

DEPARTMENT: PWD/Engineering

BY: Allen Toschi  
PHONE: 966-5356

**RECOMMENDED ACTION AND JUSTIFICATION:** Approve the filing of a Notice of Determination for a CEQA Negative Declaration for the construction of the Midpines fire station. Authorize the Director of Public Works to execute the Notice of Determination.

Mariposa County has received a grant for the construction of three new fire stations in the county. These funds are part of the American Recovery and Reinvestment Act (ARRA), through FEMA's Assistance to Firefighters Grant program.

An Initial Study as required by FEMA, was performed by Analytical Environmental Services to identify significant impacts and to recommend Mitigations for the same. The attached notice was advertised and the public comment period was held from March 18 to April 18, 2011. No comments were received.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Previously the Board of Supervisors earmarked \$750,000 from the Tobacco Settlement Fund to be used for fire station construction.

On June 16, 2009 the Board approved an application for an Aid to Firefighters Grant for fire station construction.

In 2010 a contract was approved with Analytical Environmental Services for creating the Initial Study and Mitigated Negative Declaration.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

1. Approve the filing and have project proceed; or
2. Not Approve and not proceed with the project.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$ 0.00	Annual Recurring Cost: \$0
Budgeted In Current FY? ( ) Yes (X) No ( ) Partially Funded		
Amount in Budget: \$0.00		List Attachments, number pages consecutively
Additional Funding Needed: \$ 0.00		Initial Study/Mitigated Negative Declaration - (See
Source:		Clerk of the Board)
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
( ) General ( ) Other		_____

**CLERK'S USE ONLY:**

Res. No.: 11-169 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 4 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Minute Order Attached ( ) No Action Necessary

*Abstained: Bibby*

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California

By: \_\_\_\_\_  
 Deputy

CAO: *[Signature]*



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JIM ALLEN, CHAIR  
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DISTRICT V  
DISTRICT III  
DISTRICT I  
DISTRICT II  
DISTRICT IV



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

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TO: ALLEN TOSCHI, Public Works Director  
FROM: MARGIE WILLIAMS, Clerk of the Board  
SUBJECT: Approve the Filing of a Notice of Determination Adopting a California Environmental Quality Act (CEQA) Mitigated Negative Declaration for the Construction of the Midpines Fire Station; and Authorize the Public Works Director to Sign the Notice of Determination

RES. 11-169

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on

ACTION AND VOTE:

4a

**Public Works**

Approve the Filing of a Notice of Determination Adopting a California Environmental Quality Act (CEQA) Mitigated Negative Declaration for the Construction of the Midpines Fire Station; and Authorize the Public Works Director to Sign the Notice of Determination

**BOARD ACTION:** Discussion was held with Allen Toschi relative to the request and the NEPA (National Environmental Policy Act) and CEQA (California Environmental Quality Act) processes for this project. Supervisor Bibby expressed concern that she did not have a chance to review the mitigation measures. Supervisor Cann requested that the County Administrative Officer or the Board be kept up-to-date on the NEPA process – Allen Toschi advised that he can bring the NEPA report to the Board when it is complete. Supervisor Stetson commented on the input that was received from the community about the location of the road, and he questioned why the funds allocated for the temporary road couldn't be used to move the restrooms as a part of the project.

Input from the public was provided by the following:

John Brady, representing MERG (Mariposans for the Environment and Responsible Government), stated they support this and the other fire stations in the County, but they have concerns with this project. He advised that they were not provided notice and they would like an opportunity to review the CEQA document, and the NEPA document when it is complete – and he doesn't feel the Board should take action until these processes are complete.

Don Fox, Midpines resident and Advisory Committee member, stated he has been involved with this project since 2009. He commented on the process and expressed concern with the activities that occur at the Park and being able to

maintain public safety – he is concerned with having the temporary road behind the community hall. He recommended waiting to take action until the response is received from NEPA. He wants the fire station fenced and separated from the other activities. He presented a copy of his comments on the CEQA document, and he advised that he mailed his response on the NEPA process to FEMA (Federal Emergency Management Agency). He questioned the public notice in the Gazette and notice of the NEPA/CEQA process.

Supervisor Cann noted that the information was made available to the public and the Board members received the document on a disk. Rick Benson provided input relative to the public notice and advised of the availability of the information. Supervisor Cann commented that this is a well-known project and he noted no comments were received.

Don Fox responded to the issue relative to the lack of comments; and stated he feels that we are doing the compliance process after the plans are mostly complete; and that it was felt that they would not be heard.

Discussion was held.

