

# *County of Mariposa*

## **California Environmental Quality Act Initial Study**

### **A. PROJECT INFORMATION:**

Project Title: **Major Subdivision No. 2009-052, JCS Capital Resources**

Lead Agency: Mariposa County

Date: April 26, 2021

Contact: Alvaro Arias, Deputy Director  
Mariposa County Planning Department  
5100 Bullion Street, Mariposa, CA 95338  
P.O. Box 2039, Mariposa CA 95338  
Phone: (209) 966-5151 Fax: (209) 742-5024  
Email: [aarias@mariposacounty.org](mailto:aarias@mariposacounty.org)

Project Applicant: JCS Capital Resources, LLC  
4970 El Camino Real #230, Los Altos, CA 94022

Project Description: Subdivision creating 27 lots ranging in size from 2.61 acres gross (2.50 acres net) to 16.87 acres. The total acreage of the project site is 114.84 acres. The proposed lots are located within a residential land use classification and will be available for residential uses.

Access to the project is from an extension of Hornitos Road (south of Highway 140) into the project site. Hornitos Road at State Highway 140 is improved with a left turn lane. The extension of Hornitos Road on-site is via a 60-foot-wide non-exclusive easement offered for dedication. This easement connects to Guenthart Way at the northeast corner of the project site, which also connects to State Highway 140 at an existing CalTrans encroachment, recently improved through the encroachment permit process for another land division. The applicant proposes a “gate to Cal Fire specifications” at the intersection of the project site access road and Guenthart Way, and this access to State Highway 140 is shown as an access to be used for “emergency access purposes”. Four additional on-site 50-foot-wide non-exclusive cul-de-sac easements created for use and benefit of the subject lots are proposed for access within the project site. There is an existing ranch road on-site, which is the proposed main access road alignment for only a small portion of the route. There is an existing highway access encroachment (off proposed Lot 12), which is not proposed for access to the project site.

Location: The project site is located at 2748 Highway 140, Catheys Valley and is known as APN 016-110-049. It is in Sections 3 and 10, in Township 6 South, Range 17 East, MDBM. It is in the USGS 7.5-minute Catheys Valley topographic quadrangle.

General Plan/Zoning:

Site Development  
Characteristics:

While the project is within the boundaries of the adopted Catheys Valley Community Plan, the subdivision project was submitted and deemed complete prior to the adoption of the plan, thus it is not subject to the policies contained in the plan. The Interim Community Center land use classification applies to this parcel for review of this subdivision. Per the General Plan, the “Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted.” The Interim Community Center land use also establishes a minimum parcel size of 2.5 acre for new subdivisions. Future development on the created lots will be subject to the standards and policies of the Catheys Valley Community Plan. The property is in the Interim Community Center land use classification of the Catheys Valley Planning Study Area and is zoned Town Planning Area (TPA). The minimum parcel size for the TPA zone is 2.5-acres with on-site wells and sewage disposal systems. The project site is within the Community Residential land use designation of the Catheys Valley Community Plan.

A previous minor land division for the site, Land Division Application (LDA) No. 1542 (Dinnel), proposed the division of the project site into 4 parcels and a remainder. The approved tentative parcel map for this project has expired.

There is an existing ranch road on-site, which is the proposed main access road alignment for only a small portion of the route. There is an existing highway access encroachment (off proposed Lot 12), which is not proposed for access to the project site.

There is an existing residence, well and appurtenant facilities on proposed Lot 18. There is also a large pond on proposed Lot 21. The tentative map also shows a well on proposed Lot 19. Owens Creek flows through the southeast portion of the project site. Owens Creek is a blue line feature on the USGS map. The 100-year flood plain for Owens Creek is shown on the tentative map. The boundaries of the floodplain are based on analysis by Roger Stephens, Roger Stephens Engineering.

The site has varying slopes ranging from flat to 25+%. Elevations on the site range from 1,250 to 1,400 feet above sea level. Most of the property is blue oak series and California annual grassland series according to the Biological Resources Inventory prepared for the project. The blue oak series includes blue oak as the most widespread tree species on-site, with willows and Fremont cottonwoods along Owens Creek and the spring fed drainages that flow into the perennial stock pond on-site. Blue elderberry and oak gooseberry are dominant shrubs on-site.

Project Studies:

The following studies have been completed for this project and are available for review (except the Cultural Resources Survey) at the Mariposa County Planning Department. Recommendations and conclusions of these studies are discussed in this study and are part of the proposed project.

- a. Biological Resources Inventory at the 114± acre “Dinnel” Site, Mariposa County, California, Moore Biological Consultants, April 30, 2009.

- b. Catheys Valley Project Biological Assessment, Mariposa County, CA – ESR, Inc. – June 2015
- c. Catheys Valley Project Biological Assessment, Mariposa County, CA – ESR, Inc., June 2015; Updated by Mitigation Properties, October 2019.
- d. Cultural Resources Study of Property in Catheys Valley, Mariposa County, California – Varner Associates, January 2002; updated June 8, 2009 and September 10, 2019. **(Confidential-Not available for public review)**
- e. Preliminary Soil Investigation – See’s Consulting and Testing, February 6, 2009.
- f. Preliminary Sewage Feasibility and Soils Analysis Report – O.S.T. Systems, Designs, April 1, 2009.
- g. Result of Well Testing and Water Supply Assessment – HerSchy Environmental, Inc., June 11, 2020.

Uses of this Document

The following permits may be required and Responsible and Trustee Agencies may wish to use this document in the review of these permits.

- A National Pollutant Discharge Elimination System (NPDES) General Permit will be required from the Regional Water Quality Control Board for conveyed discharges into ephemeral drainages and Mariposa Creek.
- Section 404 and Section 401 permits under the Clean Water Act.
- Streambed Alteration Agreement.

Reference Documents:

All of the documents cited and relied upon in the preparation of this Initial Study are available at the County of Mariposa Planning Department, with the exception of the Cultural Resources Survey for this property, which is confidential, and are hereby incorporated into the record for this Initial Study.

## **B. SUMMARY OF PROJECT IMPACT TO ENVIRONMENTAL FACTORS:**

(blank): no impact

**L:** Less than Significant Impact

**M:** Less than Significant Impact with Mitigation

**PS:** Potentially Significant

<b>L</b>	<i>Aesthetics</i>		<i>Agriculture/Forest Res.</i>	<b>L</b>	<i>Air Quality</i>
<b>M</b>	<i>Biological Resources</i>	<b>M</b>	<i>Cultural Resources</i>	<b>L</b>	<i>Energy</i>
<b>L</b>	<i>Geology/Soils</i>	<b>L</b>	<i>Greenhouse Gas Emissions</i>	<b>L</b>	<i>Hazards and Hazardous Mat.</i>
<b>M</b>	<i>Hydrology/Water Quality</i>	<b>M</b>	<i>Land Use/Planning</i>		<i>Mineral Resources</i>
<b>L</b>	<i>Noise</i>	<b>L</b>	<i>Population/Housing</i>	<b>L</b>	<i>Public Services</i>
<b>L</b>	<i>Recreation</i>	<b>L</b>	<i>Transportation</i>	<b>L</b>	<i>Tribal Cultural Res.</i>
<b>L</b>	<i>Utilities/Service Systems</i>	<b>L</b>	<i>Wildfire</i>	<b>M</b>	<i>Mandatory Findings of Significance</i>

This study found that the project has the potential to have significant impacts on biological resources. These resources are potential jurisdictional Waters of the U.S. and wetlands in the form of Owens Creek, the seasonal wetland corridor associated with the culvert directed runoff from Highway 140 and ephemeral drainages and wetland features associated with the open water pond, and State drainage facilities and maintenance of a dam on the site. The project also has the potential to impact nesting raptors and special-status species. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources. These resources are bedrock milling stations and an historic rock wall. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. These measures are shown in the Biological Resources, Cultural Resources, Hydrology/Water Quality, and Land Use and Planning sections of this study.

## **C. TABLE OF CONTENTS**

<b>Section A--CEQA Determination of Impact .....</b>	<b>5</b>
<b>Section B--Environmental Checklist.....</b>	<b>8</b>
<b>Section C--Mandatory Findings of Significance .....</b>	<b>52</b>
<b>Section D--Mitigation Monitoring.....</b>	<b>54</b>
<b>Section E--Agreement to Mitigation.....</b>	<b>59</b>

### **Figures**

<b>Figure 1--Project Vicinity Map.....</b>	<b>6</b>
<b>Figure 2--Site Plan .....</b>	<b>7</b>

## Section A

### CEQA DETERMINATION OF IMPACT

On the basis of this initial evaluation:

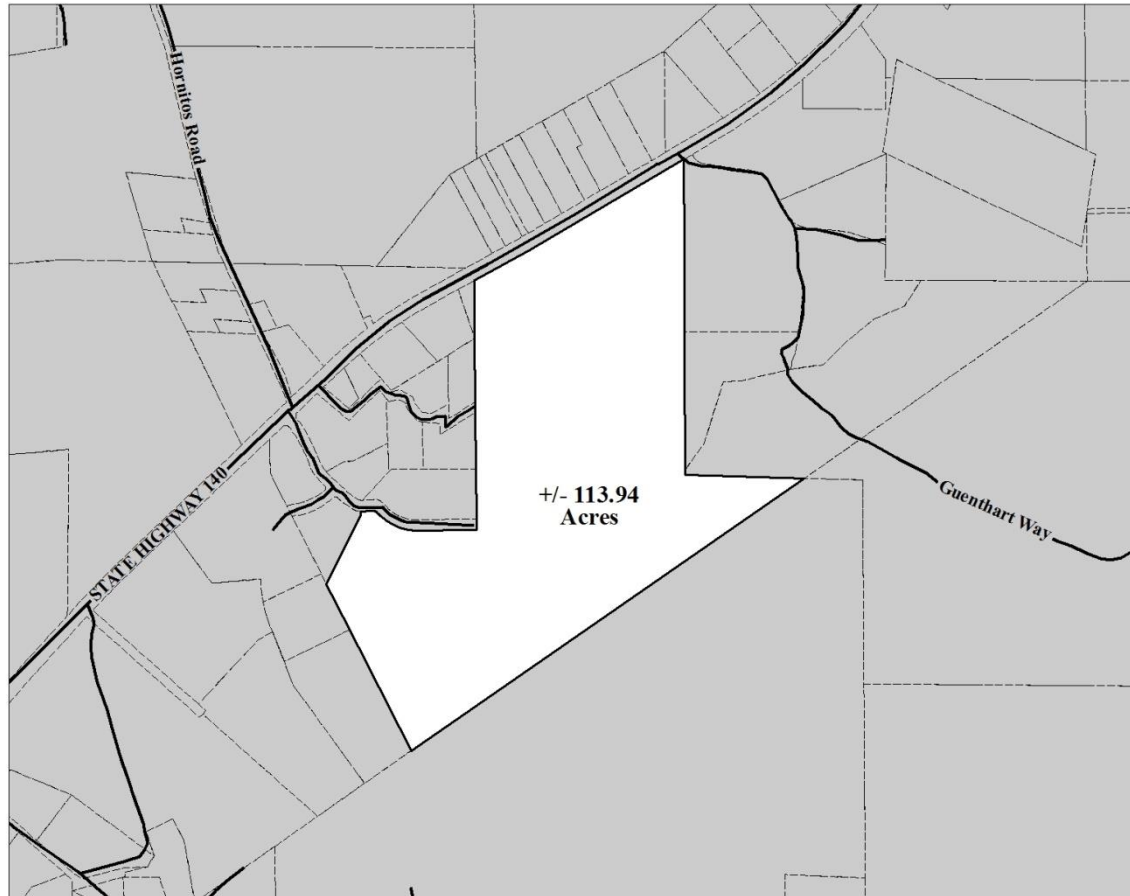
- ☐ 1) I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ 2) I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ 3) I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ 4) I find the proposed project MAY have a “potentially significant impact” or “Less Than Significant With Mitigation” impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ 5) I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By: Alvaro Arias Date: 4/26/2021

Title: Deputy Director Representing: County of Mariposa

Signature: /s/

## PROJECT VICINITY MAP



0 500 1,000 FEET

PROJECT TYPE: Major Subdivision Application No. 2009-52

APPLICANT: JCS Capital Resources

APN: 016-110-049

PROJECT ADDRESS: 2748 State Highway 140  
Catheys Valley, CA 95306




MAP CREATED ON: APRIL 29, 2009

DATA SOURCE: PARCEL MAP FROM MARIPOSA COUNTY ASSESSOR'S MAP;  
APRIL 2009 UPDATE

MAP CREATED BY: EE MERIAM, GIS TECHNICIAN



MARIPOSA COUNTY PLANNING DEPARTMENT  
PO BOX 2039 5100 BULLION STREET  
MARIPOSA, CALIFORNIA 95338-2039  
209.966.5151 FAX 209.742.5024  
MARIPOSAPLANNING@MARIPOSACOUNTY.ORG  
[HTTP://WWW.MARIPOSACOUNTY.ORG/PLANNING](http://WWW.MARIPOSACOUNTY.ORG/PLANNING)

-  PROJECT LOCATION
-  ASSESSOR PARCEL MAP
-  ROADS



MARIPOSA COUNTY MAKES NO WARRANTY REGARDING THE ACCURACY OF THE GIS OR THE ANALYSIS AND CONCLUSIONS RESULTING FROM USING OUR GIS DATA.



## Section B

### CEQA ENVIRONMENTAL CHECKLIST

#### EVALUATION OF ENVIRONMENTAL IMPACTS

### 1. AESTHETICS

1. AESTHETICS Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect on a scenic vista?			√	
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?				√
c) In nonurbanized areas, substantially degrade the existing visual character or quality of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			√	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			√	

#### 1. a and c

The proposed project is located in the heart of Catheys Valley, an area of foothills visually defined by large rural “working” landscapes consisting of gently rolling hills, oak woodland, rock outcroppings, grasslands, creeks, ephemeral drainages and wetlands. The subject site contains all of these elements, including hillsides with slopes predominantly ranging from 5 – 15%, with some areas of steeper slopes of 25% - 30%.

