

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

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

Resolution

No. 2009-006

A resolution conditionally approving Conditional Use Permit No. 2008-174, Barry Brouillette, applicant. Assessor Parcel Numbers 013-190-016, 013-190-017, and 013-190-018.

WHEREAS an application for Conditional Use Permit No. 2008-174 was received on October 1, 2008 from Barry Brouillette for a properties located at 4983, 4985, 4987 and 4999 Miller Road in the Town of Mariposa, also known as Assessor Parcel Numbers 013-190-017, 013-190-018, and 013-190-019; and

WHEREAS the project proposes construction three single-family residences on three lots in the General Commercial zone and Historic Design Review Overlay District of the Mariposa Town Planning Area; and

WHEREAS residential uses are conditional within the General Commercial zone of the Mariposa Town Planning Area in order to allow staff to determine whether the residential use is suited to the property; and

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

WHEREAS the Historic Sites and Records Preservation Commission reviewed the project at their public meetings on January 23, 2006, May 16, 2006, August 28, 2006, and December 8, 2008 ; and

WHEREAS the Historic Sites and Records Preservation Commission determined that the proposed building design and materials met the design review standards for the Historic Design Review Overlay for the Mariposa Town Planning Area; and

WHEREAS a duly noticed public hearing was scheduled before the Planning Commission for the 3rd day of April, 2009; and

WHEREAS the Planning Department determined in accordance with Section 15182 of the California Environmental Quality Act Guidelines and local administrative procedures that because the project complied with all applicable conditions and mitigation measures of the Environmental Impact Report certified for the Mariposa Town Planning Area Specific Plan, the project was therefore exempt from additional environmental review; and

WHEREAS a Staff Report and Notice of Exemption 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, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that this project is exempt from environmental review; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit No. 2008-174; 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 Francisco, seconded by Commissioner Marsden, this resolution is duly passed and adopted this April 3, 2009 by the following vote:

AYES: Rudzik, Francisco, Marsden

NOES: None

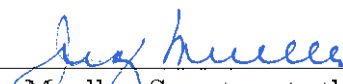
EXCUSED: Ross, Tucker

ABSTAIN: None



Robert L Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit 1—Findings for Approval
Conditional Use Permit No. 2008-174

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

EVIDENCE: The proposed structures cover less than 35% of the total area of the parcel, including the driveway, and the proposed houses with covered porch. The amount of open space is more than adequate for the intensity of development.

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 entirely onsite while meeting all County requirements for setbacks, landscaping, and grading. The site is physically suited for the proposed development due to the proposed stepped foundation.

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: The project is required to connect to the Mariposa Public Utility District for sewage disposal; MPUD has confirmed that they have the capacity to serve this project. Disposal of solid waste is the responsibility of the applicant; the Mariposa County landfill has the capacity to process typical residential waste streams.

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

EVIDENCE: The project is required to connect to the Mariposa Public Utility District water lines; MPUD has confirmed that they have the capacity to serve the water and fire protection needs of this project

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 project will not conflict with any public easement. The project is bordered on the east by Miller Road, from which the project proposes to take access, which is County-maintained road and of sufficient width and condition for the proposed development. The Public Works Department has made no objection to the

project as a whole or to the proposed location of the driveway encroachments and on-street parking.

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: Areas designated by the General Plan as Town Planning Areas have been determined to be suitable for higher-density residential development and for commercial uses that would not be appropriate in other areas of the County, as determined on a case-by-case basis. The proposed use is consistent with the policies and standards of the General Plan as related to Town Planning Areas. The Mariposa Town Planning Area Specific Plan governs this property. Residential uses such as the proposed use are conditional uses within the General Commercial zone, and the proposal is consistent with the policies and standards of the General Plan regarding the processing of conditional use permits. The commercial center of Mariposa will not be significantly impacted by the siting of the residential development as proposed by this project.

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: The project as proposed is categorically exempt from the provisions of the California Environmental Quality Act, as it is a new single-family residential structure. Additionally, the Mariposa Town Planning Area Specific Plan has a certified EIR which covers the development of all property within the TPA boundaries. The conditions attached to this approval are established to address the aesthetic quality, safe ingress and egress, impacts of exterior lighting and other potential impacts of this project on the surrounding parcels and neighborhood.

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.I, 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. As part of the conditions of approval for this project, the applicant will be required to formulate plans for the regulation of potential nuisances such as light pollution.

Exhibit 2—Conditions of Project Approval

Conditional Use Permit No. 2008-174

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.

