affected. I asked the committee if any of them owned affected property, they all said they did not, and Supervisor Bibby announced that that would be a conflict of interest, and any affected property owner would have to abstain from the decision.

The feeling of the committee was "we just don't want to drive by and see a bunch of homes". Most of the people in favor of the recommendation appear to own larger parcels of ag land in the area, and feel that they would like to keep the entire area free of the clutter that currently exists on some of the small parcels along Schoolhouse Road. Most of the acreage in the four large parcels cannot be seen from the highway or other existing roads. Almost all of the parcels on Schoolhouse Road are not in the TPA, have few if any zoning controls, and will not be affected by the recommendation.

The committee had not met in nearly two years, and yet the agenda did not allow any public input on the proposed recommendation. I suggested that in the two years since the last meeting that the many new residents of the area might have suggestions. I was told that there were very few new residents, and the committee was going with the existing recommendations. There are at least 42 properties that have sold in the two years, and there are several subdivisions that are being sold that are not included in that number. Most of the purchasers of those properties are new to the area, and have not been asked to provide their input.

A planning department representative told the attendees that the reason for the 5 acre recommendation is that the county health department has determined that higher density zoning results in both water and septic problems. When one member of the audience brought up the fact that a second residence can be built on any five acre parcel, effectively reducing the parcel size to 2.5 acres, the planning department representative

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stated that a second residence could also be built on a 2.5-acre parcel, and there are no current controls in place to prevent that. The planning department representative felt that there was probably no way to control the construction of a second home.

The owners of the four large parcels in the current TPA either have purchased and/or have plans in process to use their properties in the density allowed by current zoning. If the county acts on the committee recommendation of lower density, perhaps the county, or those making the recommendation should compensate these landowners for the decrease in property value the new zoning will bring.

This act by the government of giving your neighbors the power to control your property, especially to make after-the-fact changes to the way you could use your property when you purchased it seems to be much like allowing the county of Merced and the National Park Service to be allowed to tell the county of Mariposa how to use the land here simply because they drive by.

Talley Cochran

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LETTER 9 - JIM AND J.J. GILLISPIE, NOVEMBER 7, 2005

November 8, 2005

Jim & J.J. Gillispie
6505 Hwy 49 N
Mariposa, CA 95338
573-8455

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NOV 07 2005

Mariposa County Planning Dept.

I have just recently become aware of changes in the General Plan that will greatly impact myself and my neighbors. There is a 2200 acre parcel between my property on Hwy 49 N and Pendola Gardens Road that is being changed from agricultural to 5 acre residential. There is a potential of 440 homes going up behind me. If the allowable 2 homes are put on each 5 acre parcel, this becomes a potential of 880 homes going up behind me. That is a huge impact! At this point, there has been no environmental impact study done to determine what kind of impact this would have on our environment. The number one concern is water. Will we have to dig much deeper wells in order to reach hopefully the aquifer that is being depleted by a potential of 880 homes? Traffic will greatly increase and bring environmental pollution and noise. The wind unfortunately blows towards our house from the proposed development. Yes, there is a development company who is in escrow at this time to buy the property and develop it to its fullest, make their money, leave and leave us with the impact of what they have done. What will this do to our natural resources? In the spring, the wildflowers along Pendola Gardens Road are astounding. All that would be bulldozed away along with many trees that provide oxygen for us. What about the wildlife? Where are they displaced to? What about fires? We will have to have more fire personnel to protect at a cost. We will also need more police personnel, again at a cost.

There is also a 200 acre parcel on Hwy 49 N, south of Bear Valley and on the west side of Hwy 49 N, which is also proposed to change to 5 acre residential. Guess what, a developer has already bought the property and wants to develop it to its fullest. Again, a deeper impact will be felt by us after the developer leaves and we have to deal with lack of water, more pollution, more traffic, less scenic environment, and less wildlife.

I thought that the general intent of the General Plan was to keep Mariposa County a rural and agricultural environment which makes it so special. 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. 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 mostly rural and agricultural. That is what makes us unique.

