

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2008-022 A Resolution Recommending an Environmental Determination and
Approval of Zoning Amendment No. 2008-054, County of Mariposa,
Project Proponent

WHEREAS the Mariposa County Board of Supervisors initiated Zoning Amendment No. 2008-054 on August 7, 2007 based upon the recommendation of the Mariposa County Counsel and the Mariposa County Fire Department; and

WHEREAS Zoning Amendment No. 2008-054 proposes to amend Chapter 17.44 of Title 17, Mariposa County Zoning Code to allow fire stations as permitted uses in the Timber Exclusive Zone; and

WHEREAS Zoning Amendment No. 2008-054 will allow for a Mariposa County fire station to be located immediately adjacent to the community of Fish Camp; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 20th day of June, 2008; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report, and testimony presented by the public concerning the project; and

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a Mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and adopt an ordinance approving the proposed text amendment to Title 17, Mariposa County Code Zoning pursuant to Zoning Amendment 2008-054.

BE IT FURTHER RESOLVED THAT the recommended amendment to section 17.44.010.A.1.a of Title 17, Mariposa County Zoning Code is described in Exhibit 1.

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on the findings supported by substantial evidence in the public record as described in Exhibit 2:

BE IT FINALLY RESOLVED THAT the mitigation measures proposed for the Fish Camp fire station project are described in Exhibit 3 and monitoring for the mitigation is also described in Exhibit 3.

ON MOTION BY Commissioner DeSantis, seconded by Commissioner Francisco; this resolution is duly passed and adopted this 20th day of June, 2008 by the following vote:

AYES: Francisco, Ross, Rudzik, Skyrud, DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None



Skip Skyrud, Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs
Secretary to the
Mariposa County Planning Commission

EXHIBIT 1

Section 17.44.010.A.1.a. of Chapter 17.44, Timber Exclusive Zone, shall be amended to read as follows: (Proposed text is shown in ***bold, italicized and underlined*** type.)

A. **Development standards for the TEZ.** Development standards for the TEZ shall be as follows:

1. **Uses.**

a. **Permitted uses:** Growing and harvesting of timber and forest products; uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas. Residential, grazing, wildlife preserves; management for watershed, fish and wildlife habitat; hunting, fishing, hiking and camping; forest fire lookout stations; ***fire stations provided they are located on timberland converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations;*** exploration or prospecting for minerals; portable saw mills and portable planing mills; gas, electric, water or communication transmission facilities; wholesale nurseries and similar horticultural enterprises; and those applicable uses listed under Chapter 17.108.

EXHIBIT 2

Finding No. 1: *The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. (Section 17.128.050, Zoning Ordinance)*

The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendment will enhance the general public interest and public safety by allowing fire stations to be located in the Timber Exclusive Zone provided the station is located on timberland that is converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations. This provides an opportunity for fire stations to be located in areas that may not currently be adequately served with fire protection services and will allow a proposed fire station adjacent to the community of Fish Camp.

Finding No. 2: *The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making. (Section 17.128.050, Zoning Ordinance)*

The amendment will improve the Mariposa County General Plan, because it brings county planning documents into consistency with one another as they relate to the proposed Fish Camp fire station site. The amendment, which establishes fire stations as permitted uses in the Timber Exclusive Zone, provides for a consistent process with respect to planning for the location of fire stations in Mariposa County. It provides a long term guide for county development with respect to providing public services and is beneficial for day-to-day decision making for the same reason.

Finding No. 3: *The amendment conforms to the requirements of state law and county policy. (Section 17.128.050, Zoning Ordinance)*

The amendment has been processed in accordance with all applicable requirements of state law and county policy.

Finding No. 4: *The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. (Section 17.128.050, Zoning Ordinance)*

The amendment is consistent with applicable goals, policies and implementation measures contained in the Mariposa County General Plan.

Goal 9-9 in the Circulation, Infrastructure, and Services chapter of the general plan states the following:

“Maintain quality emergency service delivery.”

Policy 9-9a states:

“Define acceptable service standards and create a comprehensive plan to attain and maintain service delivery.”

Implementation Measure 9-9a(1) states:

“Prepare an emergency services plan.”

Implementation Measure 9-9a(2) states:

“Implement the emergency services plan.”

This amendment achieves the goal of maintaining quality emergency services delivery and the policy of defining acceptable service standards by allowing for fire stations in the Timber Exclusive Zone. It allows for the implementation of an upgraded fire station to serve the Fish Camp area. The amendment aids in the preparation and implementation of an emergency services plan because it will specifically identify areas where fire stations can be located in Mariposa County.

EXHIBIT 3

AESTHETICS

1.c.1. The fire station structure shall not utilize bare metal nor bright colors on the siding, trim, or roof. Exterior colors for the fire station structure shall be compatible with the natural environment and the surrounding residential neighborhood to the maximum extent feasible. Final exterior elevations shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of building permits for the project.

1.c.2. A landscaping plan designed to help screen the fire station facility from neighboring properties to the north shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of construction permits for the project. Trees used as screen shall be native to the area and shall be 15 gallons in size at the time of planting and shall be planted prior to the issuance of a certificate of occupancy for the fire station structure. The landscaping plan shall show and/or describe the irrigation system to be used for watering the trees.

Monitoring for Mitigation Measures 1.c.1 and 1.c.2: These mitigation measures will be monitored by the Mariposa County Planning Department through the building permit process. Implementation of this measure will reduce the potentially significant impact associated with aesthetics to a less than significant level.

1.d.1. All exterior lighting including that attached to the fire station structure shall be hooded so as to direct light onto the object or area to be lighted to reduce the potential for light to present a nuisance to neighboring property owners to the maximum extent feasible. A final lighting plan shall be submitted to the Mariposa County Planning Director for review and approval prior to the issuance of building permits for the project.

Monitoring for Mitigation Measure 1.d.1: This mitigation measure will be monitored by the Mariposa County Planning Department through the building permit process. Implementation of this measure will reduce the potentially significant impact associated with light to a less than significant level.

CULTURAL RESOURCES

5.a.1. During site grading or any activity that involves ground disturbance necessary to implement the project, if any signs of prehistoric, historic, archaeological, paleontological resources are evident, all work activity within fifty feet of the find shall stop and the Mariposa County Planning Department shall be notified immediately. No work shall be done within fifty feet of the find until Planning has identified appropriate measures to protect the find and those measures have been implemented by the proponent. Protection measures for the site may include, but not be limited to, requiring the proponent 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 American Indian Council of Mariposa County shall be notified should human remains be discovered. Representatives of the American Indian Council of Mariposa County shall be requested to be on-site during disturbance and/or removal of human remains.

Monitoring for Mitigation Measure 5.a.1: The Mariposa County Fire Department shall ensure that if cultural resources, as described above, are uncovered during grading or construction activities on the project site, all grading and/or construction work shall cease immediately and Mariposa County Planning notified. The Mariposa County Coroner and the American Indian Council of Mariposa County shall also be notified in the event human remains are discovered. This measure will be monitored by the Mariposa County Planning Department through the project construction process and the implementation of applicable protocol will ensure that potentially significant impacts to any cultural resources are mitigated to a less than significant level.