There are two elements involved in determining the level of significance of potential impacts to visual quality; the effect of the project on:

- 1) The rural character of the area, as that character is defined by the General Plan; and
- 2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR points of significance (Table 4.12-1, pg. 4-69) indicate potentially significant impacts will occur with development of *non-single family residential development* that does not adhere to related General Plan policies of Chapters 5, 7, 10, 11 and 14. The project is the subdivision of lots for residential development, *thus the proposed subdivision will not have a potentially significant impact on viewsheds.*



**1.b State Scenic Highway**

The project is not adjacent to, or visible from, a designated State Scenic Highway, *thus the project will have no impact.*

**1.d. Create Light or Glare**

A significant impact would be one that creates a new source of substantial light or glare that would adversely affect day or nighttime views in the area. While future residential development of the lots will result in an increase of light and glare, the amount generated is typically low in quantity (number of lights) and intensity (wattage). The lighting impacts created by future residential development of the lots will be consistent with other similarly developed parcels in the general vicinity of the site. *Therefore, the project will have a less than significant impact.*

**2. AGRICULTURE and FOREST RESOURCES**

<b>2. AGRICULTURE RESOURCES</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				√
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				√
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526) or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				√
d) Result in loss of forest land or conversion of forest land to non-forest use?				√
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				√

**2.a, b, c, d -e Farmland, Williamson Act, Forest Resources, Agricultural Zoning**

A significant impact would be one that converts farmland designated as “prime,” “unique” or “farmland of statewide importance” to nonagricultural uses; conflicts with Williamson Act land; or results in loss or conversion of forest land to non-forest uses. The project is not located in an important farmland area. The area is identified as “grazing” land on the Mariposa County Important Farmland Map, 2016, prepared by the state Department of Conservation under the Farmland Mapping and Monitoring Program. *Therefore, it will have no impact* on any important farmland category. The project site contains no forest land as defined in Public Resources Code (PRC) Section 12220(g) nor timberland as defined in PRC Section 4526.

The proposed project site is not in a Williamson Act Contract and will not conflict with forest land zoning or convert land from agricultural uses. The project site is currently used for grazing as is land to the northeast, east and southeast. However, the land is not located in an agricultural zone. The site is zoned Town Planning Area (TPA) and is currently in the Interim Community Center land use designation (Community Residential in the Catheys Valley Community Plan). The project is consistent with the Mariposa County General Plan and Title 17, Mariposa County Zoning Code.

*Thus, the project will not have a potentially significant impact on Agriculture and Forest Resources.*

### B.3 AIR QUALITY

3. AIR QUALITY – [Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.] Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				√
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			√	
c) Expose sensitive receptors to substantial pollutant concentrations?			√	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			√	

#### **B.3.a Air Quality Plan and Violation of Air Quality Standards**

A significant impact would be one that conflicts with or obstructs implementation of the applicable air quality plan.

Under the California Clean Air Act of 1988, districts designated as non-attainment for state Clean Ambient Air Quality Standards (CAAQS) must submit a plan for attaining or maintaining state standards for these pollutants. Mariposa County is located within the Mountain Counties Air Basin (MCAB) and is under the jurisdiction of the

Mariposa County Air Pollution Control District (MCAPCD). Mariposa County is classified as either attainment or unclassified status for all federal air quality standards, except ozone, therefore, the California Air Resources Board is not requiring such a plan be prepared. The MCAPCD has adopted regulation XI and amended rule 513 that address New Source Review for projects that will emit more than 100 tons of Ozone Precursors.

This project is a residential land division of a 114.84 acre parcel into 27 lots ranging in size from 2.5 acres to 16.87 acres. Due to the low density residential development and allowed uses, there would be no significant increase of air pollutants that would exceed 100 tons of Ozone Precursors.

*Thus, the project will have no impact on implementation of an Air Quality Plan.*

### **B.3.b Cumulative Impacts**

A significant impact would be one that results in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Grading activities during the construction of roadway improvements, driveways and building pads may temporarily increase the level of dust in the air that may have a localized temporary effect on ambient air quality. However, grading for residential development is required to comply with 2019 California Code of Regulations Title 24, Parts 1-12 requirements for grading. Compaction requirements for grading must be met. For grading work during the winter months, no additional soil moisture is needed to meet the compaction requirements and dust emissions are not typical. For grading work during the summer months, addition of soil moisture is typically necessary in order to meet compaction requirements. Consequently, dust emissions are minimized. The Mariposa County Improvement Standards, which will govern any off-site road improvements, contain standards for dust control and soil compaction. Enforcement of the 2019 California Code of Regulations Title 24, Parts 1-12 requirements for grading and Mariposa County Improvement Standards will ensure that construction activities for this project will not create substantial amounts of dust.

The Mariposa County Air Pollution Control District has not developed thresholds of significance for any criteria pollutant as they are either considered to be in attainment or unclassified status for all federal air quality standards, except ozone, but they rely on the points of significance established in the 2006 General Plan Environmental Impact Report (EIR). The EIR establishes as a point of significance for emissions of NO<sub>x</sub>, CO, and PM<sub>10</sub>, emissions in excess of 100 tons per year for any of these. Using the California Emissions Estimator Model (CalEEMod) version 2016.3.2 and using the default values of the program, the estimated emissions of these pollutants for the operational project are 0.588 tons/year for NO<sub>x</sub>, 4.38 tons/year of CO, and 0.6402 tons/year of PM<sub>10</sub>, well below the established point of significance.

Additionally, the project is located within and consistent with the Catheys Valley Community Plan, for which an EIR was adopted, which determined that increases in air contaminant emissions from future growth in Catheys Valley are minimized due to existing policies in the General Plan and Catheys Valley Community Plan. These include locating areas of growth in planning areas and energy conservation measures that are part of existing building code.

*Based on this, the project will have a less than significant cumulative impact criteria pollutants.*

### **B.3.c Sensitive Receptors to Pollutants**

A significant impact would be one that exposes sensitive receptors to pollutant concentration. Sensitive receptors are defined as members of a population who are most sensitive to the adverse health effects of air pollution and the land uses where these populations groups would reside for long periods. These groups include children, elderly, the acutely ill and the chronically ill, and typical land uses include schools, residential care facilities, and

hospitals. The project is located approximately 2,000 feet from Sierra Foothill Charter School. This project, however, will not result in pollutant concentrations.

*Thus, the project will have a less than significant impact on sensitive receptors.*

#### **B.3.d Other Emissions Affecting Substantial Number of People**

A significant impact would be one that results in other emissions (such as those leading to odors) adversely affecting a substantial number of people. The proposed project results in the creation of 27 residential lots, available for the development of single family residences. The project is a residential project, a use that is not associated with the creation of odors or other emissions. During construction, emissions may be increased, but these are for a limited duration and are regulated by the Mariposa County Air Pollution Control District. All construction equipment must comply with the required State and local emissions standards.

*The project will have a less than significant impact.*

### **B.4 BIOLOGICAL RESOURCES**

<b>4. BIOLOGICAL RESOURCES</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		√		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?		√		
c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		√		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede		√		

the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				√
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				√

An initial biological assessment of the project site was conducted (ESR, Inc. January, 2012). The following supplemental reports and determinations have also been prepared:

- Biological Assessment, June 2015
- Biological Assessment, Updated October 2019

Reconnaissance level field surveys were conducted on November 23, 2011, December 12, 13, and 15, 2011, January 9, 10, 16, and 25, 2012, June 4, 2014 and March 18, 2015, April 14, 2015 and May 22, 2015. These included habitat mapping and inventorying of species, conducting an oak tree community assessment, and focused surveys for sensitive plants during appropriate blooming periods. Additional reconnaissance level work was conducted by Moore Biological Resources on May 2, 21, 2008, November 13, 2008, and May 21, 2009 (Oak Impact Assessment). A reconnaissance survey was conducted by Mitigation Properties on October 23, 2019 to verify site conditions had not changed significantly since the 2015 surveys and as described in the original 2015 report.

The results of those surveys are contained in the original biological assessment and the updates. The biological assessments related to this project are available for review at the Mariposa County Planning Department.

The California Department of Fish and Game (now California Department of Fish and Wildlife) provided comment on the 2008 and 2009 biological assessments of the project site. The agency raised issues regarding waters of the U.S. jurisdictional wetlands, and waters of the State; proposed buffers around elderberry shrubs to protect valley elderberry longhorn beetle, a threatened species; impacts during the bird nesting season; and oak woodlands. Subsequent biological assessments of the project site addressed these issues and it is those subsequent assessments that will be summarized in this section.

The following summary reflects the information contained in the assessments as it specifically relates to the checklist items above. The summary focuses on potentially significant impacts of project implementation. There is detailed information in the reports addressing site characteristics, soils conditions, potentially affected species, the regulatory environment, etc.

Mitigation measures for specific environmental impacts are based on the updated biological assessment prepared by Mitigation Properties dated October 2019.

#### **B.4.a Candidate, Sensitive or Special Status Species**

A significant impact would be one that has a substantial adverse effect on any candidate, sensitive or special status species.

##### **a.1 Oak Woodland**

General Plan policy 11-4a(8) requires that the County comply with Federal and State regulations to require measures to protect and avoid, to the extent feasible, sensitive native plant communities. Public Resources Code Section 21083.1 requires that the County determine whether the project will have a significant adverse effect on Oak Woodland. If the County determines that a significant effect may occur, the County shall require one or more of the following mitigation measures: 1) Conservation easements; 2) planting to replace dead or dying trees, (managed for a maximum of 7 years; fulfills a maximum of one-half of mitigation requirement), 3) restoration of former woodland habitat; or 4) other measures developed by the County. The General Plan EIR “Points of Significance” state that a loss of greater than 25% of each sensitive native plant community on a site is considered a potentially significant impact.

The proposed project site contains 17.87 acres of blue oak woodland habitat and individual oaks on the project site for a total of 20.7 acres of Blue Oak woodland habitat.

As mentioned above, the General Plan EIR “Points of Significance” establishes that a potentially significant impact to a sensitive native plant community would occur when there is a loss of greater than 25% of each sensitive native plant community on a site. The blue oak woodland area is considered to be a sensitive community. However, its overall quality is generally considered to be only moderate given the disturbances associated with the adjoining county roads, nearby residential land uses, on-site residual land uses, habitat fragmentation by ranch roads, and previous ranching activities. The biological study states that, “Each lot has at least one oak tree located within the parcel. The majority of the Blue oaks are scattered around the project site as copses, groupings, and individual trees but they are primarily in the south, northeast and northwest portions of the site. They also are along the eastern ephemeral drainage. There is sufficient area available on each lot to build the residential units with minimal impact to oaks. Future residential construction has the potential to affect the Blue Oak woodland habitat; however, it would not likely be to levels above the established 25% threshold. Per the Catheys Valley Community Plan’s Community Residential land use, lot coverage (maximum building intensity) would be limited to 10% per 2.5 acres of gross land area (page 65 Updated Biological Assessment).” Additionally, numerous oak trees will be located within the 25 feet from centerline open space setbacks for Owens Creek and the ephemeral drainages. This will reduce impacts to oak woodlands to a less than significant level.

Based on the information provided by the applicant’s biologist, the Mariposa County General Plan “Points of Significance”, and future development being subject to the Catheys Valley Community Plan, and the open space setbacks, *the project, including future residential development, will have a less than significant impact on the blue oak community located on the project site.*

## **a.2 Other Sensitive Plant Species, Noxious Weeds**

The biological assessment states that the California Natural Diversity Data Base (CNDDDB) search identified five special status plant species as occurring within five miles of the project. The CNDDDB, U.S. Fish and Wildlife Service (USFWS), and the California Native Plant Society (CNPS) database searches identified an additional 34 special status species as occurring, or potentially occurring, within nine of the U.S. Geological Survey 7.5 minute quadrangles surrounding the project site. Most of these species are expected to be absent from the project site due to lack of suitable habitat. Marginal habitat for Beaked Clarkia, classified as CNPS List 1B.3,<sup>1</sup> and Madera Leptosiphon, classified as CNPS List 1B.2, was found on the project site. However, these species were not observed during the project site survey, which was conducted during the appropriate blooming period.

---

<sup>1</sup> All of the plants constituting California Rare Plant Rank 1A, 1B, and 2 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or sections 2062 and 2087 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing.

The project site contains 21 elderberry shrubs located within upland rock outcrops. This plant provides habitat for the federally listed (Threatened) valley elderberry longhorn beetle (VELB). Plants providing critical habitat for VELB are typically associated with riparian forests which occur along rivers and streams. Close proximity of these riparian areas to host plants is critical to the existence of suitable habitat. The report states that the occurrence potential on the project site of this species is low given the absence of riparian areas in close proximity to the plants on the site. Additionally, no VELB exit holes were found on the shrubs. No potential impacts to VELB are expected as a result of the project.

Project implementation is not anticipated to impact any special status plant species.

### **a.3 Potential Impacts to Special Status Wildlife Species:**

The CNDDDB search identified three special status wildlife species as occurring within five miles of the project site. The CNDDDB and USFWS database searches listed a total of 35 special status wildlife species as occurring, or potentially occurring within the nine U.S. Geological Survey 7.5 minute quadrangles surrounding the project location. Of those, only 6 have some potential for occurring on the project site due to potential habitat that is required for their presence. These six include Oak titmouse, valley elderberry longhorn beetle, merlin, limestone salamander, Lewis's woodpecker, and Nuttall's woodpecker. The rest of them will not be impacted by the project as the project site does not contain the requisite habitat.