I would not be opposed to changing the zoning to 40 acre natural resource parcels. This would not have as high an impact on our environment as the 5 acre residential parcels. Of course, the best choice would be to change the zoning to 160 acre working landscape parcels. This would definitely have less impact on our environment than we so cherish.

Sincerely,



Jim & J.J. Gillispie

LETTER 10 - STAN AND SUE RUDD, NOVEMBER 8, 2005

November 8, 2005

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NOV 08 2005

Mariposa County Planning Dept.

Mariposa Co. Planning Dept
General Plan Division
PO Box 2039
Mariposa, CA 95338

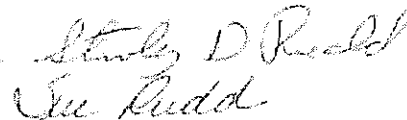
As residents of Bear Valley we are very concerned of the changes in the General Plan that will greatly impact ourselves and our neighbors. The 200 acre parcel on Hwy 49N, south of Bear Valley and on the east side of Hwy 49 N, that is proposed to change to 5 acre residential parcels. We understand that a developer has already purchased the property and wants to develop it to it's fullest. The impact of this plan will effect all of us who live in Bear Valley. This impact will not be felt by the developer, but by those of who will have to deal with our wells going dry, pollution, more traffic, a less scenic environment, and the loss of wild life. Not only the environmental effects but infra-structure as well. What about fire protection, police protection, will the developer build a school and or public parks, new fire stations and police precincts? Will we have to gate our homes because of crime?

We would also like to address the proposed changes of the 2200 acre parcel between Hwy 49 N and Pendola Gardens Road. The change from agricultural to 5 acre parcels will have a huge impact on that area. If the allowable 2 homes per 5 acre lot is allowed, the impact would result in a potential of 880 homes being built. That is an impact that could destroy the environment. What about water, how many wells will have to be drilled? What about pollution, and more traffic? What happens to the wild life, and scenery. Not to mention will the developer again build schools, and residential parks. What about fire and police protection? Will the crime rate rise? What happens when wells go dry due to a drought? Again the developer will take his money and leave us the residents to deal with their leavings. What will be the cost, not only financial, but to the whole environment itself? Would 49 N become a 4 lane Hwy??

We would not be opposed to changing the zoning to 40 acre natural resource parcels. This would not have such a huge impact on our environment as the 5 acre residential parcels will. 160 acre working parcels would be better, and would definitely have less of an impact of the land, scenery and the wildlife. Why do we have zoning laws, if the zoning laws are changed at a developers whim?

We moved to Mariposa from the Bay area and would hate to see the hillsides of Bear Valley and the surrounding area look like the hillsides of the Bay area. We very much love the Bear Valley area and town of Mariposa. Turning Mariposa and the Mt. Bullion-Bear Valley area into another Oakhurst would be an environmental and residential disaster. The loss would effect us all.

Sincerely,



Stan and Sue Rudd, of Bear Valley, Mariposa

LETTER 11 – DANIEL & JANET ROGERS, NOVEMBER 11, 2005

RECEIVED

NOV 14 2005

Mariposa County Planning Dept.

Daniel & Janet Rogers
6567 Highway 49 North
Mariposa, CA 95337

Planning Department
Mariposa County, CA

11/11/05

RE: General Plan Comments.

It has recently come to our attention that the Planning Department is considering changes in our area that will affect our peace, tranquility, safety and lifestyle. We purchased our home in this area to get away from the traffic, noise, pollution and crime of the big city. Now we may be faced with the same situation that we were trying to get away from.

We understand that some 2200 acres between highway 49 and Pendola Gardens Road are being considered for change from agricultural to 5 acre residential. That could mean a potential of 880 homes at 2 homes per parcel.

