

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2008-017

**A resolution conditionally approving Conditional Use Permit No. 2008-074; Bill Hilton, applicant. Assessor Parcel Number 012-050-067 and 012-050-068.**

WHEREAS an application for a Conditional Use Permit was received on May 4, 2008 from Bill Hilton, for a property located at 4996 Gold Leaf Drive in Mariposa, also known as Assessor Parcel Number 012-050-067 and 012-050-068; and

WHEREAS the project proposes construction of a 2,400 square foot building along with a storage yard in the Planned Development Zone 87-1 and Airport Overlay; and

WHEREAS Planned Development Zone 87-1 was approved by the Mariposa County Board of Supervisors through the adoption of Ordinance No. 696 on October 13, 1987 after duly noticed public hearings were held before the Mariposa County Planning Commission and the Mariposa County Board of Supervisors; and

WHEREAS the storing, displaying, selling, repairing, and assembling of equipment such as but not limited to vehicles, equipment (tractor implements), prospecting equipment, septic equipment, and similar supplies and materials as allowed by the PDZ, is permitted within Planned Development Zone 87-1; and

WHEREAS Planned Development Zone 87-1 requires a use permit for all uses in this zone to be issued by the Mariposa County Planning Commission; and

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

WHEREAS a duly noticed public hearing was scheduled for the 6<sup>th</sup> day of June 2008; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Negative Declaration 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, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission determined in accordance with Section 15061 and Section 15162 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 Mitigated Negative Declaration for Planned Development Zone 87-1, the project was therefore exempt from additional environmental review; and

WHEREAS a Notice of Exemption was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS Section 17.112.010 of the Mariposa County Zoning Ordinance identifies the Mariposa County Planning Commission as the final county review authority for this application;

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that the 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. 2008-074; 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 Rudzik, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this June 6, 2008 by the following vote:

AYES: Rudzik, DeSantis, Skyrud, Francisco

NOES: None

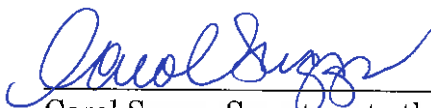
EXCUSED: Ross

ABSTAIN: None



Skip Skyrud, Chair  
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the  
Mariposa County Planning Commission

***Exhibit 1—Project Findings for CUP 2008-074***

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

**EVIDENCE:** The proposed development covers less than 25% of the total area of the parcels, including the driveway, the proposed structure, the parking areas, and the outside storage uses. The applicant will need to provide a landscaping plan that provides effective screening as part of the conditions of approval. This, in combination with site characteristics and natural vegetation will effectively screen the project. The project also leaves adequate open space.

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

**EVIDENCE:** The parcel has been previously graded through a permit process. The site has sufficient access for the levels of traffic that will be generated by the proposed manufacturing facility. The site is in a Planned Development Zone of Mariposa County, which has been planned and designed to accommodate industrial activity in the County. Surrounding land uses are compatible with 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 applicant states that septic systems have already been installed per Health Department requirements as part of the conditions of approval for the land division that created these parcels. The septic tank will be located on the parcel with the building and will connect to leech lines on an adjacent parcel. The Health Department had no concerns.

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 will connect to the shared water system that was installed as part of the conditions of approval for the land division that created these parcels. This system was installed to service the parcels created by the land division. The

Health Department expressed no concerns about this. The Planned Development Zone has standards for fire prevention and protection which must be met by the applicant. These provisions will ensure availability of adequate potable water for the site and for fire protection.

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 proposed building will be located approximately at the center of the lot. The applicant is proposing a driveway to provide access to the structure. The applicant will be required to landscape and screen the building and parking area from view. These characteristics will ensure an appropriate buffer exists to the adjacent land uses. The natural features of the property will also serve as an effective screen. The Planned Development Zone creates setback standards for the parcels governed by it. This project will meet all setback requirements set forth in Planned Development Zone 87-1.