No special status wildlife species were observed on site. However, there is the potential for special status species to inhabit the site when the project is implemented. Implementation of the following measure will reduce potentially significant impacts on special status species to less than significant levels:

#### **Mitigation Measure 4.a.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

#### **Monitoring for Mitigation Measure 4.a.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

The project site is not located within a designated Natural Resource Area, and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat or Significant Wildlife Habitat. It primarily supports the annual grassland and blue oak community, which is characteristic of the floristic central Sierra Nevada Foothills Subregion in which it is situated. Approximately 4% of the project site is disturbed due to the ranching activities or the existing roadway alignment. The entire site has been used extensively for cattle grazing.

### **B.4.b, c Riparian or Other Sensitive Natural Community/Wetlands**

The project applicant has submitted a map showing approximate location of verified wetlands with 25' setbacks. The map also shows variable width building setbacks, potential 50' by 100' building sites for each lot, and

approximate location of proposed septic leach field site, per O.S.T. Systems “Soils Report Site Plan.” All residential development would avoid drainages/wetlands on the site.

a) Wetlands

A significant impact would be one that adversely affects riparian habitat or another sensitive natural community and/or a wetland area.<sup>2</sup> The project site contains wetland features. General Plan Policy 11-4a(8) requires that during environmental review, the County shall comply with measures to protect wetlands. The project site contains approximately 3.70 acres of wetlands, consisting of the following features: a 1.27 acre pond, 0.63 portion of Owens Creek, and approximately 1.80 acres of other wetland features.

The Seasonal Wetland corridor associated with the culvert directed runoff from Highway 140 and the up gradient spring, as well as with the ephemeral drainage system, is considered to be a sensitive community. USGS topographic maps corroborate the field level reconnaissance indicating that all of these features ultimately establish connectivity with Owens Creek. Consequently, their protection is important to the integrity of Owens Creek and other downstream wetland ecosystems.

The connectivity to Owens Creek establishes these resources as jurisdictional Waters of the U.S. The biological resources survey found that project implementation is not expected to impact any of the wetlands on the site, since existing roadways and culverts will be used to access the project site. According to the biological study prepared for the project site by ESR, Inc. (dated October 2019) any wetlands that are to be crossed outside of existing ranch roadways are proposed to use arched culvert systems that span the wetland area and therefore typically do not impact the wetland. The biological assessment states that the inlet to the open pond and the open pond will not be impacted. A road crossing using the arched culverts design will traverse over the pond outflow system and the wetlands will not be impacted, according to the assessment. However, there is the potential for future construction of roadways that may vary from that currently planned, which could impact these areas. Mitigation measures will be established to protect these resources. Additionally, the establishment of 25 foot setbacks from the centerline of the two ephemeral drainages (identified in the biological study prepared by ESR, Inc. as the “eastern drainage wetland” and the “western drainage wetland” and the edge of wetland features associated with the open water pond) and Owens Creek, which will preclude future construction within the setbacks, unless under prescribed conditions as outlined in Mitigation Measure 4.b.2 below further protecting wetland areas.

b) Ephemeral Drainages and Open Water pond

The assessment identifies wetland features within the eastern and western drainages. The eastern drainage contains 0.28 acres of wetland, the western, 0.84 acres. The biological assessment of the project site prepared by ESR, Inc. contains the following language pertaining to potential impacts to the wetland features associated with the Open Water pond and ephemeral drainages on the project site.

**Compliance with Section 404 of the Clean Water Act**

Given the connectivity of the wetland features on the project site with large regional waterways, they are considered to fall within the jurisdiction of the Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act. As such, the project proponent must obtain the appropriate permit from the ACOE prior to commencement of construction activities should the construction designs require impacting wetland features. Based on the nature and area of the impact proposed at the project site, the proponent qualifies for a National Permit 14. This is a pre-approved permit for linear transportation projects the meet the following conditions:

---

<sup>2</sup> See discussion of Oak Woodland, above. Sub-sections b. and c. are discussed together because of the resources on the project site represent both a sensitive riparian habitat and jurisdictional Waters under law. Proposed mitigation measures reference the c. subsection because the measures address specific potential impacts to jurisdictional Waters.



*Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g. roads, highways, railways, trails, airport runways, and taxiways) in Waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than ½-acre of waters of the United States...Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construction or protect the linear transportation project...The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the loss of waters of the United states exceeds 1/10 acre.*

The biological assessment concludes that the anticipated wetland impacts at the project site are therefore allowed under Nationwide Permit 14, given their nature (i.e. linear access roads) and size (i.e. less than ½-acre). Furthermore, no formal pre-construction notification to the ACOE is necessary since the area of wetland impact does not exceed 1/10 acre.

The biological study of the project site (updated October 2019) states that project implementation is not expected to impact any of the wetlands on the project site since existing roadways and culverts will be preferentially utilized to access the property. If wetlands are to be crossed by the roadways outside of the existing ranch roadways, it is proposed to use arched culvert systems that span the wetland areas which typically do not impact the wetland since the foundations are placed in upland habitat outside the wetland feature footprint.

However, any road construction work throughout the project site that varies from that which is proposed by the tentative subdivision map has the potential to impact Waters of the United States to the degree that Section 404 permitting may be required. In this event, compliance with Section 404 of the Clean Water Act as mandated by the following mitigation measure prior to commencing any road work necessary per required conditions of approval, *will reduce impacts to less than significant levels.*

#### **Mitigation Measure 4.b.1**

*Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.*

**Monitoring for Mitigation Measure 4.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

The tentative map shows that all of the lots have direct access to easements roads within the project without having to cross drainage/wetland areas to reach building sites. Areas to access lots 21 and 12 are narrow, but it appears they can accessed without crossing drainage/wetland features. As noted above, the tentative map shows that the lots can be developed with residences without impacting drainages/wetlands Impacts from residential

development on lots and subdivision road construction are potentially significant, unless mitigated. *Implementation of the following mitigation measure will reduce potentially significant impacts to less than significant levels:*

**Mitigation Measure 4.b.2**

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

*“This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps \_\_\_\_ at Page \_\_\_\_, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.*

*Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.*

*Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required”.*

**Monitoring for Mitigation Measure 4.b.2:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**B.4.d. Migration/Native Wildlife Nursery Sites**

A significant impact would be one that interferes with the movement of native resident or migratory fish or wildlife species, migration corridors, or one which impedes the use of native wildlife nursery sites. The

biological assessment (ESR/Mitigation Properties Updated October 2019) found that the property does not include any wildlife movement corridors that would be considered significant on a regional basis. Wildlife movements are already impacted by State Highway 140. The configuration of the lots and their size will not adversely hamper wildlife movement on a regional basis. Additionally, the California Essential Habitat Connectivity Project (CEHCP) was used to review wildlife movement potential across the project site. The project site falls within the lower ratings between urban and native on the least cost model. Therefore, the project will have a less than significant impact on the movement of native resident or migratory fish or wildlife species or migration corridors.

Blue oak communities on the project site could provide potential nesting habitat for birds of prey; however, no active nests were observed during site surveys and there were no indications of past breeding attempts. Disturbance that causes nest abandonment or loss of reproductive effort is considered a violation of federal law and would constitute a potentially significant effect. Raptors likely utilize the project site for foraging, as noted during the survey. Therefore, future nesting attempts by raptors are certainly possible. If the project site becomes occupied by breeding birds of prey in the period immediately prior to project implementation, construction activities or removal of trees containing nests during the nesting period may destroy fertile eggs or nestlings or lead to nest abandonment. Project impacts to nesting raptors are potentially significant. The following mitigation measure is proposed to reduce this potentially significant to a less than significant level.

**Mitigation Measure 4.d.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

**Monitoring for Mitigation Measure 4.d.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

It is unlikely that construction to implement the project will occur within the CalTrans right-of-way (Highway 140) since the project will take access from Hornitos Road off of Highway 140, and Guenthart Way, which will be used for emergency project egress to Highway 140, has been constructed to CalTrans standards. Any construction that may occur within the Highway 140 right-of-way to implement the project will be subject to all requirements of a CalTrans encroachment permit. Any permit may require additional biological assessments for the property within the right-of-way to be disturbed.

**B.4.e Ordinances and Policies Protecting Biological Resources**

A significant impact would be one that conflicts with local ordinances and policies protecting local biological resources. The concern with this project would be activity that has the potential to impact oak trees and woodlands, which are considered during the CEQA process as prescribed by Senate Bill 1334, titled 'Oak Woodlands Conservation: Environmental Quality'. The biological survey prepared for the project site included an analysis of potential impacts on oak trees.

The certified Environmental Impact Report (EIR) for the Mariposa County General Plan in 2006 evaluated impacts resulting from implementation of the General Plan, including residential subdivision development. The EIR established evaluation criteria with “points of significance” for biological resources (Table 4.5-1; Section 4.5.4 Impact BR-5). Relative to project impacts to sensitive native plant communities, which would include oak woodlands, the EIR established the point of significance at loss of greater than 25 percent of each sensitive native plant community on site. Project impacts resulting from a loss of sensitive native plant communities on-site of less than 25 percent (measured in acres) are thus, less than significant. See discussion above regarding oak woodlands.

*Therefore, based upon the site inspection, the fact that road improvements will impact only 9 oaks, the existing development, the biologist report, and the certified General Plan Environmental Impact Report, it can be found that the project will have less than significant impact on ordinances and policies protecting biological resources.*

#### **B.4.f Conservation Plans**

A significant impact would be one that conflicts with any conservation plan. The biological assessment states that the project site is not located within a designated Natural Resource Area and does not encompass any Key (rare) Vegetative Habitat, Key Wildlife Habitat, or Significant Wildlife Habitat. *The project will not impact an adopted conservation plan.*

### **B.5 CULTURAL RESOURCES**

<b>5. CULTURAL RESOURCES</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		√		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		√		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		√		

#### **B.5.a, bHistoric/Archaeological Resources**

A significant impact would be one that would cause a substantial adverse change in the significance of an historic, archaeological, unique paleontological resource; unique geologic feature; or that would disturb human remains. Native American tribes on the Mariposa County Native American contact list maintained by the Native American Heritage Commission were provided the opportunity to comment on the project. In a response dated May 26, 2009, Les James from the Southern Sierra Miwuk Nation commented that he did not know of any archaeological sites in the project area. In a response dated June 15, 2009 Mary Motola from the Picayune Rancheria of Chukchansi Indians stated that her tribe was unaware of any traditionally religious or culturally significant Native American sites located in the project area. She further stated that her tribe would like to be informed of potential cultural disturbances and inadvertent discoveries. A cultural resource study was prepared for the project site in January 2002<sup>3</sup> when the site was proposed for a smaller land division. The study found three prehistoric bedrock mortar or milling (BRM) stations, consisting of mostly shallow conical holes used by Native Americans to grind

<sup>3</sup> A Cultural Resources Study of Property in Catheys Valley, Mariposa County, California (113 acres, USGS Catheys Valley 7.5'; Positive Results – 3 Archaeological Features; 3 Historic Features); Varner Associates, January 2002.

acorns and other food stuffs. Historic resources on the property include 1) a stone wall, supposedly built by Chinese laborers or miners in the 19<sup>th</sup> Century and which continues in two directions on adjacent property, 2) a fence line with stones beneath, and 3) a mine shaft, around which there are “diggings” or shallow pits dug into areas with quartz deposits that may have contained gold.

*Management Recommendations:*  
The study stated the following:

*“Although no historical or archaeological evidence had been previously recorded for the property, during the field survey cultural resources were discovered that should be protected during subdivision and development. Also, it is possible that additional archaeological materials lie beneath the ground surface, where they might be uncovered during future ground disturbance or construction. If that occurs, Mariposa County authorities and/or a qualified archaeologist should be notified immediately.”*

Subsequent to this study, the application for the present project was submitted and Varner Associates was asked to review the new map to determine if there are any new or increased negative effects on the cultural resources on the project. In a June 8, 2009 letter to the project applicant, Dudley Varner of Varner Associates stated that, when practical, it is appropriate to protect bedrock milling stations with an “historic easement” or “protection setback” of 10 feet around their perimeters. The historic rock section has been appropriately designated as part of the boundary between lots 22 and 23 (and forms a small portion of the boundary between lots 23 and 24), as shown on the tentative subdivision map. It has an existing narrow opening near the southwest corner of the 115-acre parcel (on proposed lot 23). It is reasonable to expand that existing opening up to 20 feet in width to accommodate private vehicles as well as wider vehicles needed for construction, fire protection, etc. The terminations of the rock wall at the sides of the opening are to be properly stabilized to maintain the integrity of the remaining wall. The remainder of the wall shall be protected with an easement or setback of perhaps 5 feet. No management recommendations were made for the fence line with stones beneath and the mine shaft. Mr. Varner’s June 8, 2009 letter states that the mine shaft has been filled in. With respect to the fence line with stones beneath, Mr. Varner refers to a letter to Mariposa Planning dated May 13, 2002, in which he stated that this feature has no significant historical value and no further attention is required.

*The impacts of project implementation on BRMs on the project site are considered to be potentially significant and mitigation is presented below to reduce these impacts to less than significant levels.*

**Mitigation Measure 5.a.1**

*Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:*

*“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page\_\_\_\_\_, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”*

**Monitoring for Mitigation Measure 5.a.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

A portion of the rock wall forms the boundary between lots 22 and 23. A portion of the wall is located solely on Lot 23. Although the required 25-foot structure setback from property lines will ensure that structures will not be located in close proximity to the rock wall on Lots 22 and 23, other types of residential development such as

driveways, wells, and structures not requiring a building permit are not subject to setback requirements could be located in proximity to the rock wall. Property line fencing could also impact the rock wall. This means that, in addition to potentially impacting the wall as it traverses Lot 23, there is a potential for site development activities to impact the wall on Lot 22 as well. *The potential for project implementation to impact the rock wall is considered to be significant requiring mitigation (shown below) to reduce this potentially significant impact to a less than significant level.*

**Mitigation Measure 5.a.2**

*A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:*

*“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed, removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.*

*The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall.”*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 5.a.2:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

A significant impact would be one that would cause a substantial adverse change in the significance of an archaeological resource. The study of the site found no surface archeological resources but states that if archaeological resources are encountered during excavation during construction, consultation with an archaeologist should occur.