11-1 My main concerns are the water, traffic, noise and crime. The water here is already the worst I have ever experienced for well water and we have lived in many places with well water. The increase of water pumped from the areas aquifer can only increase the amounts of bacteria, lead, iron, sulfur and manganese in our water. The increase in traffic on this rural highway and the noise levels would be unbearable. The already over-worked Sheriff's department would have difficulty in dealing with the increase in crime.

I am not opposed to people doing what they want with their own property as long as what they do does not affect the lives and safety of others. We only wanted to build our home on 20 acres in Santa Clara County but the county supervisors had other ideas for the area so we decided to move out of the area instead. Now we may not be able to live the life we had planned on for our later years.

Please consider ours and our neighbor's situation before allowing drastic changes in our area and our lives in rural and lovely Mariposa County.

Sincerely,

Daniel & Janet Rogers

LETTER 12 - STEVE AND GAYLE SAUNDERS, NOVEMBER 11, 2005

cc: BOS
Planning NOV 11, 2005

TO: MARIPOSA COUNTY BOARD OF SUPERVISORS

FROM: STEVE AND GAYLE SAUNDERS
2597 OLD HIGHWAY SOUTH
CATHEYS VALLEY, CA. 95306

RECEIVED
NOV 15 2005
Mariposa County Planning Dept.

RE: GENERAL PLAN - ALTERNATIVES SECTION

WE STRONGLY URGE, AS GOOD PLANNING IN THE FACE OF INEVITABLE GROWTH, THAT EXISTING TPA'S THROUGHOUT THE COUNTY BE ESTABLISHED IN THE NEW GENERAL PLAN UNDER THE ALTERNATIVES SECTION.

DOWN ZONING TPA'S TO COMMUNITY AREA CENTERS OF MOUNTAIN HOME FIVE-ACRE MINIMUM ZONING IS A RECIPE FOR A KIND OF 'RURAL SPRAWL' THAT IMPACTS COUNTY INFRASTRUCTURES WITHOUT GIVING ANYTHING BACK TO THE COMMUNITY.

AS A RESIDENT OF CATHEYS VALLEY WE WANT THE 1981 TPA FOR CATHEYS VALLEY TO REMAIN AND BE A PART OF THE NEW GENERAL PLAN.

YOU CAN HAVE THIS DONE BY WRITING IT INTO THE ALTERNATIVES SECTION OF THE PROPOSED GENERAL PLAN.

PLEASE DO SO.

RESPECTFULLY

Steve Saunders
Gayle Saunders

LETTER 13 - RALPH AND LEONA BURNSIDE, NOVEMBER 12, 2005

Shari Allen

RECEIVED

From: Janet C. Burnside [jcbag@lemnoco.net cont]
Sent: Saturday, November 12, 2005 10:29 PM
To: mariposa@planning@mariposacounty.org
Subject: Catheys Valley

NOV 14 2005

Mariposa County Planning Dept.

Mariposa County Supervisor

As one who lives in Catheys Valley and in the county, I believe, do not want to lose our rural lifestyle to over development.

Other problems which could result from over development are traffic congestion, school over crowding, increased crime, air pollution, water shortages, etc. These problems should be avoided by good planning now, instead of trying to deal with them later when it is too late.

Please consider the concerns of the silent county residents in this matter.

Thank you.

Ralph and Leona Burnside

LETTER 14 - JAMES T. AND RITA C. KIDD, NOVEMBER 13, 2005

RECEIVED

NOV 14 2005

Mariposa County Planning Dept.

November 13, 2005

To: Mariposa County Planning

Subject: Comments on 2005 General Plan Update Draft EIR

The Draft Environmental Impact Report (DEIR) for the 2005 Mariposa County General Plan Update, dated September 2005, contains critical information about where the General Plan insufficiently mitigates the impact of its proposed land use policies.

There are several degrees of difference between the DEIR Alternatives proposed for build out population density during the life of the General Plan and economic issues related to that level of build out. The General Plan's life is generally assumed to be 20 years. It is interesting to note that the DEIR cites raw numbers, but does not directly comment on the percentage impact of population growth in each of the Alternatives.