6. **FINDING:** Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

**EVIDENCE:** The project will take access from Copper Leaf Drive through Gold Leaf Drive, both privately maintained 60 foot wide easements which have been previously approved to County standards. CalTrans did not comment on the project therefore, it can be assumed that they had no objections.

A traffic study was also prepared for Land Division Application No. 2004-185, Hilton, which created the project parcels. The traffic study was conducted by Pinnacle Traffic Engineering and concluded that no northbound left-turn pocket was warranted on State Highway 49 into Gold Leaf Drive. This traffic study was sent to Caltrans for their review, to which they said: "the SR-49/Gold Leaf Road intersection performs at an acceptable Level of Service in the 'Existing+Project and 'Total Cumulative' Peak hour scenarios."

This traffic study took into account all the uses occurring in the industrial park that use Gold Leaf Drive.

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 proposed project is located in Planned Development Zone 87-1, the Mariposa Industrial Park. The Planned Development Zone was designed and established for manufacturing and industrial uses in Mariposa County. The project as proposed is consistent with all standards of the Planned Development Zone.

The Mariposa County General Plan also notes that “the Board of Supervisors determined that the existing zoning on land within the Agriculture/Working Landscape and Natural Resource land use designation as of December 1, 2006 is consistent with the land use designations and ...the existing zoning designation shall remain consistent with the General Plan land use classification unless or until the owner requests a change in zone designation, or the County applies a new zone designation to the land.” (County of Mariposa General Plan Section 5.1.14)

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:** On October 21, 1987, the Board of Supervisors adopted a “mitigated” Negative Declaration on the Planned Development Zone (PDZ) pursuant to the California Environmental Quality Act (CEQA). The “mitigated” Negative Declaration considered the environmental impacts of an industrial park and its manufacturing uses. This project and recommended conditions of approval will ensure that development complies with all special development standards of the PDZ. Staff had prepared a new Initial Study and Negative Declaration for this project, which found that this project would not have any potentially significant environmental impacts. This project will result in construction of a 2,400 s.f. structure that will be used to store, sell, and display construction, prospecting, and septic equipment in conjunction with an outdoor storage yard located on an adjacent parcel. Additionally, there have not been substantial changes over time with respect to the circumstances under which the industrial park was approved. At the public hearing, the Planning Commission considered the information provided and found that the project is exempt from environmental review based on the previous Mitigated Negative Declaration adopted for the Planned Development Zone.

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 use permit is for a retail facility along with an outdoor storage yard. The Mariposa Industrial Park has been considered and approved by the Board of Supervisors as an appropriate location for industrial activities and specific development standards have been incorporated into the Planned Development Zone to ensure that industrial activity is not detrimental to the neighborhood and County. Additionally, conditions of approval are recommended to ensure compliance with all standards of the PDZ. The location of a retail use for construction, prospecting and septic equipment in the industrial park will not be detrimental to the property and improvements in the neighborhood of the general welfare of the county.

10. **FINDING:** The project is consistent with all use and development standards of Planned Development Zone No. 87-1. The project, upon compliance with all recommended conditions of approval, is consistent with the applicable standards.

**EVIDENCE:** The project has been reviewed in accordance with all use and development standards established by Planned Development Zone No. 87-1. The project, upon compliance with all recommended conditions of approval, is consistent with the applicable standards.

## ***Exhibit 2—Project Conditions for CUP 2008-074***

**Project Name: Bill Hilton**

**File Number: CUP No. 2008-074**

**Project Approval Date: June 6, 2008**

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 use permit is approved for the construction of a 2,400 sq. ft. facility for storing, displaying, selling, repairing, and assembling of equipment such as but not limited to vehicles, equipment (tractor implements), prospecting equipment, and septic equipment, and similar supplies and materials (as determined by the Planning Director, and as allowed by Planned Development Zone No. 87-1) as well as an outside storage yard for vehicles and equipment in the Mariposa Industrial Park, Planned Development Zone No. 87-1. The property is located at the intersection on Copper Leaf Drive (APN 012-050-067 and 012-050-068).