For projects where construction will occur, a mitigation measure addressing cultural resource finds during that construction is applied. The mitigation measure addresses other cultural resources as well as human remains. (Please see B.5.c below for a more detailed discussion of this issue.)

**B.5. c Human Remains**

A mitigation measure consistent with the California Native American Historical, Cultural and Sacred Sites Act will reduce any potential impact to cultural resources and remains found during project implementation to a less than significant level. This mitigation measure is as stated below.

**Mitigation Measure 5.c.1:**

*In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified*

*appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.*

**Monitoring for Mitigation Measure 5.c.1:** The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

## B.6 ENERGY

6. ENERGY Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			√	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			√	

### **B.6. a, b Energy**

The proposed project consists of the construction and operation of a major subdivision project creating 27 lots. The project remains within the numbers anticipated by the General Plan and the Catheys Valley Community Plan and is in compliance with the zoning and land use designation applied to the property. Overall, the construction and operation of this proposed project would not require the creation of a new source of energy.

During construction there would be a temporary consumption of energy resources required for the movement of equipment and materials; however, the duration is limited due to the phasing of construction, and the limited area of construction. Compliance with local, State, and federal regulations would reduce short-term energy demand during the project's construction to the extent feasible, and project construction would not result in a wasteful or inefficient use of energy.

There are no unusual project characteristics or processes involved in this project that would require the use of equipment that would be more energy intensive than is used for comparable activities, or the use of equipment that would not conform to current emissions standards and related fuel efficiencies. Furthermore, through compliance with applicable requirements and/or regulations, through the building permit process, the project would be consistent with State requirements, and would not consume energy resources in a wasteful or inefficient manner.

State and local agencies regulate the use and consumption of energy through various methods and programs. As a result of the passage of Assembly Bill 32 (AB 32) which seeks to reduce the effects of Greenhouse Gas (GHG) Emissions, a majority of the state regulations are intended to reduce energy use and GHG emissions. These include, among others, California Code of Regulations Title 24, Part 6–Energy Efficiency Standards, and the California Code of Regulations Title 24, Part 11– California Green Building Standards (CALGreen). In Mariposa County, the County’s Building Department enforces the applicable requirements of the Energy Efficiency Standards and Green Building Standards in Title 24. Accordingly, the proposed project would not conflict with or obstruct State or local plans for renewable energy or energy efficiency.

*The project will have a less than significant impact.*

## B.7 GEOLOGY AND SOILS

7. GEOLOGY AND SOILS -- Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			√	
ii) Strong seismic ground shaking?			√	
iii) Seismic-related ground failure, including liquefaction?			√	
iv) Landslides?			√	
b) Result in substantial soil erosion or the loss of topsoil?			√	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			√	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			√	
e) Have soils incapable of adequately				√



supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			√	

#### **B.7.a Faults, Ground Shaking, Ground Failure and Landslides**

A significant impact would be one that exposes people or structures to loss, injury or death. A Preliminary Soil Investigation was prepared for the project site by See's Consulting and Testing. The report of that investigation is dated February 6, 2009 and is on file at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa, CA. The following summarizes that report.

The subsurface soils encountered generally consist of silty sand, sandy silt, sandy clay, decomposed granite, and weathered granitic rock. Groundwater was not encountered during the field exploration. It is possible that shallow perched groundwater and localized seepage may be found at the interface of bedrock and the overlying soil which are usually intermittent and seasonal.

General: Based on field and laboratory test data and engineering analyses, the site is suitable for the proposed construction provided the site is graded in accordance with 2007 California Code of Regulations Title 24, Parts 1-12 standards and that the report's recommendations are incorporated into the project design and are followed through construction. It is important to note that future construction will be subject to the 2019 California Building Code or later depending on when construction occurs and the regulations in effect at the time. Due to the presence of loose silty sand, the upper level subgrade soil should be recompacted in order to reduce potential settlements. Removal of expansive sandy clay soils, placement of one foot of non-expansive fill, or pad subgrade moisture conditioning may be required in the proposed building areas when identified by site specific study of each lot. There is no liquefaction potential. Since there is no potential for liquefaction, lateral spreading has no potential to occur at the site. The site is not near an active known fault, and surface rupture does not apply. The site has gentle to moderate slopes. The potential of slope instability is low. Conventional spread footings bearing in the properly compacted or undisturbed dense site soils may be suitable for supporting the structure.

The report provides general site grading and preliminary foundation design recommendations for project planning and preliminary design purposes. The report states that review of grading plans for each lot is required and a site specific soil investigation should be conducted for each proposed building. The report provides recommendations for site preparation; preliminary foundation recommendations; recommended values for lateral earth pressure and frictional resistance; standards for interior concrete slab-on-grade; preliminary pavement design; and an analysis of soil-cement reactivity. A project condition of approval will address foundation recommendations.

Earthquake Faults: Alquist-Priolo Earthquake Fault Zone maps indicate that Mariposa County does not contain a Special Study Zone and a map has not been created for Mariposa. The majority of the County falls within the lowest earthquake hazard zone of 10-20% probability. Two fault zones exist within Mariposa and comprise the Foothill Fault System, including the Bear Mountain Zone and the Melones Zone located on the western side of the County. The Foothill Fault System is considered active. Additionally, three other faults known to be active near Mariposa include the San Andreas Fault to the west, the Owens Valley Fault to the east and the White Wolf fault to the south. According to the Five County Study, the three faults may cause small periodic local earthquakes.

No earthquake with a magnitude above 5 has occurred in Mariposa County since 1800. When earthquakes do occur in Mariposa County, records show they occur at around magnitude 2.7 or less. Section 8.2.02 – Physical Geology, in Volume III of the Mariposa County General Plan states that the probability of earthquake occurrence on the Foothills Fault System is rated as low.

*Thus, the project will have a less than significant impact.*

Ground Shaking: All construction in California is required to comply with all California Building Code standards with respect to the seismic design category applicable to a specific area.

*Thus, the project will have a less than significant impact.*

Ground Failure: Liquefaction hazard areas have not been identified in Mariposa County. The State's Seismic Hazard Mapping Program has not yet mapped the County of Mariposa to determine the probability of various types of ground failure likely to occur as a result of earthquake activity. Uniformly applied California Building Code standards require the preparation of a "soils investigation" report for all new building construction. These reports are required to provide complete evaluations of the foundation conditions of the site including design criteria related to the nature and extent of foundations materials, groundwater conditions, liquefaction potential, settlement potential and slope stability. The soils report must be prepared by a California-registered engineer. The building permit process will ensure that this report is properly prepared and reviewed.

*Thus, the project will have a less than significant impact.*

Landslides: The State's Seismic Hazard Mapping Program has not yet mapped Mariposa County to determine the probability of landslide occurrence as a result of earthquake activity. The Five County Seismic Safety Study performed a generalized landslide risk appraisal and found that there was minimal risk of landslides caused by earthquakes in areas of low relief and moderate to high risk found in the remaining mountainous areas of the County.

Factors that may pertain directly to the subject project site include: rock types susceptible to sliding, steep slopes, heavy rainfall during winter months, and slopes that have been modified by development activity. Landslides generally occur on slopes of 15 percent or greater. The project site's topography includes gentle to moderate slopes. A grading plan in accordance with 2019 California Code of Regulations Title 24, Parts 1-12 standards will be required for grading for future residential development.

*Thus, the project will have a less than significant impact.*

#### **B.7.b Soil Erosion**

A significant impact would be one that results in substantial soil erosion or loss of topsoil. The preparation of the site for construction will entail grading for roads, structures, and driveways.

The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for

sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2019 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site and access roads.

#### **B.7.c Unstable Geology/Soil**

A significant impact would be one where soil becomes unstable as a result of the project. These standards are implemented through a permit process, which includes onsite inspections by county staff. The Preliminary Soils Investigation for the project stated that the potential of slope instability is low. Conventional spread footings bearing in the properly compacted or undisturbed dense site soils may be suitable for supporting the structure. As noted above, a soils investigation report is required to be provided prior to construction on a lot and it will contain final recommendations for construction on the site. The standards of the Mariposa County Road Improvement and Circulation Policy, the Mariposa County Improvement Standards, and 2019 California Code of Regulations Title 24, Parts 1-12 standards will ensure *a less than significant impact* on the site and adjacent parcels, as a result of grading activities associated with completing conditions of project approval and grading activities associated with future residential development.

*The project will have a less than significant impact on the issue of unstable soil.*

#### **B.7.d Expansive Soils**

A significant impact would occur if the project is placed on expansive soils and creates substantial risk to life or property. Construction on the project parcel will require compliance with the 2019 California Code of Regulations Title 24, Parts 1-12 standards for the construction of foundations. The California Building Code standards are implemented through the building permit process. Onsite inspections by building inspectors are conducted to ensure construction is in compliance with these standards. Based upon the existing permit requirements in place, the implementation of 2019 California Code of Regulations Title 24, Parts 1-12, and the onsite inspections, *the project will have a less than significant impact.*

#### **B.7.e Septic Systems**

A significant impact would occur if septic tanks or systems are utilized for the project and the soil is unable to support their use. The residential lots within this new subdivision will use individual, on-site sewage disposal systems as allowed by section 5.3.02.E(3) of the Mariposa County General Plan.

The Mariposa County Environmental Health Unit has reviewed the Soils Report for the project prepared by O.S.T. System Designs, Inc. (referenced above) and additional information submitted regarding the proposed water and sewage disposal systems. Septic envelopes have been identified and approved for each lot in the subdivision. The septic envelopes contain adequate area for the construction of septic systems, as well as an adequate replacement area should the need arise. Percolation tests and soils analysis show that on-site sewage disposal systems can be placed on all of the lots. Eight of the lots will require special design engineered septic

systems due to either shallow soils or slow percolation rates. Uniformly applied standards contained in County Policy 03-01 for the provision of septic systems *will reduce potential impacts to less than significant levels.*

#### **B.7.f Paleontological or Unique Geologic Features**

A significant impact would occur if the project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature. The project site is already developed with two residential structures (one in use and a dilapidated mobile home) and construction equipment and material. There are no known unique geologic features located on the project site. The cultural resources survey prepared for the site did not identify any paleontological resource or site, nor is one known to occur on the project site. Mitigation measure 5.c.1 requires that work be stopped and that the Mariposa County Planning Department be contacted if a resource is discovered during earth work. *With implementation of this mitigation measure, the project will have a less than significant impact.*

### **B.8 GREENHOUSE GAS EMISSIONS**

<b>8. GREENHOUSE GAS EMISSIONS</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			√	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			√	

#### **B.8.a - b Impacts: Greenhouse Gas (GHG) Emissions**

A significant impact would occur if the project generated greenhouse gas emissions that may have a significant impact on the environment or conflict with a plan adopted to reduce the emissions of greenhouse gases.

In summarizing the analysis of potential impacts to greenhouse gas emissions from implementation of the General Plan the EIR certified for the General Plan concluded the following on page 2-99:

Impact AQ-4. *Build-out of the proposed General Plan may result in changes in air movements, moisture, temperature or climate. However, no projects of the magnitude that would cause such impacts are anticipated in the County. Major projects that would produce large amounts of greenhouse gases are likewise not anticipated. In the event that such projects are proposed, the projects would be subject to national and international regulations, and thus would result in impacts that are at a level of less than significant.*

Subsequent to the 2006 certification of the General Plan EIR, the State of California enacted statute AB 32 which established the state's goals of (a) achieving by 2020 a statewide greenhouse gas emissions (GHG) limit no higher than total 1990 statewide GHG emissions, and (b) continuing after 2020 to achieve even further reductions in GHG emissions.

SB 97 required that the Natural Resources Agency certify and adopt amended CEQA Guidelines for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions by January 1, 2010 pursuant to

Public Resources Code section 21083.05. The agency adopted the amendments on December 30, 2009 and transmitted the amendments to the Office of Administrative Law (OAL) for review and filing with the Secretary of State. OAL filed the amendments for inclusion into the California Code of Regulations on February 16, 2010. The amendments became effective on March 18, 2010.

To assist in evaluating whether a project may generate a quantity of GHG emissions that could have a significant effect on the environment, thresholds of significance have been developed by some State agencies. Some of these thresholds establish a level at which a project would necessitate additional analysis or whether the project is not considered to create a significant impact. Neither the County of Mariposa, the Mountain Counties Air Basin, nor the Mariposa County Air Pollution Control District have adopted thresholds of significance for GHG emissions. As a result, the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines are used to determine the significance of the project. The BAAQMD guidelines establish three (3) ways to measure whether a project will have a significant impact or not:

- Complying with a qualified GHG reduction strategy
- Annual emissions of less than 1,100 metric tons per year (MT/yr) of CO<sub>2</sub>e
- Service person threshold of 4.6 MT CO<sub>2</sub>e/SP/yr

For the purposes of this project, the use of the 1,100 MT/yr of CO<sub>2</sub>e is appropriate since Mariposa County does not have a qualified GHG Reduction Strategy and the project is not a high-density project where the service person threshold is more appropriate. Additionally, BAAQMD has developed criteria to screen whether a project even needs to perform a detailed GHG emissions analysis. For single family projects, no GHG emissions analysis is required if there are less than 56 units. This project could only develop up to a maximum of 54 units, if all lots were developed with two single family dwelling units. It is unlikely that each of the 27 lots will build two homes. This means it is under the level needed for additional analysis. Even though the project is below the BAAQMD levels that would require further analysis, the California Emissions Estimator Model (CalEEMod) version 2016.3.2 was used to calculate potential emissions. Based on using the default assumptions in CalEEMod, without any additional mitigation, the project is estimated to produce a maximum of 224 MT/yr of CO<sub>2</sub>e during the estimated construction period. Once the project is complete and operational, the permanent/on-going project is estimated to produce approximately 495 MT/yr of CO<sub>2</sub>e. These numbers are well below the thresholds of significance identified in the BAAQMD CEQA Air Quality Guidelines of 1,100 MT/yr CO<sub>2</sub>e. It should be noted that the construction period is only temporary and there are no established GHG emissions thresholds for construction activity.

