

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2009-012

A resolution approving Conditional Use Permit Application No. 2008-205 and Design Review Application No. 2009-68; TOMRA Pacific, applicant. Assessor Parcel Number 013-240-025.

WHEREAS an application for a Conditional Use Permit was received on November 30, 2008 from Permit Place, Inc. on behalf of TOMRA Pacific for a property located at 5034 Coakley Circle in the Mariposa Town Planning Area, also known as Assessor Parcel Number 013-240-025; and

WHEREAS an application for Design Review was received on May 1, 2009; and

WHEREAS Conditional Use Permit Application No. 2008-205 and Design Review Application No. 2009-68 request to continue operating a reverse recycle center in the parking lot of the Pioneer Market shopping center located at the address above; and

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

WHEREAS a duly noticed public hearing was scheduled for June 5, 2009; and

WHEREAS a duly noticed public hearing was re-scheduled for June 19, 2009 at which staff proposed a continuance due to a lack of adequate information to evaluate the project; 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 June 19, 2009 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; and

WHEREAS the Planning Commission continued the public hearing to July 10, 2009 in order to allow the applicant time to provide information sufficient enough to allow adequate evaluation of the project; and

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

WHEREAS the Planning Commission did hold a public hearing on the continued date of July 10, 2009 and considered all of the information in the public record, including the Staff

Report, testimony presented by the public concerning the applications, 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 the provisions of the California Environmental Quality Act.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit Application No. 2008-205 and Design Review Application No. 2009-68.

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Francisco, seconded by Commissioner Ross, this resolution is duly passed and adopted this July 10, 2009 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

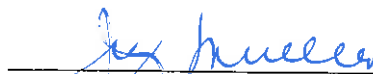
EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit 1 – Findings

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

EVIDENCE: The recycle center kiosk takes up approximately 500 square feet and is located on a small portion of the 2.76 acre commercially-developed site. Adequate open space is being maintained by this project.

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

EVIDENCE: The site is already developed for commercial uses, has paved parking, and existing access. The project is located within the setbacks required and there is sufficient space to operate. With the project, the parking lot will still have an adequate number of parking spaces for the commercial establishments sharing use of the parking lot. Therefore, it can be found that the site is physically suited for the project.

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 minimal solid waste generated from the project will be disposed of in the existing Pioneer Market refuse containers. The one employee has access to restroom facilities on site.

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 one employee has access to existing potable water available on site. The Mariposa Public Utilities District provides water to this project. Cal Fire and District comments did not indicate any concern with 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 recycle center meets all the minimum County setback standards. There are no special setbacks required for this project. The screening or landscaping offered by the applicant provides an appropriate buffer for the project. Therefore, it can be found that adequate buffers have been provided.

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 accessed via Coakley Circle. Coakley Circle is a County-maintained road of sufficient

width and condition for the project. The Public Works Department has no objection to the project from an access or easement perspective.

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 Mariposa Town Planning Area Specific Plan governs this property. Areas designated by the General Plan as Town Planning Areas (TPAs) have been determined to be suitable for commercial uses that would not be appropriate in other areas of the County, as determined on a case-by-case basis. The conditional use permit process allows for the proper integration of the proposed use into the community through the placement of conditions deemed necessary to protect property owners and the public interest. The Design Review process is part of the Mariposa Town Planning Area Specific Plan. The project has complied with the Design Review process. Therefore, it can be found that the proposed use is consistent with the policies and standards of the General Plan and the Mariposa Town Planning Area Specific Plan.

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 would be categorically exempt from the provisions of the California Environmental Quality Act, as it can be considered an appurtenant structure to Pioneer Market (§15303 CEQA Guidelines). 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 the approval adequately address the issues of aesthetics, 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: The approval of the Conditional Use Permit allows the applicant to apply to the Building Department for an electrical permit to bring the facility into compliance with applicable building codes. With the implementation of conditions of approval attached to the Conditional Use Permit, it can be found that the project is not detrimental to the health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property. It also can be found that the use will not be injurious or detrimental to property and improvements in the neighborhood.

10. **FINDING:** The project complies with the architectural theme and development guidelines established by the Board of Supervisors as set forth in subsection 17.336.060 (design review overlay zone).

EVIDENCE: The applicant will screen the collection bins using approved materials and will use appropriate lighting. The screening will include landscaping which will be maintained in a healthy condition.

11. **FINDING:** The collection and storage containers will be screened from public view. The Planning Commission found the existing trees/shrubs on the west side to adequately screen the collection and storage containers. However, if the trees/shrubs are removed, the collection and storage containers must be screened using alternate landscaping, materials compatible with the building, or the same or similar materials approved by the Planning Commission to screen the east side of the containers. (§17.336.060.B.7, Mariposa County Zoning Code)

Exhibit 2 – Conditions

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies.

1. Evidence in the form of a letter from the owners of Pioneer Market stating that the employees of the recycle center have access to an approved toilet facility on the premises at all times when the employees or other workers are present shall be provided to the Health Department and Planning Department within ten (10) days of project approval (**by July 20, 2009**).
2. The recycle center must remain in compliance with all requirements of Assembly Bill 3056 of 2007 for the life of the project.
3. The facility shall be maintained and operated in such a manner as to not create nuisances in the form of odors, noise, or light. Facility and site immediately close to the facility shall be maintained in a neat, clean, and orderly manner at all times.
4. The applicant shall install screening and landscaping to screen the collection bins in substantial conformance to the site plan submitted to the Planning Department on June 16, 2009, pursuant to the Design Review Guidelines described in Mariposa County Code Section 17.336.060. Screening and landscaping shall be installed within twenty (20) days of project approval (**by July 30, 2009**). Screening shall be maintained as installed for the life of the project.
5. The landscaping shall be maintained in a good condition so as to present a healthy, neat, and orderly appearance for the life of the project. Dead or diseased plants shall be immediately replaced with plants which meet the requirements of Mariposa County Code Section 17.336.060.
6. The water hose used for watering of plants and maintaining the facility shall not cross the parking lot or create a hazard to pedestrians or vehicles. The hose shall be put away immediately after use.
7. Signage of the facility shall be pursuant to the Design Review Guidelines described in Mariposa County Code Section 17.336.060.
8. Exterior lighting is to be so installed that it directs dim light downward onto the subject to be lighted only. Light is not to impact neighboring properties.
9. The removal and replacement of collection bins shall be done between the hours of 6:00 a.m. and 9:00 a.m. in order to avoid conflict with vehicles in the parking lot.

10. Any representations or commitments made by the applicant at the Planning Commission meeting shall be incorporated as conditions of project approval.
11. All site development shall be in substantial conformance with the plans presented to the Planning Commission and/or as amended by the conditions of approval.
12. Materials that are brought on-site by customers of the recycle center which are not accepted by the recycle center for recycling shall be disposed of off-site. Appropriate signage shall be posted on-site notifying the public of this requirement, and maintained for the life of the project. This signage shall be approved by the Planning Department within ten (10) days of project approval **(by July 20, 2009)**.
13. Signage shall be posted on-site to indicate that no materials shall be left on-site during non-business hours. Hours of operation shall be posted on-site so that the hours are visible even during closed hours. Hours shall be posted within ten (10) days of project approval **(by July 20, 2009)** and maintained for the life of the project.
14. No addition of machinery, including but not limited to crushers, shredders, etc., shall be permitted on-site without an amendment to the permit by the Planning Commission.
15. Applicant shall apply for an electrical permit from the Building Department within ten (10) days of project approval **(by July 20, 2009)**.