1. The approved project consists of the construction of three residences in three phases as shown on the site plan received on January 23, 2009 and as approved for design review by the Planning Director. Phase I is a 1,934 sq/ft residence, with on-street parking, Phase II is a 1,403 sq/ft residence, with on-site parking, and Phase III is a 1,318 square foot residence with a 400 sq/ft garage, and additional on-site parking. The project is on a General Commercial-zoned parcel in the Mariposa Town Planning Area; the property is also located within the Historic Design Review and Design Review Overlays.
2. The residence exteriors will be in general conformance with Design Review 2006-019. Any modifications to the exterior design must be approved by the Planning Director.
3. Prior to the issuance of any building or grading permits for Phase II or III, Lot Line Adjustment 2006-273 shall be completed in accordance with the approved conditions and procedural requirements.
4. Parking spaces will be provided for each phase as shown on the approved site plan stamped January 23, 2009, including six on-street parking spaces developed in accordance with the Road Improvement and Circulation Policy and the County Improvement Standards, and a minimum of three spaces per residence if on-site parking is developed. If six on-street spaces are not developed, a recordable and enforceable agreement shall be executed prior to issuance of any building permit or use of the project site that ensures the continued availability of parking on an off-site parcel for Phase I.
5. This project is approved as of April 3, 2009. This approval shall expire April 3, 2012. If the conditions of approval are not completed by that date, and a permit is not issued for the residences, the applicant may request one or more time extensions of up to eighteen (18) months. The applicant must make this request in writing prior to April 3, 2012.
6. All exposed and/or disturbed soils created by grading or construction activities shall be watered down or suppressed during grading operations to reduce the generation of dust and other particulate matter. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.
7. A sediment control plan prepared and approved in accordance with §15.28.120(C) of the Mariposa County Grading Code shall be required for any and all grading activity occurring between November 1 and April 1 that requires a grading permit. The applicant shall consult the Mariposa County Building Department prior to any grading or construction work occurring on the project site.

8. Construction activities occurring outdoors shall not commence prior to the hours of 7:00 a.m. Monday through Friday, and 8:00 a.m. on Saturdays. All construction activities occurring outdoors shall cease by sunset Monday through Saturday. No outdoor construction shall be permitted on Sundays. The Planning Department shall monitor noise through complaints by the neighbors.
9. In accordance with the County Grading Ordinance, there shall be no additional storm water runoff post development from the site than the runoff from pre-development based upon expected runoff from a 100 year 24 hour storm. Prior to the issuance of a building permit, a hydrological report from a qualified engineer shall be prepared to determine the pre and post runoff. The report shall also determine the method or methods by which the excess runoff is retained on-site, which shall be incorporated into the building permit.
10. Due to the potential negative effects of increased runoff from impermeable surfaces such as roofs, parking structures, patios, walkways and potential driveways, all structures shall have rain-gutters with proper outlets to convey runoff to a suitable location for rain infiltration as determined by Condition No. 9. Furthermore, that all outlets should be protected by gravel or small rock to keep soils in place.
11. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be placed in trash bins to maintain the site in a safe and attractive condition. Solid waste which cannot be contained in trash bins on site shall be removed from the site on a weekly basis.
12. All utilities, with the exception of propane storage tanks, shall be underground within the project site.
13. All exterior mechanical equipment located on roof, building, and ground shall be enclosed or screened from public view either by utilizing materials compatible with the building or locating them away from public view. Proposed locations and screening of mechanical equipment shall be reviewed and approved by the Planning Department prior to issuance of a building permit.
14. Refuse storage areas, dumpsters, and propane tanks shall be enclosed or screened from public view. Proposed locations and screening of these facilities shall be reviewed and approved by the Planning Department prior to issuance of a building permit.
15. All signs shall be in accordance with those reviewed by the Historic Sites Commission and approved by Design Review 2006-019, and Section 17.334.020, Section 17.336.060.D of Title 17, Zoning.
16. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan for the site. The landscaping plans shall indicate existing native trees within the development site to be retained. The landscaping plan shall conform to Section 17.336.060.C of County Code, delineating the size, type, and location of landscape plantings as well as proposed irrigation methods. The landscaping plan shall provide for shading and building enhancement in conformance with Section

- 17.336.060.C.6. of County Code. This plan must be approved by the Planning Director prior to issuance of a building permit. Landscaping must be installed prior to issuance of a Certificate of Occupancy for each Phase.
17. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet the size requirements of Section 17.336.060 of County Code.
 18. The base color for the proposed building shall be in conformance with the approved Design Review 2006-019.
 19. All exterior lighting fixtures shall be of a hooded type and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department. The Planning Director shall approve the design of the lighting fixtures prior to issuance of a building permit. As necessary, the Planning Department shall verify the location of the lights during their regular inspections of the project's construction.
 20. Minor amendments in the configuration and materials of the proposed development and amendments to the Phasing plan may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility (any amount of a reduction in size of area residences and of the facility may be allowed), and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval.
 21. Prior to issuance of a building permit (other than grading) all flammable vegetation shall be removed from each building site a minimum distance of one hundred (100) feet from any flammable building material, including finished structure. This condition shall not apply to vegetation proposed to remain as finished site landscaping, or offsite vegetation.
 22. Any of the residences converted to a commercial use will be subject to the standards and regulations of the Mariposa Town Planning Area Town Plan and Title 17, Zoning, and to the Mariposa County Building Codes for commercial structures and uses.
 23. The project shall meet all standards of PRC 4290, PRC 4291, Mariposa County Fire, the Uniform Fire Code, and any requirements of the State Fire Marshall's Office regarding residential structures.
 24. Encroachment permits for improvements to Miller Road shall be obtained from the Public Works Department prior to issuance of a grading or building permit. All required encroachment improvements shall be completed and approved by Public Works prior to issuance of a Certificate of Occupancy for each Phase.

25. Prior to the issuance of a building or grading permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.

26. Within five (5) business days of the approval of this project, the applicant has the option of filing a Notice of Exemption. If the applicant chooses to use this option, a cashier's check or money order shall be made out to the Mariposa County Clerk in the amount of fifty (\$50) dollars. The Mariposa County Clerk will not accept a personal check for purposes of filing this document.