The project will not be a significant contributor to greenhouse gas emissions. The project, however, will contribute cumulatively to the generation of greenhouse gas emissions from vehicle emissions in the county and region. *This impact, however, is considered to be less than significant in light of overall greenhouse gas emissions, thus the proposed project will not result in significant air quality impacts, including GHG emissions.*

## **B.9 HAZARDS AND HAZARDOUS MATERIALS**

<b>9. HAZARDS AND HAZARDOUS MATERIALS</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			√	
b) Create a significant hazard to the public			√	

or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				√
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				√
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				√
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				√
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			√	

**B.9.a, b Transport of Hazardous Materials/Upset and Accident**

A significant impact would be one that produces a substantial risk to the public from routine transportation, use, or disposal of hazardous material, or from reasonably foreseeable accidental release into the environment of such material through upset or accident. This residential project will not result in the handling, transport or use of hazardous materials except for those associated with normal residential development. Residential uses typically do not use or store large amounts of hazardous materials. The project would not involve the use, storage, transportation or disposal of hazardous materials other than what is typically used for cleaning of households, maintenance and landscaping. Construction activity may include temporary storage and use of potentially hazardous material such as fuel and oil. Any spills would be subject to local, state, and federal regulations, which minimize the risk associated with construction activities.

Due to these factors, *the project will have a less than significant impact on these issues.*

**B.9.c School Proximity**

A significant impact would be one that emits hazardous emissions or results in the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

There are no schools located within a quarter-mile of the project site, but Sierra Hill Charter School is located within ½ mile of the project. The project proposes residential lots and residential development does not have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

*Thus, the project will have no impact.*

**B.9.d Exposure from Existing Contaminated Sites**

A significant impact would be one that is located on a listed contamination site and exposes the public or the environment to the hazard. The project site is not listed on the Mariposa County Environmental Health Unit's list of hazardous sites.

*Thus, there will be no impact.*

**B.9.e Hazards Near Airports and Airstrips**

A significant impact would be one that results in a safety hazard for people residing or working in the vicinity of a public airport or private airstrip. The project site is not within two miles of a public airport, and no private airstrips are known to exist within the area of the project site.

*Thus, there will be no impact.*

**B.9.f Emergency Response Plans**

A significant impact would be one that impairs the implementation of or interferes with an emergency response or evacuation plan. The construction of single family residences on the project parcels will not interfere with any emergency response or evacuation plan. The development of the parcels with residences will not generate an amount of traffic that would affect an emergency response plan. Roads within the subdivision will be required to be constructed to Mariposa County Road Improvement and Circulation Policy standards and the County's Improvement Standards thus ensuring that roads will be sufficient to adequately serve the development in the event of an emergency.

*Thus, there will be no impact.*

**B.9.g Risk of Wildland Fires**

A significant impact would be one that exposes people or structures to a significant risk of wildland fires. The State of California adopted the State Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations provide for basic emergency access and perimeter wildfire protection measures, including clearance around structures. Future residential building permits for the project parcels also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future residential development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly.

The Mariposa County Fire Department commented on the project stating that fire protection responsibilities are detailed in the California Fire Code (latest edition) and the Public Resources Code 4290 and 4291. CAL FIRE enforces the Public Resources Code and Mariposa County Fire enforces the California Fire Code. The Fire Department states that the project must meet all the applicable sections of the California Fire Code and the department provided references to applicable sections of code that relate to Fire Apparatus Access Roads, Key Boxes for any automatic gate entrances, fire hydrants, and water supplies.

Public Resources Code 4290 is codified in Title 14, CCR. Section 1273.09 of Title 14 states that the maximum allowable dead-end road length for parcels zoned for 1 acre to 4.99 acres is 1,320 feet. The majority of the parcels in the subdivision are between 2.5 and 5 acres in size.

The project proposes emergency access from the northerly terminus of the main proposed access easement to an off-site easement to the north of the project site, which eventually connects to an additional easement which then connects to Highway 140.

Due to uniformly applied construction and land management standards in State Responsibility Areas such as Catheys Valley, *the project will have a less than significant impact on the issue of wildland fires.*

## B.10 HYDROLOGY & WATER QUALITY

<b>10. HYDROLOGY AND WATER QUALITY</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			√	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			√	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion on- or off-site;			√	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site			√	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or		√		
iv) impede or redirect flood flows?			√	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to		√		



project inundation?				
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			√	

#### **B.10.a Water Quality Standards/Waste Discharge Requirements/Water Quality**

A significant impact would occur if the project violated a water quality standard or waste discharge requirements or otherwise substantially degraded surface or groundwater quality. The project proposes individual septic systems for each lot. The Environmental Health Unit has reviewed and approved the location and size of primary and replacement septic envelopes for each lot in the proposed subdivision in accordance with Health Department Policy 03-01 and General Plan Policy 9-5 and Implementation Measure 9-5a(1). The Mariposa County Improvement Standards will apply to any road work done as part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and permanent re-vegetation following construction. The County Engineer typically has the authority to require engineered drainage plans to address any increased water run-off from proposed roads. Onsite inspections are conducted to ensure compliance with these standards.

The 2019 California Code of Regulations Title 24, Parts 1-12 standards, also contain drainage plan requirements to ensure that any changes to existing drainages are done in such a way as to ensure that the function and capacity of the affected drainage course is maintained following construction. Soil compaction standards, provisions for sediment control during construction, and re-vegetation following construction are contained in this ordinance. The 2019 California Code of Regulations Title 24, Parts 1-12 standards will apply to site grading work done for future residential development. This code contains requirements for soil compaction and sediment control during construction, and permanent re-vegetation following construction. Onsite inspections by the Building Department are conducted to ensure compliance with these requirements.

In addition, if more than one acre of land will be disturbed, the project will be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Associated with Construction Activity from the Regional Water Quality Control Board. This permitting is part of the existing regulatory environment and is addressed in the standard conditions of approval for projects in Mariposa County.

These adopted policies and ordinance requirements, and the required permits and onsite inspections, will ensure *a less than significant impact* from future grading activities associated with implementation of the development of the site and access roads. Uniformly applied development standards for the permitting and regulation of individual sewage disposal systems, are designed to address public health and safety concerns, and will ensure that *the project will have a less than significant impact on water quality standards*.

#### **B.10.b,e Changes in Groundwater Resources**

A significant impact would be one that substantially depletes groundwater quantities or interferes with groundwater recharge.

The General Plan EIR states that Policy 11-2c of the General Plan and its supporting implementation measures provide for the preservation of existing or potential sources of a sustainable water supply through maintaining low intensities of development in order to protect the capacity of watersheds, and would designate watershed areas of surface water systems where such systems and their proposed watershed areas serve or are capable of serving as a potable water source. The environmental impact report (EIR) prepared for the General Plan found that there is a less than significant impact on groundwater quantity from implementation of the General Plan due to the low

density of residential development in the Residential land use classification of the county. The General Plan EIR analyzed a minimum parcel size for new subdivisions of 2.5 acres of gross land area provided the average density does not exceed one dwelling per 5 acres within the countywide Residential land use classification. The minimum parcel size density within the Residential land use classification in the adopted Catheys Valley Community Plan mirrors that contained in the countywide General Plan. The EIR prepared for the Catheys Valley Community Plan found that implementation of the Plan would have no impacts to groundwater quantity because there are no anticipated large-scale developments utilizing groundwater resources in Catheys Valley. The average parcel size within this project is 4.25 acres, which means a slightly higher project density than the one dwelling unit per 5 acres average density standard for new development, the standard upon which groundwater impacts were analyzed for the implementation of the countywide General Plan and Catheys Valley Community Plan. *Therefore, it can be concluded that groundwater impacts from the project would not be significant.*

An analysis prepared by HerSchy Environmental reviewed well testing conducted on site, as well as previous water supply analyses conducted for neighboring projects. The report concluded that there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects will not negatively impact this project for the following reasons:

- Ken Schmidt calculated available water for the adjacent project in excess of three to six times the project requirements; this suggests no adverse effects by that project to the area's water supply, and with a large surplus, no adverse effects from surrounding wells on that project.
- Test Well #1 at the current project site was calculated to produce 23,000 gallons over 12 hours at 32 gpm, with no appreciable drawdown observed in three observation wells approximately 1,000 feet away in varying directions. With Test Well #1 pumped at a rate capable of supplying 23 dwellings with little impact, no actual well planned to serve more than four dwellings and Ken Schmidt's indication that well spacing of 500 feet would mitigate drawdown at other wells, there appears to be ample water to support the installation and operation of multiple wells in support of 58 dwellings."

*Based upon these factors, impacts on groundwater from the proposed development is less than significant.*

**B.10.c Drainage Patterns/Impervious Surfaces; Substantial Erosion; Flooding; Stormwater System Capacity; Polluted Runoff**

A significant impact would be one that substantially alters drainage and surface flows through alteration of the course of a stream or river or through the addition of impervious surfaces in a manner that results in substantial erosion or siltation on- or off-site; substantially impacts drainage patterns causing flooding on- or off-site; contributes runoff causing the capacity of drainage systems to be exceeded or provides substantial polluted runoff; or redirects flood flows. The project will not alter the course of a stream or river; result in substantial erosion on- or off-site; substantially increase the rate of surface runoff, so as to result in flooding; contribute substantial runoff; result in exceedance of stormwater drainage system capacity; provide substantial additional sources of polluted runoff; or redirect flood flows. Site grading and road improvements could result in substantial alteration to drainage and surface flows. The Mariposa County Improvement Standards will apply to road work done as a part of the project proposal. These adopted policies contain provisions for drainage plans, soil compaction and sediment control during construction, and re-vegetation following construction. Any amendments to drainages will ensure that the function and capacity of the affected drainage course is maintained following construction. Onsite inspections are conducted to ensure compliance with these standards. The standards of the 2019 California Code of Regulations Title 24, Parts 1-12, will apply to site grading work done for project construction. Soil compaction and sediment control during construction and permanent re-vegetation following construction is also required.

These adopted local policies and ordinance requirements, the permits required, and the required onsite inspections, will ensure that drainage facilities are constructed to all applicable standards.

CalTrans commented that the developer needs to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from the project site flowed into the State right-of-way of Highway 140, it may continue to do so providing peak flows are not increased from the pre-construction quantity. Site runoff must be treated to meet present stormwater quality standards. If drainage does not flow into the State right-of-way currently, then it will not be allowed to flow into the right-of-way in the future with project development. The applicant will need to calculate runoff peak discharges for 10 and 100-year storm events for pre- and post-construction.

Project impacts to existing state drainage facilities adjacent to the project site are potentially significant. *The following mitigation measure is proposed to reduce these potentially significant impacts to less than significant levels:*

**Mitigation Measure 10.c.1**

*Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the project.*

**Monitoring for Mitigation Measure 10.c.1:** This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

**B.10.d Release of Pollutants in Flood Hazard, Tsunami or Seiche Zones from Project Inundation:**

Mariposa County is not subject to tsunamis. The issue of seiche as it may relate to a dam inundation area is addressed by General Plan policy 16-4c. This project site is not located in such an area. The issue of ground shaking and earthquake faults is addressed in the “Geology and Soils” section above. This issue is addressed during review of individual projects. This residential project is not of the type or nature to result in the release of pollutants in a flooding or earthquake event. A roughly one-acre stock pond impounded by an earthen dam is located within proposed Lot 21 as shown on the tentative map for the project. This pond is similar to many stock ponds in Mariposa County and the foothill area. Overflow from the pond empties into a drainage running generally north to south eventually meeting Owens Creek south of the project site. A proposed cul-de-sac road serving proposed lots 22, 23, and 24 crosses this drainage and the drainage traverses proposed Lot 24. There is a potential for failure of this earthen dam to impact property and persons downstream. This is considered to be a *significant impact requiring mitigation to reduce this impact to a less than significant level. This proposed mitigation follows:*

**MITIGATION MEASURE 10.d.1**

*A document shall be recorded and referenced on the final map stating the following:*

*“The owner of Lot 21 as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist*

*the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety.”*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 10.d.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

## B.11 LAND USE & PLANNING

11. LAND USE AND PLANNING Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Physically divide an established community?				√
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?		√		

### **B.11.a Physically Divide an Existing Community**

A significant impact would occur if the project physically divided an established community. The project site is in an area that has been developed with small-lot residential uses of two to five acres in size. There are also larger lots located adjacent to the project site, but they can also be developed with residential uses with densities similar to the proposed project. There is some limited commercial development located to the north and west of the project site. The property is in the Interim Community Center land use classification of the Catheys Valley Planning Study Area and is zoned Town Planning Area (TPA). The minimum parcel size for the TPA zone is 2.5 acres with on-site wells and sewage disposal systems. The development of the project site will be consistent with existing residential development and limited commercial development in the immediate vicinity and general area. The project will not divide an established community. *Thus, there are no impacts.*

### **B.11.b Conformance with General Plan Designation, Zoning and Other Environmental Policies**

A significant impact would occur if the project conflicted with a land use plan, policy or regulation adopted to avoid or mitigate an environmental effect. There are no land use plans, policies, or regulations that were adopted to avoid or mitigate an environmental effect that affect this parcel. While the project is within the boundaries of the adopted Catheys Valley Community Plan, the subdivision project was submitted and deemed complete prior to the adoption of the plan, thus it is not subject to the policies contained in the plan. The Interim Community Center land use classification applies to this parcel for review of this subdivision. Per the General Plan, the “Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted.” The Interim Community Center land use also establishes a minimum parcel size of 2.5 acre for new subdivisions. Future development on the created lots will be subject to the standards and policies of the Catheys Valley Community Plan. The proposed project is consistent with the **General Plan Interim Community Center 2.5 acre minimum lot size and maximum density**. Maximum density for

the Community Residential land use, which any development of these parcels will be subject to, is 1 unit/2.5 acres with a minimum parcel size of 2.5 acres. All proposed lots exceed 2.5 acres. The project is consistent with the Mariposa County General Plan and existing zoning standards contained in Title 17, Mariposa County Zoning Code, at the time of completeness of project application.