Numbers alone do not provide a visual or graphic measure of the potential impact of the growth alternatives for lay people reviewing the DEIR. Percentages provide a more graphic illustration of potential land coverage, traffic and school impacts, demands for public safety, and moreover, demands for water supply, septic disposal, and degradation of native species, loss of the night sky, loss of view of sunrises and sunsets, and other measures of quality of a rural lifestyle.

While Alternative 3 offers a marked departure from Alternatives 1 and 4, it still means a minimum 250% to almost 300% increase in the current Mariposa population, and a 300% increase in demand for job resources within the County (see Table 2-4) over the next twenty years. The Alternative 3 population cited by the DEIR of up to 51,000 is 200% greater than currently projected by the California Department of Finance (only 25,456 people by 2050) over a period of 45 years.

It is when one works with percentages that we are better able to graphically see what this means for traffic congestion, school crowding, law and fire response capability, and, potential failure of the County's unpredictable seasonal water supply.

The DEIR does not identify that the General Plan fails to identify the existing number of already created buildable residential parcels, nor does it call for an inventory to be created of existing buildable parcels prior to approving additional parcels. It should be recognized by the DEIR that the development pressures are not on existing town planning areas with available services. Development pressures are significant, however, on areas that will increase travel distances for work, school and public safety.

The DEIR consistently addresses the use of impact fees to mitigate the cost of services and infrastructure needed to support the proposed level of growth. A

simple mathematical calculation provides an assessment of how far such impact fees might go. According to CalTrans, the cost for a mile of road improvement ranges from \$1 million for a rural road to several million for improving a stretch of road to three or more lanes. According to the American School & University EDUCATION CONSTRUCTION REPORT, May, 2005, the cost for school facilities per student ranges from \$9,000 for elementary school, to \$15,000 for middle school, to \$27,000 for high school.

Given these basic costs, let's assume that each of the 8,921 additional dwelling units is represented by a new lot division to which impact fees can be applied at the point of development. Impact fees or developer proffers of \$10,000 per parcel for a variety of potential impacts would yield \$89 million in one time payments over a twenty-year period, enough to improve 89 miles of rural county roadway one time, or enough to build schools to house less than new one student per dwelling unit...but not enough to improve roads to support increased traffic and to build schools to educate new students in the community. And, not enough to cover "needed fire, sheriff, library, parks and administrative facilities."

The DEIR does not differentiate between impact fees which are typically for defined capital improvement projects and proffers which are intended to defray defined increased cost of government services.

The DEIR does acknowledge that such fees will not cover the whole cost of growth impacts, but does not provide enough information to judge how minimal this contribution might be. A recent Merced County Association of Government report on transportation impact fees indicated that such fees would only cover approximately 20% of the anticipated cost of necessary capital projects related to growth. Chesterfield County, Virginia, a rural county under expansion pressures, has just increased proffers to \$16,000 per parcel and is considering taking serious steps to curtail development, such as instigating a minimum parcel size of 10 acres. Lancaster, CA has implemented distance-based fees. Impact fees for developments more than a mile from an established core are more than double that in the core.

While the breadth of the DEIR appears to appropriately identify known impact issues, the mitigations recommended do not, in every case, contain language sufficient to provide the level of mitigation needed to achieve the goals of the General Plan. We have reviewed each mitigation measure recommended to identify whether other language is more desirable. "More desirable" means that the mitigation more likely will maintain the quality of life that Mariposans have stated they desire.

Impact TT-1 and Impact TT-2: Should state that no new residential parcel development will be approved that will increase use of the State highway for commuting to and from work, transporting students over long distances to and from school, or emergency responses via State highways, until the State has demonstrated that State planning and allocated funding are in place to improve highway capacity to handle the development's level of traffic on the roadway and traffic pressure at intersections.

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Impact PS-2: Should state that no development beyond those residential parcels that already exist will be permitted until the Mariposa County School District can demonstrate that a plan is in place for elementary, middle and high school capacity and transportation, along with a short-term and longer-term financial plan for construction of such facilities. The plan must demonstrate that the educational capability (facilities and transportation) will not be diminished by meeting expansion demands.