Approved Hours of Operation are as follows:

7 a.m to 7 p.m., seven days per week.

The facility shall meet all standards of the Planned Development Zone as established by the Mariposa County Ordinance No. 696. Any change in configuration, materials, equipment utilization, and periods of operation may be approved by the Planning Director pursuant to the PDZ provided that any expansion does not exceed 10% of the size of the area of the approved facility (any amount of a reduction in size of area 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 approval.

The use permit is granted for construction and use of a building and site to store, display, sell, repair, and assemble equipment such as but not limited to vehicles, equipment (tractor implements), prospecting equipment, and septic equipment, and similar or related supplies and materials. Both parcels do not need to be managed together.

(Project Description; Planning Department Recommendation)

2. The landscaping plan shall be amended to comply with the requirements established by the Planned Development Zone for both parcels for this project, APN 012-050-067 and APN 012-050-068. The front yard setback area of each parcel shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped or revegetated for erosion control. Areas used for parking shall be landscaped and/or fenced so as to interrupt or screen views from access streets, State Highway 49, and adjacent properties

where possible, within 7 years of planting. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and/or trees. The amended landscaping plan shall be submitted to the Planning Department prior to issuance of a Certificate of Occupancy. Upon approval of the revised plan, the landscaping shall be planted. All landscaping shown on the approved landscaping plan shall be in place prior to issuance of a Certificate of Occupancy.

(PDZ No. 87-1; Planning Department Recommendation)

3. Lighting was not proposed with this application. If exterior lighting is to be installed, exterior security lights shall not be higher than fifteen feet above ground. Security lights shall not be directed towards other off-site buildings, Copper Leaf Drive, or State Highway 49 North. Lighting shall be shielded or fully shielded fixtures (such as designated as "Dark Sky Friendly" by the International Dark Sky Association. See: <http://www.darksky.org/mc/page.do>) and shall not create off-site impacts. A lighting plan shall be submitted to and approved by the Planning Department prior to installation.

(PDZ No. 87-1; Planning Department Recommendation)

4. No signage has been proposed with this application. If signs are to be installed, they must conform to PDZ standards. Before any sign is installed, a sign plan shall be submitted to and approved by the Planning Department. Existing signage is also subject to the Planned Development Zone 87-1 standards, and must be found to be in compliance with the PDZ prior to issuance of a certificate of occupancy for the facility.

(PDZ 87-1; Planning Department Recommendation)

5. The applicant shall install a minimum of ten parking spaces that meet the requirements of Section V of PDZ 87-1.

(Planning Department Recommendation; Section V, PDZ 87-1)

6. New fencing shall not be higher than twelve feet. Fencing higher than eight feet may require a building permit.

(Planning Department Recommendation; PDZ 87-1)



7. The exterior building color shall be an earth-toned color. The roofing materials and roofing color shall not be reflective. This requirement shall be verified by the Planning Department at the time of building permit issuance. Building height shall not exceed 45 feet.

(PDZ 87-1; Planning Department Recommendation)

8. All cut and fill slopes on-site shall be revegetated. If slopes are too steep and conventional seed and straw is not successful, engineered recommendations (such as blanket) may be necessary.

(PDZ 87-1; Planning Department Recommendation)

9. Pursuant to Section III.7, all outdoor storage areas shall be visually screened from access streets, State Highway 49 and adjacent property to the maximum feasible extent. Screening shall form a complete opaque screen up to a point of eight (8) feet in vertical height but need not be opaque above that point. Natural existing vegetation may be used as screening provided that there are provisions to ensure that it will remain in place and that it provide effective screening.

(PDZ 87-1; Planning Department Recommendation)

10. All applicable codes and regulations shall be met at the time of permit issuance.

(Planning Department Recommendation)

11. Prior to any grading activity occurring on the project site, the applicant shall demonstrate to the satisfaction of the Mariposa County Air Pollution Control District that they are meeting the requirements of the asbestos air toxic control measures regarding construction and grading.

(California Code of Regulations Title 17, Section 93105; Health Department Recommendation)