The current zoning for the project site is Town Planning Area (TPA). Land Uses allowed in the TPA include both residential uses and uses allowed in the Neighborhood and Resort Commercial zoning districts, subject to Use Permit and Use Permit Determination requirements. The standards for this zone are contained in Chapter 17.12 of Title 17, Mariposa County Zoning Code. For Town Planning Areas where specific land use policies have not been developed, the land use regulations of the Rural Residential zone (Chapter 17.16, Title 17) apply as interim land use regulations. The Town Planning Area zone permits minimum parcel sizes of 2.5 gross acres if the domestic water system and the sewage disposal system are to be developed on the parcel, as is the case with this project.

*Thus the project will have a less than significant impact.*

### **General Plan Residential Land Use Classification 5.3.02. E. New Subdivisions**

The proposed subdivision project is consistent with the following policies of the General Plan, designed to create “ready to build parcels” including maintained roads, water supply, and wastewater disposal.

#### **E(1) ROAD CAPACITY AND ACCESS**

The proposed project will be consistent with the County Road Improvement and Circulation Policy. All newly created subdivision parcels will have safe and maintained access roads.

#### **E(2) Hillside and Ridge Top Design (see Rural Character discussion, this section, below)**

General Plan Policy 5.3.02 E(2) Hillside and Ridge Top Design, is summarized as follows:

- *“Building on hillsides is an issue of critical concern to conserving the rural character and avoiding an “over-developed” appearance countywide.*
- *The County’s terrain and topography has no regularity, making a uniform solution impossible.*
- *Subdivision roads and building sites will be designed to minimize cuts and fills. All cuts and fills will be re-vegetated within one growing season of construction.*
- *The Planning Commission will review subdivisions with slopes on parcels in excess of 15% intending to consider the following mitigations:*
  - *The Commission may permit lot size flexibility within density limits (e.g., clustering) to best achieve safe and reasonable building sites.*
  - *The Commission will review proposed building sites and native vegetation with the intent of requiring or maintaining a screen of access roads, driveways, and structures consistent with fire safety regulations (emphasis added).*
  - *The Commission may require building sites to be set back from ridgelines.*

- *Visual impact of the subdivision and its building sites may result in the Planning Commission modifying parcel sizes and potentially reducing the number of proposed lots.”*

The subject site contains hillsides with slopes in excess of 15% slopes.

There are two issues affecting the determination of the level of significance of potential impacts to visual quality:

- 1) The rural character of the area, as that character is defined by the General Plan; and
- 2) Viewsheds in relation to the values expressed in the Mariposa County General Plan regarding noted types of sensitive landscape elements.

The General Plan EIR established as a point of significance for visual resources from non-single family dwelling units. Single family dwelling units will be constructed within this residential subdivision project. Thus the proposed subdivision will not have a potentially significant impact on visual impacts.

Because all the proposed lots contain areas that are outside of areas with slopes in excess of 15%, it is possible for future residential development to be constructed on the residential parcels in compliance with the objectives of the General Plan policies. However, because there are portions of the residential parcels with building sites on slopes in excess of 15%, and because the implementing zoning for the Catheys Valley Community Plan has not yet been adopted, all residential building permits on parcels with slopes in excess of 15% in the Catheys Valley Community Plan area shall be reviewed to ensure less than significant impacts will result. The following mitigation is proposed to ensure that any potential impacts are addressed and that potential buyers receive notification of the required review:

**MITIGATION MEASURE 11.b.1**

*Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:*

*“This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052’s application file.”*

**Monitoring for Mitigation Measure 11.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.

**E (3) SEWAGE DISPOSAL SYSTEMS**

The applicant has provided soils information, demonstrating septic envelopes and replacement areas to the satisfaction of the Environmental Health Unit.

**E (4) POTABLE WATER SUPPLY**

Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. Other than this groundwater, there are no other known water supplies to serve any parcel shown on this map. The applicant has prepared an evaluation of the availability of water (Hersch, April 2018) which evaluated full buildout of the subdivision (two residences per lot). The analysis concluded that the site would have ample water quantity for the planned development.

**E(5) WILDLAND FIRE HAZARD AND EMERGENCY SERVICES**

Uniformly applied standards for fire hazard mitigation are required for this project including regulations of the County Building Department, County Fire Department, and California Department of Forestry and Fire Protection (CAL FIRE) for purposes of fire management and fire safety.

**E(6) LOCATIONS OF FLOOD ZONE OR RISK OF FLOODING**

Proposed lots 7, 17, 26, and 27 have portions of Owens Creek running through them that are located within a flood zone. All of the lots have sufficient areas for residential construction outside of the flood zone.

Based on the applicant's proposal and the development standards contained within the Catheys Valley Community Plan for future development, *the project will have a less than significant impact.*

## **B.12 MINERAL RESOURCES**

<b>12. MINERAL RESOURCES</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				√
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				√

**B.12.a, b Mineral Resources**

A significant impact would occur if the project resulted in the loss of availability of a mineral resource of value to the region and state, or result in the loss of a locally important mineral resource shown on land use planning maps. The Mariposa County General Plan does not identify the project area as an important mineral recovery site. The project site is in the Interim Community Center land use designation as described in the Mariposa County General Plan. The zoning for the property is Town Planning Area. The area has historically been used for large- and small-lot residential uses as well as agricultural activities, primarily grazing. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. The General Plan does not identify this area as an important mineral resource recovery site. The Catheys Valley Community Plan does not identify this area as an important mineral resource recovery site. *Thus, the project will have no impact.*

## B.13 NOISE

13. NOISE Would the project result in:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			√	
b) Generation of excessive groundborne vibration or groundborne noise levels?			√	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				√

### **B.13.a,b Generation of Substantial Noise That Exceeds Established Standards/Groundborne Vibration or Noise**

A significant impact would occur if the project resulted in the generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or generate excessive ground-borne vibration or ground-borne noise levels. The Mariposa County General Plan states that the rural lifestyle found in Mariposa County results in a noise environment that is well below 55 dba CNEL standard. The Mariposa County Noise-Land Use Compatibility Chart, shown as Figure 12-1 in Volume III, Technical Background Reports of the



Mariposa County General Plan, shows that Ldn or CNEL decibel levels of up to 60 are normally acceptable community noise exposure levels for low density single family, duplex, and mobile home residential development. Decibel levels of up to 65 are normally acceptable for multi-family residential uses. Up to 70 decibels is conditionally acceptable in both categories. Noise during construction may exceed these levels but construction is expected to be of limited duration and during normal working hours. Mariposa County does not have an adopted noise ordinance. The project will not generate excessive groundborne vibration or groundborne noise. In consideration of the nature of the proposed project and the surrounding land uses it can be determined that the project is compatible with the area from a noise and vibration perspective. The subdivision project will not create significant noise impacts. *The project will have a less than significant impact*

### **13.c Exposure to Airport or Airstrip Noise**

A significant impact would occur if there is exposure of people residing or working in the project area to excessive noise from public airports or private airstrips. The project site is not located near an airport or airstrip. *Due to these factors, the project will have no impact.*

## **B.14 POPULATION & HOUSING**

<b>14. POPULATION AND HOUSING</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			√	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				√

### **B.14.a Population Growth Inducement**

A significant impact would result if the project induces substantial population growth in an area. The addition of 26 new lots (27 proposed – 1 existing), with individual wells and septic systems, will not induce substantial population growth in this area. The proposed project is consistent with the planned uses and density of development for the area. *Thus, the project will have no impact on this issue.*

### **B.14.b Displacement of Housing/People**

A significant impact would result if the project displaced substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. A significant impact would result if the project displaced substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. There is one existing residence on the property that is currently not being proposed for removal to implement the project. The project creates additional lots for the development of housing units. This project will not displace any people. *Thus, the project will have no impact.*

## **B.15 PUBLIC SERVICES**

<b>15. PUBLIC SERVICES</b>	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			√	
b) Police protection?			√	
c) Schools?			√	
d) Parks?			√	
e) Other public facilities?			√	

**B.15.a. and b. Emergency Services Improvement Impacts**

The land division will create 27 parcels out of an existing parcel, in accordance with planned land uses for this area. Existing emergency response facilities will provide adequate service to the project. Goal 9-9 of the General Plan states as its goal, “*Maintain quality emergency service delivery.*” Policy 9-9a calls for defining acceptable service standards and creating a comprehensive plan to attain and maintain service delivery, and Implementation Measures 9-9a(1) and 9-9a(2) call for the preparation and implementation of an emergency services plan to implement the goal. The project will not have a negative impact on this goal, policy or these implementation measures. Although new development adds cumulatively to the demand for police and fire protection, impact from this project, due to its size, *is considered to be less than significant.*

**B.15.c School Improvement Impacts**

The land division will create 27 parcels out of one existing parcel, which could currently be used for residential purposes. This subdivision project will not result in a substantial number of new students. The Mariposa County Unified School District was provided the opportunity to comment on a previous version of the project in 2009, which proposed 30 lots. The district stated it had no specific concerns pertaining to the project. The project will be required to pay school impact fees through the building permit process, which are established to address development project impacts on schools. *Thus, the project will have a less than significant impact.*

**B.15.d Park Improvement Impacts**

The land division proposes 27 parcels out of one existing parcel in accordance with planned land uses for the area and will not cause a substantial new demand on parks. Existing facilities will provide adequate service to the project; no new facilities are needed. *Thus, the project’s impact on parks facilities is less than significant.*

**B.15.e Other Public Facility Impacts / including Road Improvement Impacts**

Road Improvements

The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic estimate for residential parcels in Mariposa County of 8 trips per day. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (27 parcels X 8 trips = 216, subtracting the 8 trips that are generated by the existing development). The addition of this amount of traffic to area roadways will not result in a significant impact to either the maintenance of the roads or the proposed Level of Service. This issue is addressed in the *Transportation and Traffic* section below. Access roads will be required to be improved as required by the Mariposa County Road and Circulation Policy. All roads will meet the required standards at the time of Final Map filing.

*Thus, the project will have a less than significant impact.*

#### Water and Sewer Public Facilities

The proposed project would have a significant environmental impact if public water and sewer facilities would need to be constructed in order to maintain adequate service levels for the proposed project. The project proposes that all 27 lots will be served by individual wells.

While this project is within the Interim Community Center land use designation and not within the Residential Land Use Classification of the General Plan, General Plan Section 5.3.01.I(2) states that “Development within the Interim Community Center designation shall comply with all provisions of the Residential Land Use Classification as established by Section 5.3.02. Standards in that section were used as guidance for water supply and sewage disposal systems. General Plan Section 5.3.02.E(4) requires that new subdivision lots are to be served by an approved potable water supply. Prior to recordation of a final map, the subdivider is required to prove to the satisfaction of the Mariposa County Environmental Health Unit that each new parcel has a supply of potable water meeting requirements for quantity and quality. The General Plan requires a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit or other satisfactory proof, which may consist of a hydrogeological study of the area by a qualified professional and wells drilled and tested prior to sale to demonstrate the quantities described.

New projects and subdivisions are required to have access to basic water and wastewater infrastructure, including a potable water supply meeting Environmental Health’s requirements, under Policy 9-5a and Implementation Measure 9-5a(1) in the Circulation, Infrastructure, and Services Element of the General Plan. The Mariposa County Environmental Health Unit has reviewed the revised addendum to results of well testing dated August 15, 2018 and prepared by HerSchy Environmental, Inc. and stated that the report meets the minimum requirements of the General Plan for proof of water.

The General Plan requires a typical statement recorded concurrently with and referenced on the final or parcel map stating the following:

*Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.*

*Thus, the project will have a less than significant impact.*

## **B.16 RECREATION**

<b>16. RECREATION</b>	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			√	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				√

#### **B.16.a Use of Existing Recreational Facilities**

A significant impact would result if the project substantially increased the use of existing recreational facilities or was accelerated due to the project, and the increase in use had the potential to cause substantial physical deterioration. This 27-parcel subdivision project will not result in a significant impact on existing recreation facilities. Public Works did not identify any concerns that existing park facilities located near the project site would not be adequate or be significantly impacted by the proposed project. *The project will have a less than significant impact.*

#### **B.16.b Construction or Expansion of New Recreational Facilities**

A significant impact would result if the project included recreational facilities that might adversely affect the physical environment due to construction or expansion. The project does not include recreational facilities and none would be required to be constructed due to this project. *Thus, the project will have no impact.*

### **B.17 TRANSPORTATION**

<b>17.TRANSPORTATION</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			√	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			√	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			√	
d) Result in inadequate emergency access?			√	

**B.17.a Circulation System**

A significant impact would result if the project conflicted with a program, plan ordinance or policy addressing the circulation system. The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic (ADT) estimate for residential parcels of 8 ADT. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (the site currently produces 8 ADT; therefore, the 208-trip figure is arrived at by multiplying 27 proposed lots by 8, less existing traffic). This is not a significant contribution to traffic volumes for roadways in the area.

The Highway 140/Hornitos Road intersection has deceleration/acceleration lanes and turn lanes and is constructed to CalTrans standards. Internal roadways will be constructed to the standards required by the Mariposa County Road Improvement and Circulation Policy and the county's Improvement Standards. Off-site roadways will also be required to meet county standards, which are designed to ensure adequate traffic movement and public safety. Hornitos Road up to the project site is paved and is of adequate width to serve the project site.