Don Fox provided additional input relative to the Advisory Committee's discussions with the Public Works Director relative to the aesthetics of the structure given its location to the Highway and their concerns with competing functions at the Park.

John Brady presented a letter which reflected his verbal comments. He suggested that documents be posted on the County's website; and he noted that MERG has requested since 2003 that documents be posted on the web.

Further discussion was held. Allen Toschi advised of his past conversations with Don Fox and stated he personally notified him that these documents were available for review and provided him with a digital copy. Supervisor Bibby stated she did not receive the mitigation measures information; and she asked why this item was an addendum to the agenda – Allen Toschi responded that the item did not get done for the regular agenda; and he further advised that they still need to receive the hydrology study and the NEPA information should be received in a few days. Discussion was held relative to consideration of continuing this matter. (M)Stetson, (S)Cann, to give direction to continue this matter. County Counsel advised that if the matter is continued, it needs to be to a date and time certain. The motion was amended, agreeable with the maker and second to give direction to continue the matter to May 10, 2011, at 9:00 a.m. Discussion was held relative to taking additional input on May 10<sup>th</sup>. Supervisor Turpin clarified that the written comment period for the CEQA/NEPA process is not being extended. It was also clarified that the CEQA document is done and the comment period for that closed on April 18<sup>th</sup>. Supervisor Cann withdrew his second as the environmental concerns will be addressed. Supervisor Stetson withdrew the motion.

(M)Stetson, (S)Cann, Res. 11-169 was adopted approving the item. Rick Benson clarified that the approval of the item is approval of the action as recommended by staff; and the maker and second of the motion concurred. Ayes: Stetson, Turpin, Cann, Allen; Abstained: Bibby.

Cc: File

## **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

The Mariposa County Public Works Department has completed an Initial Study for the Midpines Fire Station Project and is proposing a Mitigated Negative Declaration be adopted. The Mariposa County Board of Supervisors will consider the adoption of a Mitigated Negative Declaration on **TUESDAY, APRIL 26, 2011 AT 10:00 a.m.** or as soon thereafter as possible, in the Board of Supervisors Chambers in the Government Center, 5100 Bullion Street, Mariposa, California, Mariposa County Public Works Department, applicant. This project entails the construction of a new fire station for the existing volunteer engine company #21 at 6362 Hwy 140, Midpines, CA.

The general public is invited to make written comments regarding this proposal. The public review process for the Initial Study/proposed Mitigated Negative Declaration will begin on March 18, 2011 and ends on April 18, 2011. The Initial Study/proposed Mitigated Negative Declaration and information on the project is available for review at the office of the Mariposa County Fire Department, 5082 Bullion Street, Mariposa, the main branch of the Mariposa County Library, 4978 10<sup>th</sup> Street, Mariposa and at Mariposa County Public Works Department, 4639 Ben Hur Road, Mariposa, California. Specific comments on the Initial Study/proposed Mitigated Negative Declaration must be received by April 11, if you have any questions regarding this notice or the project, please contact Ken Pritchett at (209) 966-5356.

# Certificate of Publication

C.C.P. 2015.5



Attach

STATE OF CALIFORNIA )

) ss.

COUNTY OF MARIPOSA )

I, the undersigned, state:

I am the publisher and principal clerk of the MARIPOSA GAZETTE AND MINER, an established weekly newspaper of general circulation, within the Town and County of Mariposa, State of California, within the provision of Chapter 1 Division 7 Title 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town of Mariposa, County of Mariposa, State of California, continuously since the year 1854; that I am a citizen of the United States, over the age of 18 years, and a resident of the County aforesaid; that the notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and not in any supplement thereof on the following dates, to wit:

3/17-24/11

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date

3/24 2011

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3/17-24/2011 2C

MARIPOSANS FOR THE  
ENVIRONMENT AND  
RESPONSIBLE  
GOVERNMENT

BOX 2121, MARIPOSA, CA 95338

April 26, 2011

Chairman and Members of the Board of Supervisors  
County of Mariposa  
5100 Bullion Street  
Mariposa, CA 95338


RE: Midpines Fire Station

Mariposans for the Environment and Responsible Government (MERG) recognizes the value and importance of fire stations. We are supportive of an adequate fire station for the Midpines community.

That stated, MERG was not provided notice of CEQA documentation for the proposed fire station at the County Park in Midpines. Although MERG was not provided such notice, Don Fox, Midpines citizen, did provide comments related to the NEPA documentation. His comments cited specific deficiencies with the NEPA review. To the extent that the NEPA and CEQA documents are similar, it should be assumed that the same flaws exist in the CEQA documentation. Until the CEQA and NEPA processes are complete, including the consultant's responses to Mr. Fox's comments of April 8, it is not prudent for the Board of Supervisors to approve a design/build contract. It would be premature for the County to enter into this contract.