Impact AQ-2: Should state that no development will be approved unless the Mariposa County Air Pollution Control District can stipulate unequivocally that the proposed density and travel distances will not impact air quality.

Impact LU-3 and Impact LU-4: Should state that conversion of Agricultural/Working Landscape will be prohibited as follows: (1) The land is prime, unique or farmland of local significance; and, (2) All existing residential buildable parcels have been built out.

Impact LU-1: An additional impact should be added. Should state that development of oak woodlands will not be permitted to reduce oak cover to less than 90% of existing cover on any parcel, and will not permit removal of oak trees more than 6 inches in diameter. An additional mitigation to be required includes a deposit to insure tree preservation during grading, and damage to trees to be retained will incur a financial penalty (see Placer County tree protection ordinance).

Impact BR-1, BR-2, BR-3, BR-4, BR-5: Should state that no development will be approved until surveys and mapping of species and habitat have been completed for all areas of the County that the General Plan specifies for other than agriculture/working landscape use. Should state that the goal is prevention...that no development will be approved after mapping is completed that is projected to result in loss of habitat of special status species, of plan species contained on CNPS lists 2, 3 and 4, of nesting raptors and migratory birds (whether or not active nests are identified), of sensitive native plant communities, of wildlife migration and travel corridors, or of wetlands, vernal pools, or other waters of the Mariposa County, Merced County or the U.S.

Impact BR-1: An additional impact mitigation measure should be added that states, no development will be approved that introduces non-native vegetation to the specific ecosystem in which the development is proposed.

Impact VR-1: Should include potential impacts to State Highway 140 for its length.

Impact VR-2: Should include restrictions on structure design, including paint colors.

Impact VR-3: Should include restriction on development that precludes nighttime lighting that degrades Mariposa County's "starry sky."

Impact PH-1: Should state instead that provision of low- and moderate-income housing and density bonuses will be accomplished only through establishment of appropriate housing development in areas of the County currently served by both

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community water and community septic systems. Uses of mobile housing that do not meet certification criteria or are not on permanent foundations will not be permitted outside of town planning areas because of the increased cost to residents of both transportation and infrastructure. Restrictive covenants are limited on such low and moderate-income housing only within the town planning areas where law enforcement and fire prevention services are within close proximity.

Impact TT-5: Should state that where the aggregate of potential development will increase the utilization of a County road by more than 25%, the capacity of the road in its existing condition must be assessed for its capability to meet both existing and new use. The County must be able to demonstrate that the roadway can be improved at a minimum to County standard to meet the demand, and the County and the developer must assure that there is no degradation of County road safety for existing residents/uses. In the absence of the physical and/or economic capability for the County roadway to be improved to County standard for collector roads, no development will be approved. The County must demonstrate that its Capital Improvement Program has a routine maintenance schedule that assures the County roadway will have an adequate and safe all-weather surface.

Impact TT-7: Should state that the County must *establish* a Bicycle, Pedestrian and Equestrian Facilities Plan.

Impact BR-7: Should state that the County will not approve any development until development standards, habitat conservation programs, and mitigation measures for impacts on sensitive biological resources have been created and can be enforced.

Impact HW-1: Should state that off-site runoff must be limited by restricting use of impermeable surfaces. Developments that utilize natural ground surfacing will receive preferential review.

Impact HW-3: This impact must be deemed "significant and unavoidable." Should state that for most of Mariposa County, water quantity is not determined by watersheds and surface water sources, rather the supply is from crystalline rock streams deep in bedrock. Because there is no groundwater source typical of adjoining San Joaquin Valley communities, it is highly likely that up stream development will siphon off from cracks and crevices existing residents' water supplies. Should state that new development will not be approved in areas that have existing supply of residential parcels until those parcels are built out, water impacts have been thoroughly assessed by Mariposa County, the State's Water Resources Board and U.S.G.S. These entities must be able to confirm that there is a steady and reliable supply of water to meet both existing and proposed new demands. Should state that any seller of a parcel of land in Mariposa County for any use must be required to certify adequacy of water for the approved land use, with "buy back" and lot merge requirements for any parcel that can not produce a steady and reliable source of fresh, uncontaminated water to support the approved use over time.