The Mariposa County General Plan requires that off-site roadways meet minimum county standards for a subdivision to be approved. This means that the Hornitos Road Extension will be required to meet the standards of the RICP with respect to travel lane width and surfacing in order to serve this project. The existing condition of Hornitos Road meets the most stringent width and surfacing standards contained in the RICP, and far surpasses the standard for a rural residential subdivision. Hornitos Road also surpasses the standard for commercial and industrial development as contained in the RICP. Hornitos Road for several hundred feet from its intersection with Highway 140 is a paved road divided by a landscaped median. The roadway is paved just beyond the project site property line. The right lane from the intersection with Highway 140 to the end of the median is 22-30 feet wide and up to 40 feet wide beyond the landscaped median to the project site property line. The other lane is a minimum of 12 feet in width where it parallels the median.

The condition of Hornitos Road, which exceeds the standards as described above, precludes the necessity to prepare an assessment of the road's capacity to meet existing and new uses when the aggregate potential development will increase the utilization of the road by more than 25% as would be required by Implementation Measure 9-1c(3) of the Mariposa County General Plan. It is clear the road exceeds minimum standards.

The project will not result in the capacity of the existing circulation system to be exceeded. The condition of existing roads and implementation of the county's road standards as conditions of approval on the project will ensure that General Plan Goal 9-1, which requires that all development have safe and adequate access, is satisfied. The project is consistent with this goal's supporting policies and implementation measures as described on pages 9-7 through 9-9 of the General Plan, including Implementation Measure 9-1d(1) which states that no subdivision or discretionary project shall be approved if the traffic generated by the proposed project will exceed the capacity of the road systems which provide access from the nearest County major collector or State highway unless mitigation is required.

The Catheys Valley Community Plan (CVCP), generally uses the standards of the Mariposa County General Plan when considering road conditions and requirements for new development. For instance, Policy CV.5.1-5b states that subdivision activity is only permitted on roads with adequate capacity to serve all potential new lots. The project is consistent with this goal and its subsequent implementation measures. Therefore, the project site is consistent with the CVCP.

CalTrans provided comments on a prior tentative map relating to traffic peak volumes, the requirement that the intersection meet the department's standards for a Public Road Connection and potential encroachment permits on a prior tentative map. Except for the issue of encroachment permits, those comments were not referenced in the agency's comments on the current tentative map.

The project does not propose any encroachments from Highway 140.  
*The project will have a less than significant impact on the county's circulation system.*

**B.17.b Conflict With CEQA Guidelines §15064.3, Subdivision (b)**

A significant impact would result if the project conflicted with this CEQA Guideline section. This section provides criteria for analyzing transportation impacts of projects. Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Per Section 15064.3, analysis of vehicle miles traveled (VMT) attributable to a project is the most appropriate measure of transportation impacts. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in Section 15064.3 (b)(2) regarding roadway capacity, a project's effect on automobile delay does not constitute a significant environmental impact under CEQA. Per Section 15064.3(3), a lead agency may analyze a project's VMT qualitatively based on the availability of transit, proximity to destinations, etc. The proposed project is located within close proximity to a Yosemite Area Regional Transportation System (YARTS) bus stop, located within a ½ mile radius. The bus service provides connection to the town of Mariposa, Yosemite National Park and the City of Merced. The town of Mariposa has available commercial, health, and public services. In addition, the project is located within close proximity to some employment opportunities and neighborhood retail uses. Thus, the proximity of the project site to existing public transit infrastructure as well as a variety of land uses would act to reduce VMT associated with project operations. The project is presumed to *have a less than significant impact*.

**B.17.c Increase Hazards due to Geometric Design Features**

A significant impact would result if the project resulted in sharp curves or dangerous intersections or incompatible uses. The Mariposa County Road Improvement and Circulation Policy establishes an average daily traffic (ADT) estimate for residential parcels in Mariposa County of 8 trips per day. Consequently, this project has the potential to increase traffic in the area by 208 trips per day (the site currently produces 8 ADT; therefore, the 208-trip figure is arrived at by multiplying 27 proposed units by 8, less existing traffic). The project proposes to improve the access to the site to the standards required by the Mariposa County Road Improvement and Circulation Policy, as well as the Mariposa County Improvement Standards. The travel lanes will be improved to a sufficient width and surface to accommodate the potential traffic plus existing traffic. Improvements to any intersections as part of the proposed road improvements will need to meet the County's Improvement Standards, as well as Caltrans standards through a required encroachment permit if they do not already meet their standards. As noted above, the Highway 140/ Hornitos Road intersection has deceleration/acceleration lanes and turn lanes and is constructed to Caltrans standards. A breakaway emergency gate would be installed between the cul-de-sac of the main proposed access road and the emergency extension roadway. The on-site and off-site roads will be required to be constructed in accordance with applicable standards contained in the Mariposa County Improvement Standards and the Road Improvement and Circulation Policy, as well as State Fire Safe standards. Therefore, the project, upon completion of the proposed road improvements, and when done in compliance with the County's Improvement Standards and Caltrans encroachment permit requirements for the proposed emergency access as required, *will have a less than significant impact on the issue of traffic hazards*.

**B.17.d Emergency Access**

A significant impact would result if the project resulted in inadequate emergency access. The project will be required to meet all emergency access requirements as required by CAL FIRE. Additionally, an emergency access is proposed to facilitate evacuations if necessary during an emergency. The emergency egress point, located at the northeastern corner of the project site, will connect to Guenthart Way, then to Highway 140. CalTrans stated that project traffic will not be allowed access to and from Highway 140 via Guenthart Way. The project proposes access to Guenthart Way in emergencies only. A breakaway gate located between the project site and Guenthart Way will be constructed to State/CAL FIRE standards *Due to these factors, the project will have a less than significant impact*.

## B.18 TRIBAL CULTURAL RESOURCES

18. TRIBAL CULTURAL RESOURCES	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			√	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		√		

**B.18.a and b Tribal Cultural Resources** A significant impact would occur if the project had a significant impact on tribal cultural resources, which are defined in the table above.

The study of the site by Varner and Associates found several potential resources, three prehistoric bedrock mortar or milling (BRM) stations, consisting of mostly shallow conical holes used by Native Americans to grind acorns and other food stuffs. Mitigation has been proposed to protect these resources and reduce potential impacts to less than significant levels.

The study states that it is possible that other archaeological materials lie beneath the vegetation cover or ground surface, where they might be uncovered during future excavation, grading or construction. If that occurs, Mariposa County authorities and/or a qualified archaeologist should be notified immediately.

For projects where construction will occur, a mitigation measure addressing cultural resource finds during that construction is applied. The mitigation measure addresses other cultural resources as well as human remains. (Please see B.5.c above for a more detailed discussion of this issue.)

Public Resources Code requires lead agencies to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of the proposed project to help determine whether a project may have a significant effect on a tribal cultural resource.

No tribe has formally requested notification to consult with Mariposa County. Mariposa County however still sent invitations to consult on this project to the Mono Indians, North Fork Rancheria; North Fork Mono Tribe; Picayune Rancheria of the Chukchansi Indians; and the American Indian Council of Mariposa County Southern Sierra Miwuk Nation. No responses requesting consultation have been received.

*Therefore, it can be found that the project will have a less-than-significant impact on tribal cultural resources.*

## **B.19 UTILITIES & SERVICE SYSTEMS**

<b>19. UTILITIES AND SERVICE SYSTEMS</b> Would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Require or result in the relocation of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			√	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			√	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			√	
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			√	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			√	

### **B.19.a Water, Wastewater Treatment; Stormwater Drainage; Electric Power, Natural Gas, Telecommunications Facilities**



A significant impact would result if the project required or resulted in the relocation or construction of these facilities that would cause significant environmental effects. The project proposes individual wells and septic systems. Areas on all proposed lots have been identified that support septic systems. Sierra Telephone states that an underground cable exists on the site and the company encourages the creation of an easement for the cable; in the alternative, the project applicant can pay to have the cable relocated to another public utility easement area. Sierra Telephone has commented that they do not have any other objections to the project, and asks that the developer contact them prior to construction in order to coordinate the location of telephone facilities. No utilities have expressed any concerns with the proposed project. The project will need to meet all requirements for the handling of stormwater drainage during road construction and for future residential construction through the building permit process. *Due to these factors, the project will have a less than significant impact.*

**B.19.b,c**                      **Water, Wastewater Treatment Capacities**

A significant impact would result if water supplies were insufficient to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years or a wastewater treatment provider does not have the capacity to serve the project in addition to its existing commitments. The EIR states that Policy 11-2c of the General Plan and its supporting implementation measures provide for the preservation of existing or potential sources of a sustainable water supply through maintaining low intensities of development in order to protect the capacity of watersheds, and would designate watershed areas of surface water systems where such systems and their proposed watershed areas serve or are capable of serving as a potable water source. The environmental impact report (EIR) prepared for the General Plan found that there is a less than significant impact on groundwater quantity from implementation of the General Plan due to the low density of residential development in the Residential land use classification of the county, such as proposed with this project.

An analysis prepared by HerSchy Environmental reviewed well testing conducted on site, as well as previous water supply analysis conducted for neighboring projects. The report concluded that there is sufficient water availability to serve the planned subdivision, without appreciable negative impact to the water supply in the general vicinity, and that surrounding projects negatively impacting this project for the following reasons:

- Ken Schmidt calculated available water for the adjacent project in excess of three to six times the project requirements; this suggests no adverse effects by that project to the area's water supply, and with a large surplus, no adverse effects from surrounding wells on that project.
- Test Well#1 at the current project site was calculated to produce 23,000 gallons over 12 hours at 32 gpm, with no appreciable drawdown observed in three observation wells approximately 1,000 feet away in varying directions. With Test Well #1 pumped at a rate capable of supplying 23 dwellings with little impact, no actual well planned to serve more than four dwellings and Ken Schmidt's indication that well spacing of 500 feet would mitigate drawdown at other wells, there appears to be ample water to support the installation and operation of multiple wells in support of 58 dwellings."

*Thus, impacts on water capacities from the proposed development are not significant.*

A significant impact would occur if the project results in a determination by the wastewater treatment provider that it has inadequate capacity. Private septic systems are proposed for the project.

*Thus, the project will have no impact.*

**B.19.d,e**                      **Solid Waste**

A significant impact would occur if a project generated solid waste in excess of state or local standards or in excess of local infrastructure or otherwise impair the attainment of solid waste reduction goals or did not comply

with reduction statutes related to solid waste. The project will be subject to all applicable regulations and standards relating to solid waste. *Due to these factors, the project will have a less than significant impact.*

## B.20 WILDFIRE

<b>20. WILDFIRE</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially significant impact	Less than significant with mitigation incorporation	Less than significant impact	No impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			√	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			√	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			√	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			√	

### **B.20.a,b,c,d Emergency Response or Evacuation Plan; Exposure to Pollutant Concentrations; Installation of Infrastructure Exacerbating Fire Risks or Impacts to Environment; Exposure of People or Structures to Risks**

A significant impact would result if a project located in or near State Responsibility Areas or very high fire hazard severity zones would result in substantial impacts on the issues described above. The project is proposed in the Moderate Fire Hazard Severity Zone on the CAL FIRE Fire Hazard Severity Zone Map. The subdivision project creating 27 parcels will not interfere with any emergency response or evacuation plan. All roads will meet minimum Mariposa County Road Improvement and Circulation Policy standards and the County's Improvement Standards, thus ensuring that the roads will be sufficient to adequately serve the development in the event of an emergency. Additionally, the project will need to meet all requirements from CAL FIRE and the Fire Department as part of the project conditions.

The State of California adopted the State Fire Safe Regulations for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction and development in the State Responsibility Areas (SRA). These regulations, known as SRA Firesafe Regulations provide for basic emergency access and perimeter

wildfire protection measures, including clearance around structures. Future building permits for the project parcels also necessitate review by CAL FIRE and onsite inspection prior to permit completion. Finally, future development is subject to continued inspection by CAL FIRE for maintenance of 100' clearance around structures (LE 100). These inspections may be done yearly.

The Mariposa County Fire Department provided comment on the project. The comment letter is available for review at the Mariposa County Planning Department. The comments were broken into seven sections as follows.

1. Wildland Fuel Mitigation (Defensible space, vegetation management plan);
2. Site Development (steep slopes, chimneys, improvements prior to construction);
3. Fuelbreaks and Greenbelts
4. Means of Access (streets and roads, gates, signage);
5. Water Supply (water supply requirements such as minimum gallons per minute requirements, guidelines for water supply needs such as draft sites/dry hydrants);
6. Alternative Development; and
7. Miscellaneous (mapping of fire protection features, maintenance of equipment and features).

Many of the issues raised in the Fire Department's letter are currently addressed during the building permit process for individual residences; review of and construction of all roadways, gates, and signage and required inspections for such improvements to ensure consistency with all existing, applicable standards; and application of minimum proof of water requirements for individual parcels. The project will be subject to all fire safe and additional state and local fire-related requirements. Certain recommendations, such as the implementation of fuel breaks and greenbelts, do not fall under any authority that could require such improvements in Mariposa County.

