STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION  

Resolution  
No. 2006-31  
A resolution conditionally approving Conditional Use Permit  
Assessor Parcel Number 013-124-004.  

WHEREAS an application for a Conditional Use Permit was received on December 29, 2005  
from Nextel for a property located at 5441 Highway 140, also known as Assessor  
Parcel Number 013-124-004, and  

WHEREAS the Conditional Use Permit No. 2006-13/Scenic Highway Review 2006-14  
proposes a wireless communication facility consisting of an 80 foot monopine tower  
and appurtenant equipment shelter. The subject parcel is zoned Mountain  
Transition and is within the Scenic Highway Overlay Zone. Access to the facility is  
proposed from an existing road that encroaches onto Highway 140, and  

WHEREAS the Planning Department circulated the application among trustee and  
responsible agencies, interested public organizations, and others as appropriate; and  

WHEREAS a duly noticed public hearing was scheduled for the 7th day of July, 2006;  
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 and Negative Declaration were prepared pursuant to the  
California Government Code, Mariposa County Code, California Environmental Quality  
Act, 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, testimony presented by the  
public concerning the application, and the comments of the applicant; and  

WHEREAS Section 17.112.010 of the Mariposa County Zoning Ordinance identifies the  
Mariposa County Planning Commission as the final county review authority for this  
application;  

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of  
Mariposa does hereby recommend adoption of a Negative Declaration; and  

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the  
County of Mariposa does hereby approve CUP No. 2006-13/Scenic Highway Review  
2006-14; and
BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Skyrud seconded by Commissioner Ross, this resolution is duly passed and adopted this 7th of July, 2006 by the following vote:

AYES: Commissioners Skyrud, Ross, Ludington, Rudzik

NOES:

EXCUSED: DeSantis

ABSTAIN:

[Signature]
Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:

[Signature]
Carol Suggs, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1

PROJECT FINDINGS

FOR

CONDITIONAL USE PERMIT NO. 2006-13/ SCENIC HIGHWAY REVIEW 2006-14

1. FINDING: Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

EVIDENCE: The subject parcel is 91 acres. Nextel is leasing a 1600 square foot area to construct a 240 square foot equipment shelter and an 80 foot monopine communications tower. A significant amount of open space will remain after development of the facility.

2. FINDING: The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

EVIDENCE: Based on the site inspection and the scale of the project as proposed, the applicant will be able to locate the proposed improvements and meet all County requirements. Due to the subject parcel being 91 acres the project will not have a negative impact on surrounding parcels.

3. FINDING: Adequate provisions have been made for sewage disposal and the handling of solid waste. (§17.112.040.C, Mariposa County Zoning Code).

EVIDENCE: Sewage disposal is not required as the facility is unmanned.

4. FINDING: The proposed development will have adequate potable water for public use and fire protection. (§17.112.040.D, Mariposa County Zoning Code)

Revised: August 19, 2005
EVIDENCE: No water is required as this is not a public facility.

5. FINDING: The project proposal complies with all standard and special setback requirements and adequate buffers have been provided for adjacent land uses. (§17.112.040.E, Mariposa County Zoning Code)

EVIDENCE: The project as proposed meets all the minimum County setback standards. There are no special setbacks required for this project.

6. FINDING: Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

EVIDENCE: The applicants are proposing a 12 foot ingress and egress easement and there is an existing offsite 60 foot private easement. The access road encroaches onto Highway 140. Public Works and CDF have not expressed concerns with the access.

7. FINDING: The proposed use is consistent with the policies and standards of the general plan and any applicable specific plan. (§17.112.040.G, Mariposa County Zoning Code)

EVIDENCE: The project is in conformance with Scenic Highway element of the current General Plan. The project does not jeopardize the intent of the overlay zone to preserve and protect the scenic views from the highway.

8. FINDING: The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or it has been determined that the significant effects are unavoidable and acceptable due to overriding concerns. (§17.112.040.H, Mariposa County Zoning Code)
EVIDENCE: An initial study was conducted for the project. It was determined that the project will not have a significant effect on the environment. A negative declaration is recommended for this project.

9. FINDING: The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. (§17.112.040.1, Mariposa County Zoning Code)

EVIDENCE: According to the project as proposed, no detriment will be posed to the health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property. The project will provide benefit to emergency communication through the increased cell coverage.

10. FINDING: The development is harmonious with the scenic quality of the designated highway. (§17.65.010.A, Mariposa Zoning Code)

EVIDENCE: The tower is of stealth design intended to blend in with the surrounding environment. The project proposes the use of materials and colors that resemble natural material.