Impact HW-4: Should state that the County will develop standards for alternative septic and sewage disposal systems that acknowledge the shallow bedrock in Mariposa County, and the improbability that that percolation and sewage flow paths can be determined. Should state that the any developer must produce a complete sewage disposal study for each parcel within the proposed development, and that the developer will provide certification to each buyer that the parcel can be served by standard or alternative sewage disposal systems, and that the developer will certify to all surrounding parcels that percolation paths will not harm fresh water sources.

Impact PHS-5: Mariposa County's most dangerous vector is the Triatoma Protracta which feeds on the blood of its hosts. Five percent of the general population is susceptible to an allergic reaction to this true bug. The allergic reaction can cause death. The Triatoma Protracta typically feeds on wood rats and ground squirrels, but will gravitate to non-native hosts, such as dogs and cats, and humans, and can disseminate Chagas disease to its host. A high percentage of bugs trapped in Mariposa County have been found to be carrying Chagas. Mitigation should read that sellers of property for residential use are required to provide vector control literature to new buyers unfamiliar with these hazards, with instruction on how to assure effective control of vectors.

The DEIR does not identify that historically Mariposa County has approved lot splits and minor subdivision activities (four by fouring) without formal environmental review, even when side by side subdivisions collectively have significant impacts. Therefore, without a marked deviation in governance from history, environmental constraints will have little effect in curtailing development impacts. The DEIR does state that CEQA requires "any growth-inducing aspect of a project be discussed in an EIR." The DEIR does not define what constitutes a project, and does not address the cumulative effects of several "projects" that might otherwise fall below the threshold generally assumed to trigger an EIR.

There must be a requirement that the proposal of a land use designation, itself, is sufficient to trigger an environmental review before the land use is so assigned. Responsibility for properly and responsibly situating a land use can not be abrogated by the Office of Planning or the Board of Supervisors by delegating to developers the obligation for showing that the land will support the assigned use. If there is limited water, the land won't perc, there are sensitive native species, there is transportation, education, fire and law enforcement impact that the County doesn't have sufficient funding to resolve, then the County simply can not afford the land use. The bottom line is ...it is the land use designation that creates the dilemma, not the development interest in the land.

James T. & Rita C. Kidd, 2380 Old Highway, Catheys Valley, CA 95306

LETTER 15 - RICHARD L. UEBNER, NOVEMBER 14, 2005

RECEIVED

NOV 14 2005

Richard L. Uebner
P.O. Box 102
Cathey's Valley, CA 95306

Mariposa County Planning Dept.

November 14, 2005

Planning Commission
Mariposa County
P.O. Box 2039
Mariposa, CA 95338

Re: Draft Environmental Impact Report

As a resident of and property owner in Cathey's Valley for over thirty years I would like to make some observations regarding the DEIR for the Mariposa County General Plan. In particular, I would like to address three issues: biological impact, infrastructure impact, and hydrological impact.

Among the "significant and unavoidable impacts" is Impact TT-1, which notes that the plan would have "adverse impacts on ... county arterial roads." This is to be mitigated by a development impact fee. Given the current condition of our county's meager budget, the county road department is already stretched thin to just maintain our arterial roads, let alone improve them. I doubt that there will be enough money available to upgrade many of the current county roads to meet the traffic needs brought on by the dense development proposed by some.

Another "significant and unavoidable" impact is Impact PS-2. Fortunately the document acknowledges that "the state -mandated impact fees for schools are inadequate." Our well-regarded public school system, in order to continue to offer the high-quality education it currently provides, needs more than lip service in this matter. I don't see a concrete solution offered for this dilemma.

