



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2017-119

MEETING: March 7, 2017

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: CEQA Exemption for Adult Detention Facility Addition

RECOMMENDATION AND JUSTIFICATION:

Re-Adopt a Resolution Making Findings Pursuant to the California Environmental Quality Act Regarding the Mariposa County Adult Detention Facility (Jail) Expansion Project.

Resolution No. 2017-66 was adopted by the Board of Supervisors on February 14, 2017, making findings pursuant to the California Environmental Quality Act (CEQA) regarding this project. Re-adoption of the resolution is now necessary, in order to file the Notice of Exemption (NOE) with the County Clerk and the California Office of Planning and Research (OPR) within five working days of the date of action. The California Environmental Quality Act (CEQA) does not mandate the filing of a NOE, however filing is necessary in order to comply with funding application requirements.

This request is made in order to support an application for State lease-revenue bond funding under SB844. The project is an addition to an existing structure which is less than 10,000 square feet in size and in an area where all public services and facilities are available (CEQA Guidelines §15301).

The project is construction of a structure which is accessory to an existing institutional facilities (CEQA Guidelines §15311). None of the exceptions to the categorical exemptions listed in CEQA Guidelines §15300.2 apply to the project:

- The Project will be constructed within the use area footprint of the Mariposa County Adult Detention Facility complex. The area identified for project construction is currently used as a wood sorting, processing and storage yard.
- The Mariposa County Adult Detention Facility is located at an urbanized and developed site in the Town of Mariposa.
- The Mariposa County Adult Detention Facility is not located within or along an officially designed state scenic highway.
- The Mariposa County Adult Detention Facility is not located within a Historic Design Review Overlay District.

- The Mariposa County Adult Detention Facility project will not involve any improvements, modifications, or other changes to an historical resource.
- The Mariposa County Adult Detention Facility is not located on a site included on a list of known hazardous materials sites compiled pursuant to Government Code §65962.5.
- There are no additional future plans for any other expansions of space at the Mariposa County Adult Detention Facility and therefore the Expansion Project would not result in any cumulative impact.
- The Project is 9,300 square feet in size and in the Town of Mariposa where all public services and facilities are available; and

The project is subject to the regulations established by the Mariposa Town Planning Area Town Plan. An Environmental Impact Report (EIR) was certified by the Board of Supervisors when the Town Plan was adopted. The EIR evaluated the effects of Plan adoption, including the potential effects of further development within the Town Plan area based on land use, density and development standards of the Plan. The EIR included mitigation measures to reduce the identified potentially significant environmental effects to a level of less than significant.

This project is consistent with the mitigation measures contained within the EIR. Because the EIR has already addressed the environmental impacts of the Town Plan, and based on the limited scope of this project and the permitting requirements to ensure consistency with adopted regulations, the potential impacts of the Project have already been addressed and mitigated. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, the project is exempt from preparation of environmental documents because it does not have the potential to cause a significant effect.

BACKGROUND AND HISTORY OF BOARD ACTIONS: On January 10, 2017 the Mariposa County Board of Supervisors adopted Res.# 2017-12 which approved a Professional Service Agreement with Vanir Construction to pursue the application for SB844 State lease-revenue bond funding for Jail improvements as a result of State's AB109 Realignment requirements. Among other requirements to meet eligibility for SB844 funding is the need to have a Board Resolution making findings pursuant to the California Environmental Quality Act (CEQA). The Mariposa County Board of Supervisors, as lead agency for the project, is charged with making such determinations.

On February 14, 2017, the Mariposa County Board of Supervisors adopted Res.#2017-66 making findings pursuant to CEQA regarding this project. A Notice of Exemption was executed.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Do not re-adopt a Resolution regarding a CEQA determination. This application requirement will not be met for the grant application process and funding opportunity.