**Once again, MERG fully supports the fire station in Midpines and other fire stations in the County. We just want to make sure they are done properly!**

Sincerely,

  
John P. Brady, Chair

Rec'd 4-26-11 @ Mtg

26 April 2011

To: Mariposa County Board of Supervisors

From: Don Fox  
5511 Pennyroyal Lane  
Mariposa, CA 95338  
209-966-5511

Subject: Review Comments, Midpines Fire Station, California Environmental Quality Act (CEQA) Environmental Assessment

It is imperative that the Midpines Interagency Fire Station, housing Mariposa County Fire Department Company 21 and the US Forest Service wildland fire's operations, needs to be replaced. It **will** result in a beneficial effect on fire, emergency, and wildland fire response services.

Following is my review of the CEQA Environmental Assessment and I offer the following comments and concerns about the proposed project, alternatives, and recommendations for impact avoidance, and mitigation measures.

- The Purpose and Need section fails to completely describe the current existing operations, description of the existing facility, and how it is shared with the US Forest Service. As described to the community at the October 2009 Midpines Planning Advisory Committee meeting, the scope of the proposed project includes demolition of the existing two-bay 2,000 square foot building with a 4,800 square foot facility; with 4 bays to accommodate fire apparatus, living quarters for fire fighters, and a road around three sides of the Community Hall to access the two bays facing south. This is relevant information needed to fully grasp the scope and impacts of the proposed action.

The sentence, "*The current site is part of the County Park, has adequate room, and would be located on land currently graded for the existing fire station and properly zoned for the land use.*", fails to truthfully describe the fire station setting and how park and recreation uses of the land compete with interagency fire station needs for space and should have provided more detail to assist in fully evaluating impacts and mitigation of the proposed action and alternatives.

The fire station is in fact one of four functions that compete for space on this small parcel of land. Park and recreation facilities and services; including: 1) a tot lot, 2) picnic area and picnic shelter, 3) public restroom, and 4) space for gold panning. In addition, the Community Hall serves a myriad functions including: 1) a meeting facility; 2) election polling place; 3) child care; 4) church services every Sunday; 5) the facility is rented for weddings, birthday parties, memorials, and numerous other social gatherings & events; 6) a bus shelter and the existing paved parking lot accommodate County residence and visitors who travel to Yosemite National Park, and 7) the parking lot serves as a Yosemite Area Regional Transportation System (YARTS) transit bus turnaround, and 8) 6-9 Company 21 Fire Station and US Forest Service wildland fire employee vehicles.

- There is no discussion of the full spectrum of existing and long-term use of outdoor use of space for fire related outdoor equipment storage, parking for apparatus and employee vehicles, hose drying, and proposed outdoor living space for resident fire fighters.
- One important alternative is missing! To fully understand the magnitude of this project, there should have been an assessment that evaluates only replacing the 2,000 square foot two-bay facility and its office and storage space for the structural fire needs of Mariposa County Fire Department Company 21 and NOT provide space for US Forest Service Wildland Fire fighting operations.
- There is no discussion of the three alternatives presented by the Midpines Planning Advisory Committee on November 24, 2009, and their impacts and why they were rejected.

#### Affected Environment, Impacts, and Mitigation for the Alternatives considered.

##### Water Resources

- Alternative A fails to provide data and describe impacts and consequences on water resources associated with the employees living in this facility as well as the projected demand to supply fire fighting equipment.

##### Transportation and Circulation

- The statement "*The project site includes amenities for pedestrian use (picnic tables and restrooms); however, pedestrian circulation is limited to the park area and the community hall. There are no bicycle circulation facilities on the project site. There are no pedestrian or bicycle facilities along SR-140 adjacent to the project site*", is incorrect. Discussions about the need, location, and impacts associated with the construction of a multi-use path along Bear Creek began in the late 1990's with Gwendolyn Foster, Department of Public Works Engineer.
- Alternative A as designed with a new access road around the Community Hall will conflict with long-range plans to construct new recreation amenities.
- With two vehicle bays facing south and the need for a new access road slicing through the south lawn on the back side of the Community Hall, vehicle traffic will: a) impact Community Hall parking, b) conflict with pedestrian circulation, and c) displace land currently used for recreation activities by individuals use who rent the community Hall.
- The statement "*Operation of the proposed fire station would not result in new impacts to the on-site pedestrian facilities. There would be no adverse impact to transportation with the implementation of ALTERNATIVE A.*" is simply not substantiated. Events during summer often generate well over 100 individuals that use and enjoy both indoor and outdoor facilities on the south side of the Community Hall. Summer is also when fire fighting operations is busiest and Alternative A, as shown in the 85% construction drawings with a new access road on the south side of the Community Hall, will result in serious conflict and safety risk with pedestrian.