Among the "significant" impacts is Impact BR-1 (as well as BR-2, 3, 4, 5, 6, and 8), which, while trying to assess the impact on special status species, acknowledges that there is no existing mapping available. It seems to me that it would be near to impossible to mitigate conditions for which there is no clear description. Shouldn't the mapping precede any recommendations for mitigation?

Finally, I was amazed to see that under the heading of "not found to be significant" was Impact HW-3, which notes that building out of the General Plan could reduce groundwater availability. As one who gets water out of a well dependent on crystalline rock formations, I have yet to see any thorough, unbiased assessment of groundwater availability in our county. Horror stories abound in our county of people whose wells needed to be deepened (or moved and then deepened) in response to more wells being drilled in their neighborhood. The recommended mitigation is to demand that water on a

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site is proven before it can be developed. But what about the adjacent wells that go dry? This is a result that must be addressed.

Growth and progress are inevitable. But in order for those of us already living here (and those who move in) to continue to enjoy most (if not all) of the benefits of our rural lifestyle, that growth must be planned in such a way as to minimize the effect of the growth. The Plan is full of comments that advocate "low intensities of development." Yet, as witnessed by proposals from developers, often people from out of town whose intention is to develop and then run with their profits, we are facing developments with intensities far beyond that which our land can comfortably accommodate.

I feel that it is extremely important for the Board of Supervisors and Planning Commission to look far beyond the present when approving zoning and development. A good example is along Old Highway, between Schoolhouse Road and Highway 140. Taken individually, a decision to subdivide twenty acres into four five acre parcels (all in accordance with the current zoning) has little impact on schools, roads, water, and public services. But when several developments in the vicinity mushroom, creating a checkerboard of small parcels, the impact increases exponentially. A clear result of the impact will be increased traffic on Old Highway (a county road) that was never designed to handle the traffic that will inevitably flow as a result of this development.

Finally, we hope that the spirit of the recommendations made to you over the past ten years through a series of local community meetings here in Cathey's Valley is maintained as you plan the future of our county and community.

Sincerely,



Rick (Richard L.) Uebner

LETTER 16 - ANITA STARCHMAN BRYANT, NOVEMBER 14, 2005

STARCHMAN & BRYANT

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November 14, 2005

RECEIVED

VIA HAND DELIVERY

NOV 14 2005

Kris Schenk, Director
Mariposa County Planning Department
P.O. Box 2039
Mariposa, CA 95338

Mariposa County Planning Dept.

Dear Mr. Schenk,

The purpose of this letter is to address the comments made by Parsons consultant Bob Duchek both at the Mariposa County Planning Commission Public Hearing on October 12, 2005 and the Mariposa County Board of Supervisors Public Hearing on November 1, 2005. As you are well aware, Parsons is the firm that prepared Volume IV, the Draft Environmental Impact Report of the General Plan ("DEIR"). Mr. Duchek's comments were in response to concerns stated at both Public Hearings by Tolley Gorham, a Catheys Valley resident.

Mr. Gorham stated that as he understood it, the DEIR evaluates the General Plan and assumes that the General Plan in its current form will be adopted. Mr. Gorham asked that if the DEIR is adopted in its current form, would the DEIR remain valid if the General Plan is amended subsequently to abandon the abolishment of the Catheys Valley Town Planning Area (more specifically, to reinstate the former Catheys Valley Town Planning Area).

In response, Mr. Duchek stated that the purpose of the DEIR is to address the impacts of the project (the proposed General Plan). Mr. Duchek assured Mr. Gorham that the final EIR will address all comments. Additionally, Mr. Duchek stated that the General Plan includes alternatives, including the impacts if the General Plan remained as it stands today.

Mr. Duchek's statements are misleading. His comments appear to be an assurance that if the former Catheys Valley Town Planning Area is reinstated after the adoption of the final EIR, because the final EIR includes an analysis of the "no project" alternative, such an amendment to the General Plan would be encompassed in the final EIR.