FINANCIAL IMPACT:

None

ATTACHMENTS:

2017 DRAFT BOS Resolution Jail Expansion (DOC)

2017 DRAFT Jail Expansion Notice of Exemption (DOC)

CAO RECOMMENDATION

Requested Action Recommended


Dallin Kimble, Interim CAO 3/2/2017

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Merlin Jones, District II Supervisor

AYES: Menetrey, Smallcombe, Jones, Long, Cann

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No. 2017-119

**A Resolution Making Findings Pursuant to the California
Environmental Quality Act Regarding the Mariposa County
Adult Detention Facility (Jail) Expansion Project**

WHEREAS, Mariposa County intends to construct an addition to expand the Mariposa County Adult Detention Facility (Jail) located at 5379 Highway 49 North in the Town of Mariposa, California, also known as Mariposa County Assessor Parcel Number 012-340-012; and

WHEREAS, the proposed addition will be approximately 9,300 square feet in size; and

WHEREAS, this project is known as the Mariposa County Adult Detention Facility (Jail) Expansion Project; and

WHEREAS, the Expansion Project will contain new cell blocks, administrative/operational space and a mental health unit; and

WHEREAS, the additional space to be created by the Expansion Project will be used to better accommodate the special needs of existing and future jail inmates and well as house general population inmates, and

WHEREAS, the location of the addition will be on the south end of the existing facility, where the wood storage yard is currently located, and as generally depicted on the sketch plan included as Attachment 1 to this resolution; and

WHEREAS, the Expansion Project is subject to a Building Permit, to be obtained from the Mariposa County Building Department; and

WHEREAS, the Building Permit process will ensure that all construction associated with the Expansion Project will be in compliance with the California Building Code and adopted Appendices; and

WHEREAS, this project is subject to a Design Review and Site Plan Application, to be obtained from the Mariposa County Planning Department; and

WHEREAS, the Design Review and Site Plan Application process will ensure that all construction associated with the Expansion Project will be in compliance with development regulations established by the Mariposa County Zoning Ordinance and the Mariposa Town Plan; and

WHEREAS, the estimated cost of the Expansion Project is \$11,359,200 and Mariposa County is seeking funding from the State of California under SB-844 Financing of Adult Local Criminal Justice Facilities - 2016; and

WHEREAS, the Expansion Project is considered a “Project” pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to CEQA Guidelines Section 15367, the County Board of Supervisors is considered the Lead Agency for purposes of implementation of CEQA; and

WHEREAS, the Board of Supervisors has reviewed the Project and has determined it is exempt from the provisions of CEQA pursuant to the Class 1 categorical exemption for “Existing Facilities” including minor alteration and additions to existing structures which are less than 10,000 square feet in size and in an area where all public services and facilities are available (CEQA Guidelines §15301); and

WHEREAS, the Board of Supervisors has reviewed the Project and has determined it is exempt from the provisions of CEQA pursuant to the Class 11 categorical exemption for “Accessory Structures” including construction of minor structures accessory to existing institutional facilities (CEQA Guidelines §15311); and

WHEREAS, the Board of Supervisors has determined that the proposed project is not located in a particularly sensitive environment and none of the exceptions to the categorical exemptions outlined in CEQA Guidelines §15300.2 apply to the project; and

WHEREAS, the Board of Supervisors’ CEQA determinations are based on the following considerations:

1. The Project will be constructed within the use area footprint of the Mariposa County Adult Detention Facility complex. The area identified for project construction is currently used as a wood sorting, processing and storage yard.
2. The Mariposa County Adult Detention Facility is located at an urbanized and developed site in the Town of Mariposa.
3. The Mariposa County Adult Detention Facility is not located within or along an officially designed state scenic highway.
4. The Mariposa County Adult Detention Facility is not located within a Historic Design Review Overlay District.
5. The Mariposa County Adult Detention Facility project will not involve any improvements, modifications, or other changes to an historical resource.
6. The Mariposa County Adult Detention Facility is not located on a site included on a list of known hazardous materials sites compiled pursuant to Government Code §65962.5.

7. There are no additional future plans for any other expansions of space at the Mariposa County Adult Detention Facility and therefore the Expansion Project would not result in any cumulative impact.
8. The Project is 9,300 square feet in size and in the Town of Mariposa where all public services and facilities are available; and

WHEREAS, based on the location of the Mariposa County Adult Detention Facility, the Project to expand the detention facility is subject to the Mariposa Town Planning Area Town Plan. An Environmental Impact Report (EIR) was certified by the Board of Supervisors when the Town Plan was adopted. The EIR evaluated the effects of Plan adoption, including the potential effects of further development within the Town Plan area based on land use, density and development standards of the Plan; and

WHEREAS, the EIR included mitigation measures to reduce the identified potentially significant environmental effects to a level of less than significant. This project is consistent with the mitigation measures contained within the EIR; and

