

DEPARTMENT: Planning

BY: Kris Schenk  
PHONE: 742-1216

**RECOMMENDED ACTION AND JUSTIFICATION:** Waiving the second reading and adopting the ordinance is the final action that needs to be taken by the Board following the Board's action on July 15, 2008 to waive the first reading and introduce the ordinance and adopt a resolution adopting a mitigated negative declaration and approving the proposed amendment. The effective date of that resolution is the date of adoption of the ordinance.

**BACKGROUND AND CONTEXT OF BOARD ACTIONS:** On August 7, 2007 County Counsel and the County Fire Department informed the Board of the opportunity to locate a new fire station on the Yosemite Mountain Ranch (YMR) property immediately adjacent to the community of Fish Camp. The fire station would be located on a 2.99-acre area of the ranch. The property is in the Timber Exclusive Zone and Title 17 does not list fire stations as permitted uses in this zone. On August 7, 2007 the Mariposa County Board of Supervisors authorized the Planning Director to initiate an amendment to Chapter 17.44, Timber Exclusive Zone, to allow fire stations as permitted uses in this zone. The amendment will bring Timber Exclusive Zone permitted uses into conformance with the Fish Camp Specific Plan General Forest designation and the General Plan Agriculture/Working Landscape land use classification, which both allow for a fire station in the proposed Fish Camp location. The amendment will also allow fire stations as permitted uses on other Timber Exclusive Zone property under the prescribed conditions. The Board waived the first reading and introduced the ordinance on July 15, 2008 and adopted a resolution adopting a mitigated negative declaration and approving the amendment on that same date.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** The Board of Supervisors has adopted a resolution approving Zoning Amendment 2008-054.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
		1) Draft Board Ordinance
Additional Funding Needed: \$ _____		
Source:		
Internal Transfer		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		

**CLERK'S USE ONLY:**

Res. No.: \_\_\_\_\_ Ord. No. 1045  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**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: 

MARIPOSA COUNTY ORDINANCE NO. 1045

AN ORDINANCE AMENDING CHAPTER 17.44 OF  
THE MARIPOSA COUNTY CODE

**WHEREAS**, a proposal to amend the Mariposa County Zoning Ordinance was initiated by the Mariposa County Board of Supervisors on August 7, 2007; and

**WHEREAS** the proposal is known as Zoning Amendment No. 2008-054. The proposal would amend Section 17.44.010.A.1.a. of Chapter 17.44, Title 17, Mariposa County Zoning Code to add fire stations as permitted uses in the Timber Exclusive Zone provided they are located on timberland converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2008-054 on the 20<sup>th</sup> day of June 2008, in accordance with State Law and County Code; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2008-054 on the 15<sup>th</sup> day of July, 2008, in accordance with State Law and County Code; and

**WHEREAS**, environmental review has been conducted on Zoning Amendment No. 2008-054 in accordance with the California Environmental Quality Act, a Mitigated Negative Declaration has been adopted and a Mitigated Negative Declaration will be filed for the project.

**NOW THEREFORE BE IT ORDAINED**, the Board of Supervisors does hereby amend Section 17.44.010.A.1.a. in Chapter 17.44, Title 17, Mariposa County Zoning Code pursuant to Zoning Amendment No. 2008-054. The amendment is made as follows:

**SECTION I**

**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.

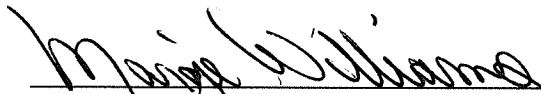
**SECTION II:** This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 5<sup>th</sup> day of August, 2008 by the following vote.


AYES:	ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES:	NONE
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE

  
\_\_\_\_\_  
LYLE TURPIN, Chair  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board  
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
THOMAS P. GUARINO, County Counsel