The project must also meet all the applicable sections of the California Fire Code. Due to uniformly applied construction and land management standards, *the project will have a less than significant impact.*

## Section C

### MANDATORY FINDINGS OF SIGNIFICANCE

<i>Finding:</i>	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **Impact Discussion & Conclusions:**

- The project has the potential to significantly impact biological resources, potential jurisdictional Waters of the U.S. and wetlands in the form of Owens Creek, the seasonal wetland corridor associated with the culvert directed runoff from Highway 140 and ephemeral drainages and wetland features associated with the open water pond and drainages. The project also has the potential to impact nesting raptors and special-status species. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels. The project has the potential to impact cultural resources. These resources are bedrock milling stations and historic rock walls. Mitigation measures are proposed to reduce these potentially significant impacts to less than significant levels.
- The project will result in increased air emissions, groundwater use, noise, traffic and demand for public services. However, these impacts are not considered to be significant, are individually limited, and not cumulatively considerable. The project's potential impacts on on-site biological resources can be reduced to less than significant levels with the implementation of proposed mitigation measures. Off-site resources are also protected through these measures. Therefore, the potential cumulative impact on biological resources from project implementation is considered to be less than significant. The project has the potential to impact State drainage facilities associated with Highway 140. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.
- There is the potential for the failure of an earthen dam on the site to fail and impact persons and property downstream. Mitigation is proposed to reduce this potentially significant impact to a less than significant level.

Based upon the environmental review conducted within this Initial Study, and the anticipated level of impact as a result of the project, a mitigated negative declaration will be adopted for the project.

## **Section D**

### **MITIGATION MONITORING**

#### **BIOLOGICAL RESOURCES**

##### **Mitigation Measure 4.a.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

##### **Monitoring for Mitigation Measure 4.a.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

##### **Mitigation Measure 4.b.1**

Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.

**Monitoring for Mitigation Measure 4.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

##### **Mitigation Measure 4.b.2**

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

*“This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps \_\_\_\_ at Page \_\_\_\_, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.*

*Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.*

*Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required”.*

**Monitoring for Mitigation Measure 4.b.2:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 4.d.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

**Monitoring for Mitigation Measure 4.d.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

## **CULTURAL RESOURCES**

**Mitigation Measure 5.a.1**

Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:

*“No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page\_\_\_\_, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks.”*

**Monitoring for Mitigation Measure 5.a.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 5.a.2**

A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:

*“The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page \_\_\_\_, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed, removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.*

*The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall.”*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 5.a.2:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 5.c.1:**

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the



NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

**Monitoring for Mitigation Measure 5.c.1:** The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

## HYDROLOGY AND WATER QUALITY

### **Mitigation Measure 10.c.1**

Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the project. The Planning Director may waive this requirement if evidence is provided to show that drainage does not flow into the State right-of-way of Highway 140.

**Monitoring for Mitigation Measure 10.c.1:** This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

### **Mitigation Measure 10.d.1**

A document shall be recorded and referenced on the final map stating the following:

*“The owner of Lot 21 as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety.”*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 10.d.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

## LAND USE AND PLANNING

### **MITIGATION MEASURE 11.b.1**

Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or

shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:

*“This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052’s application file.”*

**Monitoring for Mitigation Measure 11.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.



# MARIPOSA PLANNING

## COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

PHONE 209 . 966 . 5151 • FAX 209 . 742 . 5024

### APPLICANT'S AGREEMENT TO MITIGATION

**Project title:** Major Subdivision No. 2009-052; JCS Capital Resources

**Project Applicant:** JCS Capital Resources, a Nevada Limited Liability Company  
13131 Diericx Dr  
Mountain View, CA 94040

The project applicant, JCS Capital Resources, a Nevada Limited Liability Company, agrees to the following mitigation measures as required by Section 15070(b)(1) of the CEQA Guidelines and project plans will be modified to avoid potential adverse physical effects of the project as identified in this study:

#### BIOLOGICAL RESOURCES

##### **Mitigation Measure 4.a.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, a qualified biologist shall conduct a pre-construction survey of the project site to determine if special-status species are located in those areas proposed for road improvement. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should special-status species be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect these species. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

##### **Monitoring for Mitigation Measure 4.a.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

##### **Mitigation Measure 4.b.1**

Prior to commencement of construction of any easement road improvements, road construction, or other easement road building activities required as a condition of approval for the project, which has the potential to impact the wetland features associated with the Open Water pond and the ephemeral drainages, the project applicant shall obtain any required permitting pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers and, if such permitting is required, a Section 401 Water Quality Certification from the Regional Water Quality Control Board – Central Valley Region. The project proponent shall provide a copy of the permit and certification to the Mariposa County Public Works Department prior to the onsite consultation meeting required as a condition of approval for the project. If such permitting is required all provisions of the Section 404 permit and Section 401 water quality certification shall be completed prior to the filing of the final map. The applicant shall submit

to the County Surveyor evidence that all permit and certification requirements have been met to the satisfaction of applicable agencies.

**Monitoring for Mitigation Measure 4.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the project construction process.

**Mitigation Measure 4.b.2**

The final map shall show the wetland features within Owens Creek, the eastern drainage, western drainage, and pond inflow and outflow. An open space setback of twenty-five (25) feet from the edge of the seasonal wetlands and pond, and twenty-five (25) feet from the centerline of Owens Creek and the eastern and western ephemeral drainages located on the project site as shown on the tentative map, which is designed to protect any special status wildlife, wetland features and species, oak woodland habitat and any sensitive habitat that may potentially occur, shall be shown on the final map. The setback area shall exclude the proposed road crossings. A statement shall be recorded in Official Records concurrently with the final map and referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be as follows:

*"This notice is not intended to affect record title interest. There are open space setbacks on Lots 3, 5, 6, 7, 8, 12, 14 15, 16, 19, 20, 21, 24, and 27 as shown on the Final Map for JCS Capital Resources filed in the Book of Maps \_\_\_\_ at Page \_\_\_\_, Mariposa County Records. The setback is twenty-five (25) feet from the edge of the seasonal wetlands and pond, and 25 feet from the centerline of Owens Creek and from the centerline of the ephemeral drainages. No structure or improvement shall be constructed within the open space setback except as provided below. A well or wells, water pipes, underground and above ground power lines, fencing and other similar structures or improvements may be constructed within the open space setback subject to approval by the Planning Director. Consultation with a qualified biological consultant, whose services shall be paid for by the property owner, may be required by the Planning Director in order to make a determination. No removal of vegetation (except noxious weeds identified by the United States Department of Agriculture, the California Department of Food and Agriculture, and/or the Mariposa County Agricultural Commissioner) shall be allowed within the open space setback, except as determined necessary by CAL FIRE, and except as needed to implement the uses described in this and the following paragraph. No grading shall be allowed within the setback, except as needed to implement the uses described in this and the following paragraph.*

*Prior to any grading or construction activities occurring within this setback area, the owner of said lots shall contact the California Department of Fish and Wildlife to determine if a State Fish and Game Code Section 1602 Streambed Alteration Notification is required. If required, the owner shall submit the notification and comply with all applicable requirements of Section 1600 et seq. of the State Fish and Game Code.*

*Depending upon the location and nature of the construction, grading, or disturbance within the setback area, the parcel owner may be required to obtain from the Army Corps of Engineers permitting under Section 404 of the Clean Water Act. This agency shall be contacted prior to initiation of any disturbance to the setback area. If a Section 404 permit is required, a Section 401 Water Quality Certification from the State Regional Water Quality Control Board shall also be required".*



**Monitoring for Mitigation Measure 4.b.2:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 4.d.1**

Prior to commencement of construction or grading activities on the project site that is necessary to implement project conditions of approval relating to easement road construction, between February 1st and August 3, a qualified biologist shall conduct a pre-construction survey of the project site to determine if nesting raptors are extant in those areas proposed for construction or grading activities. The survey shall be conducted within 30 days of the initiation of construction or grading activities. Should nesting raptors be discovered during the survey, the project applicant shall comply with all protocols mandated by the qualified consultant in consultation with applicable resource agencies to protect nesting raptors. The Planning Department shall be provided a copy of the results of any survey conducted and evidence that any required mitigation measures have been implemented prior to initiation of construction or grading activities.

**Monitoring for Mitigation Measure 4.d.1:**

This mitigation measure will be monitored by the Mariposa County Planning Department through the project construction permitting process.

## **CULTURAL RESOURCES**

**Mitigation Measure 5.a.1**

Open space setbacks of 10 feet from the perimeter of bedrock milling stations as identified in the Cultural Resource Survey prepared for the project site dated January 2002 shall be established and shown on the final map for the project. A document shall be recorded and referenced on the final map stating the following:

*"No structure shall be constructed within the open space setbacks as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records. No portions of a sewage disposal system shall be constructed within the open space setbacks. No grading shall be allowed within the setback. The setbacks shall be in perpetuity and shall restrict the use of the land within the setbacks."*

**Monitoring for Mitigation Measure 5.a.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 5.a.2**

A historic preservation setback running the full length of and for five (5) feet on both sides of the rock wall on the project site shall be shown on the final map. The Mariposa County Planning Director shall approve the location of the setback prior to the filing of the final map. A statement shall be recorded in Official Records concurrently with the final map and shall be referenced on the final map as follows:

*"The historic rock wall located on Lots 22 and 23, as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records, is surrounded by an historic preservation setback of five (5) on both sides of the wall and the wall shall not be altered, disturbed,*

*removed or destroyed, with the following exception, without the review and approval of the Mariposa County Board of Supervisors.*

*The existing opening in the wall on Lot 23 shall be allowed to be expanded up to 20 feet in width to allow for access to the lot providing the terminations of the rock wall at either side of the opening are properly stabilized to maintain the integrity of the remaining wall."*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to lot numbers shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 5.a.2:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**Mitigation Measure 5.c.1:**

In the event human remains, artifacts, or potentially significant cultural resources are discovered during ground disturbance on the project site, a Native American monitor shall be on-site for the duration of ground disturbance. During road grading, soil testing and/or construction, or any activity that involves ground disturbance necessary to implement project conditions of approval, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty (50) feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty (50) feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the applicant. Protection measures for the site may include, but not be limited to, requiring the applicant to hire a qualified archaeologist who shall conduct necessary inspections and research, and who may supervise all further ground disturbance activities and make any such recommendations as necessary to ensure compliance with applicable regulations. In addition to the Planning Department, the Mariposa County Coroner and the Native American Heritage Commission shall be notified should human remains be discovered. If the remains are determined by the Native American Heritage Commission to be Native American, the NAHC guidelines shall be adhered to in treatment and disposition of the remains. Representatives of the Most Likely Descendant shall be requested to be on-site during disturbance and/or removal of human remains.

**Monitoring for Mitigation Measure 5.c.1:** The applicant or his on-site designee shall be responsible for ensuring compliance with this mitigation and the Mariposa County Planning Department will monitor the measure through the project construction permitting process.

## **HYDROLOGY AND WATER QUALITY**

**Mitigation Measure 10.c.1**

Prior to the issuance of a grading permit for the project, the project applicant shall submit engineered drainage plans to the California Department of Transportation for review to ensure that all CalTrans requirements regarding drainage from the project site are addressed. The drainage plans shall be prepared to CalTrans standards. The plans shall show how any runoff into State drainage facilities from the site is to be treated to meet current stormwater quality standards. If flows into State drainage facilities will not be increased by the project, the project shall provide CalTrans with information utilized to arrive at that conclusion. Verification of CalTrans review and approval of the drainage plans shall be provided to the Mariposa County Planning and Public Works departments prior to the issuance of a grading permit for the



project. The Planning Director may waive this requirement if evidence is provided to show that drainage does not flow into the State right-of-way of Highway 140.

**Monitoring for Mitigation Measure 10.c.1:** This measure will be monitored by the Mariposa County Planning and Public Works departments through the project construction permitting process.

**Mitigation Measure 10.d.1**

A document shall be recorded and referenced on the final map stating the following:

*"The owner of Lot 21 as shown on the final map filed in Book of Maps at Page \_\_\_\_\_, Mariposa County Records is responsible for maintenance of the earthen dam located on this lot. The dam shall be maintained in a manner that prevents, to the maximum extent feasible, failure of the dam that could result in impacts to persons or property downstream of the dam. The lot owner is encouraged to enlist the services of a qualified registered civil engineer to inspect the dam on a periodic basis to ensure dam safety."*

*(Should lots be merged and/or the subdivision map modified from the current configuration, the mitigation language relating to the lot number shall be changed to reflect the modification.)*

**Monitoring for Mitigation Measure 10.d.1:** This measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process.

**LAND USE AND PLANNING**

**MITIGATION MEASURE 11.b.1**

Two copies and a digital version of the final map for the project delineating all required setbacks (including from Owens Creek, wetland features and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and approximate location of slopes greater than 15% for all lots zoned for residential development shall be submitted to the Planning Department. A statement shall be recorded in Official Records concurrently with the final map, referenced on the final map or shall be included on an additional map sheet which indicates its relationship to the final map. The statement shall be made applicable to all parcels in the development. The statement shall be as follows:

*"This notice is not intended to affect record title interest. The General Plan and Catheys Valley Community Plan establish design review objectives and policies for existing and future residential parcels with slopes in excess of 15%. Pending adoption of specific zoning regulations, all building permits for lots with slopes in excess of 15% shall be reviewed pursuant to the hillside development standards established for the Mariposa Town Planning Area pursuant to Section 17.336.040.A-C. of Mariposa County Code; Sections 17.336.040.A-C standards shall apply to future building and grading permits on the residential lots until such time as specific standards for the Catheys Valley Community Plan are developed and adopted for hillside and ridge top development, upon which time those standards shall apply. Building and site work on the residential lots on areas which are less than 15% grade shall be exempt from the standards. A map delineating all required setbacks (from Owens Creek and ephemeral drainages), sewage reserve areas as approved by the Environmental Health Unit, and the approximate location of slopes greater than 15% in on file with the Planning Department in Major Subdivision No. 2009-052's application file."*

**Monitoring for Mitigation Measure 11.b.1:** This mitigation measure will be monitored by the Mariposa County Surveyor and the Mariposa County Planning Department through the final map filing process. This mitigation measure will be monitored by the Mariposa County Planning Department for review of future residential building permits on these parcels.

By:



William R. Stuart, Manager  
JCS Capital Resources, a Nevada  
Limited Liability Company

Date:

4/14/2021