WHEREAS, because the EIR has already addressed the environmental impacts of the Town Plan, and based on the limited scope of this project and the permitting requirements to ensure consistency with adopted regulations, the potential impacts of the Project have already been addressed and mitigated. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, the project is exempt from preparation of environmental documents because it does not have the potential to cause a significant effect on the environment; and

WHEREAS, each of the foregoing exemptions is sufficient to independently exempt the whole of the Project from CEQA; and

WHEREAS, a Notice of Exemption has been prepared pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, this resolution was considered at a regularly scheduled public meeting of the Mariposa County Board of Supervisors, for which a minimum of 72 hours of public notice was duly given.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby find the Mariposa County Adult Detention Facility Expansion Project is exempt from environmental review and directs staff to file a Notice of Exemption with the Mariposa County Clerk within five (5) working days of the date of this action.

ON MOTION BY Supervisor Smallcombe seconded by Supervisor Jones, this resolution is duly passed and adopted this 7th day of March by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

EXCUSED: NONE

ABSTAIN: NONE



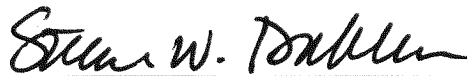
Marshall Long, Chairman
Mariposa County Board of Supervisors

Attest:



René LaRoche, Clerk of the Board

Approved as to Format:



Steven W. Dahlem, County Counsel

ATTACHMENT 1

Mariposa County Adult Detention Facility Expansion Project
Sketch Plan

FILED

MAR 07 2017

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

KEITH M. WILLIAMS
MARIPOSA COUNTY CLERK

Karen M. Herman
KAREN M. HERMAN

TO: County Clerk, County of Mariposa **FROM:** Mariposa County
P.O. Box 247 Board of Supervisors
Mariposa, CA 95338 P.O. Box 784
 Mariposa, CA 95338

Project Title: Mariposa County Adult Detention Facility (Jail) Expansion Project

Project Location: 5379 Highway 49 North in the Town of Mariposa, County of Mariposa

Project Parcels: Mariposa County Assessor Parcel Number 012-340-012

Description of Project: Expansion of the Mariposa County Adult Detention Facility (Jail).
Proposed addition to existing facility will be approximately 9,300 square feet in size. The project will contain new cell blocks, administrative/operational space and a mental health unit. The project site will be at the south end of the existing facility, where the wood storage yard is currently located.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Department (Applicant) Carrying Out Project: Mariposa County Sheriff's Department

Exempt Status: Categorical Exemption, Class 1 Existing Facilities; Categorical Exemption, Class 11 Accessory Structures; and General Rule Exemption

Reason Why Project Is Exempt:

The project is an addition to an existing structure which is less than 10,000 square feet in size and in an area where all public services and facilities are available (CEQA Guidelines §15301).

The project is construction of a structure which is accessory to an existing institutional facilities (CEQA Guidelines §15311).

None of the exceptions to the categorical exemptions listed in CEQA Guidelines §15300.2 apply to the project:

- The Project will be constructed within the use area footprint of the Mariposa County Adult Detention Facility complex. The area identified for project construction is currently used as a wood sorting, processing and storage yard.
- The Mariposa County Adult Detention Facility is located at an urbanized and developed site in the Town of Mariposa.

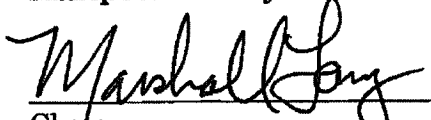
- The Mariposa County Adult Detention Facility is not located within or along an officially designed state scenic highway.
- The Mariposa County Adult Detention Facility is not located within a Historic Design Review Overlay District.
- The Mariposa County Adult Detention Facility project will not involve any improvements, modifications, or other changes to an historical resource.
- The Mariposa County Adult Detention Facility is not located on a site included on a list of known hazardous materials sites compiled pursuant to Government Code §65962.5.
- There are no additional future plans for any other expansions of space at the Mariposa County Adult Detention Facility and therefore the Expansion Project would not result in any cumulative impact.
- The Project is 9,300 square feet in size and in the Town of Mariposa where all public services and facilities are available; and