Contrary to Mr. Duchek's assurances, the DEIR alternative analysis does not identify and document the potential environmental impacts of the "no project" alternative, nor is it required to do so under CEQA. Moreover, the DEIR states that any impact analysis of what may be in a future area plan where there is no specific information would be unduly

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Kris Schenk, Director
Mariposa County Planning Department
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speculative under CEQA Guidelines section 15145, and as such, is excluded from this CEQA process. For these reasons, Mr. Duchek failed to accurately answer Mr. Gorham's question; the DEIR does not address the environmental impacts of reinstating the former Catheys Valley Town Planning Area.

The "no project" alternative analysis is limited to a comparison of the impacts associated with the alternatives to the Mariposa County General Plan update according to the Evaluation Criteria (impacts) defined in Chapter 4 of the DEIR. According to the DEIR, the alternative analysis is intended to focus on eliminating or reducing in significance, those impacts of the proposed General Plan that are identified as significant in the DEIR.

The DEIR alternative analysis does not identify and document the potential environmental impacts of the "no project" alternative, nor is it required to do so under CEQA. Rather, the DEIR simply fulfills the CEQA requirements as to the Project alternative. In other words, contrary to Mr. Duchek's statements, the DEIR does not adequately evaluate the impacts of implementing the "no project" alternative such that it would serve as the environmental document for the reinstatement of the Catheys Valley Town Planning Area.

Rather, as stated in the DEIR, the DEIR is a Program EIR to evaluate the impacts of a series of actions that can be characterized as one large project (DEIR p. 1-1). An EIR on a program action, such as the adoption and implementation of a local general plan, contains a less detailed assessment of impacts than would be provided by an EIR on a specific development (CEQA Guidelines § 15146(b)) (DEIR p. 1-2). The DEIR states that an EIR on the adoption or amendment of a general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but that the EIR need not be as detailed as an EIR on the specific construction projects that might follow (DEIR p. 1-2).

The DEIR states that "[a]s individual activities under the General Plan update are subsequently proposed, additional environmental documentation will be undertaken at the project-specific level through a project EIR, supplemental EIR, or negative declaration as appropriate..." (DEIR p. 1-2).

Additionally, the DEIR states, "[f]or those areas of the County where area plans are being prepared or are scheduled for preparation in the future, General Plan goals and policies will apply until the area plans are completed and adopted, *which includes the appropriate environmental impact documentation*. Until then, any impact analysis of what may be in a future area plan where there is no specific information would be unduly speculative under CEQA Guidelines section 15145, and as such, is excluded from this CEQA process." (DEIR p. 1-2, emphasis added).

Furthermore, it is unlikely that the environmental impact documentation for reinstating the former Catheys Valley Town Plan Area can even take advantage of "tiering" from the final EIR for the General Plan. This is because in order to qualify for the use of tiering,

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Kris Schenk, Director
Mariposa County Planning Department
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later projects must (1) be consistent with the program, plan, policy, or ordinance for which an EIR has been prepared and certified; (2) be consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located; *and* (3) not trigger the need for a subsequent EIR or supplement to an EIR. Cal. Pub. Resources Code § 21094(b). Projects requiring general plan amendment do not qualify. The former Catheys Valley Town Planning Area is not the preferred alternative in the DEIR and is not currently adopted in the General Plan. Therefore, pursuant to CEQA, tiering is not available for analyzing the impacts of reinstating the former Catheys Valley Town Planning Area.

The final EIR must clarify that upon the adoption of the final EIR, that document does not address the environmental impacts if the General Plan is amended subsequently to reinstate the former Catheys Valley Town Planning Area. The final EIR must inform the public that such an amendment would require further environmental documentation under CEQA.

Thank you for the opportunity to comment. Please call if you have any questions.

Sincerely,



Anita Starchman Bryant

Cc: Lee Stetson, District One
Lyle Turpin, District Two
Janet Mankins-Bibby, District Three
Dianne Fritz, District Four
Robert Pickard, District Five
Ron and Linda Dinnel