## Aesthetics

- Development of Alternative A failed to comprehensively evaluate the consequences of how this new interagency fire station harmonizes with the aesthetic qualities of this Midpines rustic site. As shown on the construction drawings, the new facility is more than double the square footage and volume of the existing fire station and is situated nearly 10 feet lower in elevation than Highway 140 - a designated scenic overlay, with no existing vegetation on the CalTrans-owned road fill slope to visually mitigate the new structure.

Subsequently, visitors and residents will be looking directly down and at the massive highly reflective steel roof surface. Furthermore, design details on the drawings; such as, roof pitch; scale, mass, volume; proportion; lack of architectural detailing; color; texture; etc.; a) effect the quality of the driving experience for visitors and residents as they pass through Midpines en route to/from Yosemite National Park; b) will be a significant change to the Midpines built environment; and c) because of the buildings proximity to CalTrans property line, there is little to no place to plant trees to effectively visually mitigate the structure.

Looking at both Environmental Assessments and architectural plans for the proposed Fish Camp and Midpines fire stations, it is apparent that the goal is to use the same layout and design for both sites. While attempting to apply one design solution to two completely different sites MAY save money, the two sites have little in common. The proposed new Fish Camp fire station will be located a) on a secondary road away from the scenic highway 41 southern approach to Yosemite National Park; b) the proposed site allows for 2 entrance roads; c) the fire station will not share its site with any other community activity or function; and d) it has entirely different structural engineering and mitigation needs (snow loads, soil cuts/fills, visual screening, etc).

The new Midpines interagency facility is just too significant addition to the rustic Midpines pine-studded site to **not** be carefully designed by a **qualified** architect to insure that it is compatible and respectful of the County Park setting, both natural and human-made.

The Board of Supervisors-appointed Planning Advisory Committee begun the process of defining goals, objectives for future growth and development, and the unique sense of place embodied by this place called Midpines two years ago. Aesthetics and the quality of the built environment are an important long-term goal. The construction of new private and public structures are anticipated, in fact, welcomed elements of the long-range plan and will influence and re-shape the built environment of Midpines and creative contemporary interpretation of rustic design principles which retain validity today should be incorporated into the architectural solution for this new Midpines fire station.

It is imperative that we take time, care, craft, and attention to details appropriate to this new civic project. The Fire Department worked hard to articulate structural and wildland fire station needs and function. There is no evidence that any time has been devoted to aesthetics, visual quality, and architectural details for this important piece of civic architecture to insure that this new fire station blends into the site as though a part of it.

### Cumulative Impacts

- *"The Proposed Action would not adversely affect a pedestrian or bicycle networks under the Cumulative plus Proposed Action conditions. None of the known cumulative scenario projects are expected to affect these networks. No cumulatively significant impacts would occur".* This statement is not substantiated.

The site plan, with the proposed access road surrounding the Community Hall, as shown on Figure 4 and on the construction drawings, clearly impacts existing pedestrian use in and around the park and Community Center and the proposed access road to the south side of the new fire station clearly inhibits the ability to design safe pedestrian access to the adjacent parcel of land to the south – a proposed acquisition to provide additional park services, activities and facilities. The road also inhibits the ability to design a safe multi-use path along the Bear Creek corridor and the ability to separate emergency vehicle use from pedestrian access.

- Mixing a) large emergency and structural fire fighting apparatus; b) wildland fire fighting material & equipment; c) personal vehicles of both wildland fire fighter's living in this structure and those that commute to work here; along with d) day-to-day movement of equipment, space needed for outdoor storage, hose drying, etc., with children's birthday parties, wedding receptions and children using the play park simultaneously are not compatible activities and is asking for an accident to happen.

It is imperative that the site design, as shown on the construction drawings with the access road surrounding the Community Hall constitutes a major conflict and public safety issue.

- *"Development of the project site would be an improvement over the existing fire station and would be consistent with the existing community hall. Any future development in the vicinity would be subject to County review and approval, and potentially significant impacts to visual resources would require mitigation such as landscaping shielding and specific design provisions".* This statement is not substantiated.

The increased size, massing, and scale of the new structure, as shown on the construction drawings, is not consistent with the existing Community Hall, and, because of the buildings proximity to CalTrans property line, there is little to no possibility to establish an effective "landscape shielding".

Respectfully,

  
Don Fox