
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2008-009 A resolution approving Use Permit Determination No. 2008-006 for
David Gerken, Applicant Assessor Parcel Number 014-400-006.

WHEREAS a Use Permit Determination application was submitted by David Gerken on
January 14, 2008; and

WHEREAS the proposal includes the construction of a 2,600 square foot building for the
sale of retail housing products, on-site parking and landscaping; and

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

WHEREAS a finding has been made pursuant to Section 15061 of CEQA Guidelines that
the project is exempt from review pursuant to the California Environmental Quality
Act under the General Rule exemptions; 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 a duly noticed public hearing was scheduled for the 18th of April, 2008; 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 approve a Notice of Exemption; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the
County of Mariposa does hereby approve the application for Use Permit
Determination No. 2008-006.

BE IT THEREFORE FURTHER RESOLVED THAT the approved project is based upon the
project as described in the use permit determination application and as shown on the
Site Plan for the project.

BE IT THEREFORE FURTHER RESOLVED THAT findings are made for project approval
as shown in Exhibit 1.

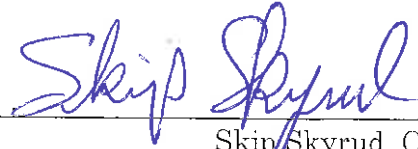
ON MOTION BY Commissioner De Santis, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this 18th day of April, 2008 by the following vote:

AYES: Ross, Rudzik, Skyrud, Francisco, De Santis

NOES: None

ABSENT: None

ABSTAIN: None



Skip Skyrud, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Department

EXHIBIT 1
PROJECT FINDINGS
FOR
USE PERMIT DETERMINATION #2008-006

This use permit determination has been processed and reviewed in accordance with standards set forth in Title 17, Mariposa County Zoning Ordinance.

1. **FINDING:** The project is suitable and a proper use in the Bootjack Town Planning Area, is not socially, economically, or environmentally incompatible with the surrounding area, and will not adversely affect the nature and condition of adjacent properties, uses, and structures, and to the area affected by the proposed use.

EVIDENCE: The project is similar in use to those permitted uses in the Neighborhood Commercial 1 and 2 Zones. Hardware and paint stores, which are housing products, are a permitted use in Town Planning Areas under County Zoning Ordinance Section 17.076.020.A.1.b.(1). The proposed use is similar to and compatible with the existing uses on the property and in the general area of the project site. The project will use an existing on-site well and septic system and will not impact any sensitive environmental resources.

2. **FINDING:** The site is physically suitable for the proposed development.

EVIDENCE: The project site is an existing parcel with several existing commercial and light manufacturing buildings and uses. There is sufficient area on site for parking for the proposed retail use. Bootjack Lane is improved and does not require any additional improvements for the proposed use. There will be no major physical changes to the property; with only minor grading. The project is required to obtain a building permit, which involves a number of affected agencies, including the County Fire Department, CDF, the County Health Department, the County Resource Conservation District, and the Building Department. The permit process, involvement of affected agencies, and application of existing standards and regulations will address potential impacts of the project. Based upon these site characteristics and existing permit processes, the site is found to be physically suited for the proposed use.

3. **FINDING:** The proposed establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be objectionable by reason of production or emission of noise, offensive odor, smoke, dust, bright lights, vibrations, involving explosives or dangerous materials, or which might constitute a public or private nuisance.

EVIDENCE: The project is similar to and compatible with the existing uses in the area. It will not emit vibrations, offensive odor, smoke, dust, or bright lights. No explosive or dangerous materials are foreseen to be used.

5. **FINDING:** The proposed project is consistent with applicable Mariposa County Zoning ordinances and its General Plan.

EVIDENCE: The project is located in the Bootjack Town Area, with a General Plan designation of Planning Area and zoning designation of Town Planning Area. The County General Plan Land Use Element states Planning Areas "...represent the rural scale 'urban' development centers for the County. Town planning areas are specifically designated as locations in the County where policy mandates a broad and comprehensive mixture of land uses and zoning." Section 17.12.010.B. of the County Zoning Ordinance states that TPAs that don't have specific plans can allow uses listed in the Neighborhood Commercial (CN-1) zone. The CN-1 zone under Section 17.076.020 A.1.b.(1) states retail hardware store uses are a permitted use, and the proposed use is similar in nature. The project will have to comply with applicable sections of the County Zoning Ordinance pertaining, but not limited to, parking, signs, lighting, and use.

ZONING ORDINANCE REQUIRMENTS

USE PERMIT DETERMINATION NO. 2008-006

1. The project shall comply with applicable requirements and subsections of Mariposa County Zoning Ordinance Section 17.108.
2. The project shall comply with all pertinent sections of the Mariposa County Zoning Ordinance Section 17.76.020; development standards for the Neighborhood Commercial Zone-1.