11. FINDING: The project complies with all applicable standards pursuant to this chapter.

(§17.65.010.A, Mariposa Zoning Code)

EVIDENCE: This project complies with all the requirements specified for the Scenic Highway Overlay Zone. This tower is of stealth design intended to look like a pine tree. It will use material that closely resembles natural material and will blend with the natural environment. This project does not contradict the intended purpose to preserve and protect the scenic views along the highway. The project will not alter existing resources onsite and will utilize existing vegetation as natural screening from the highway.
EXHIBIT 2

CONDITIONS OF APPROVAL AND MITIGATION MEASURES

FOR

Conditional Use Permit No. 2006-13/ Scenic Highway Review
2006-14

Project Name: Nextel Communication
File Number: Conditional Use Permit
No. 2006-13/ Scenic Highway Review
2006-14

Project Approval Date: July 7th, 2006

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

Sign-Off Checklist for List of Conditions of Approval and Mitigation Measures

Project Description:

Proposal for a wireless communication facility consisting of an 80 foot monopine tower with a 240 square feet equipment shelter. The monopine is of stealth design intended to look like a pine tree. The monopine will consist of up to 12 panel antennae (each antenna is 8 foot in length) and a microwave dish mounted on the monopine. High density branches will be used on the monopine. Nextel Communication will lease a 1600 square foot area within a 91 acres parcel. The subject parcel is zoned Mountain Transition and is within the Scenic Highway Overlay Zone. Subject property is located at 5441 Highway 140, APN 012-290-006.

Minor alterations to the project description may be approved by the Planning Director if findings can be made that the alterations will not result in impacts not addressed by the original project review and that they are not in conflict with the stated goals and principles of the Scenic Highway Zone.

Revised: August 19, 2005
<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL</th>
<th>Monitoring Dept.</th>
<th>Verified Implemented</th>
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</thead>
<tbody>
<tr>
<td>1. If the facility is not operated and/or maintained in good condition for a</td>
<td>Mariposa Planning</td>
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<td>continuous period of 6 months then the applicant shall restore the site to its</td>
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<td>pre-existing condition within 90 days. If the applicant does not comply with this</td>
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<td>condition, the property owner shall be fully responsible for removal of the</td>
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<td>monopine tower and site restoration.</td>
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<tr>
<td>Mariposa Planning Requirement</td>
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<tr>
<td>2. The applicant shall provide a letter from a title company indicating that the</td>
<td>Mariposa Planning</td>
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<td>offsite easement is available for use by the applicant for maintenance of the</td>
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<td>facility.</td>
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<tr>
<td>Mariposa Planning Requirement</td>
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<tr>
<td>3. The applicant will contact the Resource Conservation District to determine if a</td>
<td>Mariposa Planning</td>
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<tr>
<td>grading permit is necessary for construction of the facility.</td>
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<tr>
<td>Mariposa Planning Requirement</td>
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<tr>
<td>4. A building permit must be obtained prior to the erection of the facility; all</td>
<td>Mariposa Planning</td>
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<td>permit requirements will be met.</td>
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<tr>
<td>Mariposa Planning Requirement</td>
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<tr>
<td>5. The communication tower shall be available to other communication companies for</td>
<td>Mariposa Planning</td>
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<td>co-location of cellular equipment.</td>
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<tr>
<td>Mariposa Planning Requirement</td>
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</tbody>
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Revised: August 19, 2005
## Agency Contact List

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>EMAIL</th>
<th>SITE ADDRESS</th>
<th>MAILING ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mariposa Planning</td>
<td>Wes McCullough</td>
<td>209-742-1218</td>
<td><a href="mailto:wmccullough@mariposaco.org">wmccullough@mariposaco.org</a></td>
<td>5100 Bullion Street</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>Public Works</td>
<td>Jerry Freeman</td>
<td>209-966-5356</td>
<td></td>
<td>4639 Ben Hur Road</td>
<td>Same as site</td>
</tr>
<tr>
<td>Health Department</td>
<td>Dave Conway</td>
<td>209-966-2220</td>
<td></td>
<td>5100 Bullion Street</td>
<td>P.O. Box 5</td>
</tr>
<tr>
<td>Mariposa County Resource Conservation District</td>
<td>Jerry Progner</td>
<td>209-966-3431</td>
<td></td>
<td>5009 Fairgrounds Rd</td>
<td>P.O. Box 746</td>
</tr>
<tr>
<td>County Assessor</td>
<td>Eddie Ellis</td>
<td>966-2332</td>
<td></td>
<td>4982 10th Street</td>
<td>Mariposa CA 95338</td>
</tr>
<tr>
<td>County Fire</td>
<td>Blaine Shultz</td>
<td>209-966-4330</td>
<td></td>
<td>5082 Bullion Street</td>
<td>P.O. Box 162</td>
</tr>
<tr>
<td>Cal. Dept of Forestry</td>
<td>Dennis Townsend</td>
<td>209-966-3622</td>
<td></td>
<td>5366 Highway 49 North</td>
<td>Same as site</td>
</tr>
</tbody>
</table>

## Certificate of Completion:

By signing below, the environmental coordinator confirms that the required conditions of approval and mitigation measures have been implemented as evidenced by the "Schedule of Tasks and Sign-Off Checklist", and that all direct and indirect costs have been paid. This act constitutes the issuance of a **Certificate of Completion**.

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Environmental Coordinator

Date

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**Explanation of Headings:**

Revised: August 19, 2005
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>APN: 012-290-006</td>
<td>Planning Commission hearing date: July 7, 2006</td>
</tr>
<tr>
<td>Page 9 of 9 pages</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Monitoring Dept:</th>
<th>Department or Agency responsible for monitoring a particular mitigation measure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verified Implemented:</td>
<td>When a mitigation measure has been implemented, this column will be initialed and dated.</td>
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</tbody>
</table>