The project is subject to the regulations established by the Mariposa Town Planning Area Town Plan. An Environmental Impact Report (EIR) was certified by the Board of Supervisors when the Town Plan was adopted. The EIR evaluated the effects of Plan adoption, including the potential effects of further development within the Town Plan area based on land use, density and development standards of the Plan. The EIR included mitigation measures to reduce the identified potentially significant environmental effects to a level of less than significant. This project is consistent with the mitigation measures contained within the EIR. Because the EIR has already addressed the environmental impacts of the Town Plan, and based on the limited scope of this project and the permitting requirements to ensure consistency with adopted regulations, the potential impacts of the Project have already been addressed and mitigated. Pursuant to Section 15061(b)(3) of the CEQA Guidelines, the project is exempt from preparation of environmental documents because it does not have the potential to cause a significant effect.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 966-5151

Mariposa County Board of Supervisors by:


Chair

3/7/17
Date



State of California - Department of Fish and Wildlife

2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER:

22 — 3/07/2017 — 002

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

Mariposa County Board of Supervisors

LEAD AGENCY EMAIL

swilliams@mariposacounty.org

DATE

3/07/2017

COUNTY/STATE AGENCY OF FILING

Mariposa

DOCUMENT NUMBER

PROJECT TITLE

Mariposa County Adult Detention Facility (Jail) Expansion Project

PROJECT APPLICANT NAME

Mariposa County Board of Supervisors

PROJECT APPLICANT EMAIL

swilliam@mariposacounty.org

PHONE NUMBER

(209) 966-5151

PROJECT APPLICANT ADDRESS

PO Box 784

CITY

Mariposa

STATE

CA

ZIP CODE

95338

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency

☐ School District

☐ Other Special District

☐ State Agency

☐ Private Entity

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)

\$3,070.00 \$ 0.00

☐ Mitigated/Negative Declaration (MND)(ND)

\$2,210.25 \$ 0.00

☐ Certified Regulatory Program document (CRP)

\$1,043.75 \$ 0.00

☒ Exempt from fee

☒ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00 \$ 0.00

☐ County documentary handling fee

\$ 0.00

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☐ Check

☐ Other

TOTAL RECEIVED \$ 0.00

SIGNATURE

X *Karen M. Herman*

AGENCY OF FILING PRINTED NAME AND TITLE

Karen M. Herman, Deputy County Clerk, Mariposa County



State of California - Department of Fish and Wildlife

2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (a); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- ☐ Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.

If the project applicant presents a No Effect Determination signed by CDFW, also:

- ☐ Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) *(Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))*

- ☐ Issue cash receipt to project applicant.
- ☐ Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31);
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts);
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment;
- ✓ A copy of all NODs filed with the county during the preceding month; and
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies save a local copy of this form. CDFW recommends that counties track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
Accounting Services Branch
1416 9th Street, 12th Floor, Suite 1215
Sacramento, California 95814

STEVEN W. DAHLEM
County Counsel



5100 Bullion St.
P. O. BOX 189
Mariposa, CA 95338
Phone: (209) 966-3222
Fax: (209) 966-5147

COUNTY OF MARIPOSA
OFFICE OF COUNTY COUNSEL

March 7, 2017

Vanir Construction Management
Attention: Jim Aboytes
4540 Duckhorn Drive, Suite 300
Sacramento, CA 95834

RE: CEQA Determination for Mariposa County Adult Detention Facility Expansion Project

To Whom It May Concern:

On March 7, 2017, the Mariposa County Board of Supervisors adopted Resolution No. 2017-119, a Resolution finding the Mariposa County Adult Detention Facility Expansion Project is exempt from the provisions of CEQA pursuant to the Class 1 categorical exemption for "Existing Facilities" and the Class 11 categorical exemption for "Accessory Structures". The Board of Supervisors also determined that the proposed project is not located in a particularly sensitive environment and none of the exceptions to the categorical exemptions outlined in CEQA Guidelines apply to the project.

Attached are copies of the adopted Resolution No. 2017-119 and the filed Notice of Exemption.

This is to certify that the 35-day statute of limitations for a legal challenge to the Board's action will end at 5:00 p.m. on Tuesday, April 11, 2017. Because there was no public input on this item during the Board's meeting, and because this project has widespread community support, I do not anticipate the filing of a legal challenge to this action.

If you should have any questions please do not hesitate to contact me.

Sincerely,

Steven W. Dahlem
County Counsel

Attachments