

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2007-014

**A resolution conditionally approving Design Review Application No. 2006-296, Halferty Development Co. LLC, applicant. Assessor Parcel Number 013-230-050 and 013-230-051.**

WHEREAS an application for Design Review Application No. 2006-296 was received on September 27, 2006 from Halferty Development Co. LLC for a property at an unassigned address on Joe Howard Street, located at the southeast corner of the intersection of Highway 49 and Joe Howard Street in the Town of Mariposa, also known as Assessor Parcel Numbers 013-230-050 and 013-230-051; and

WHEREAS the project proposes construction of a pharmacy in the General Commercial zone and the Design Review Overlay Zone of the Mariposa Town Planning Area; and

WHEREAS pharmacies are a permitted use within the General Commercial zone of the Mariposa Town Planning Area, but subject to Design Review in order to ensure compliance with the architectural theme and development guidelines of the Mariposa Town Planning Area Town Plan and Zoning; 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 before the Planning Commission for the 4<sup>th</sup> day of May 2007; 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 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 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 adopt a mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Design Review Application No. 2006-296; 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.

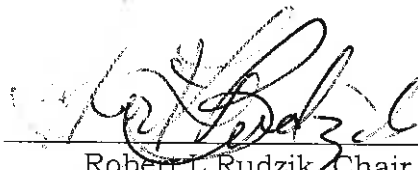
ON MOTION BY Commissioner DeSantis, seconded by Commissioner Ross, this resolution is duly passed and adopted this May 4, 2007 by the following vote:

AYES: Ross, Shyrud, Rudzik, Hagan and DeSantis

NOES: None

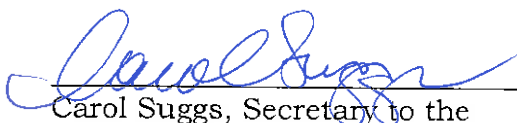
EXCUSED: None

ABSTAIN: None



Robert L Rudzik, Chair  
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the  
Mariposa County Planning Commission

## *Exhibit 1—Findings for Approval*

*Design Review Application No. 2006-296*

Based upon the compliance with the recommended conditions, the proposed site plan and project design comply with the architectural theme and development guidelines established for the Mariposa Town Planning Area and with other applicable standards established by Chapter 17.336 of the Mariposa County Zoning Ordinance.

---

## *Exhibit 2—Conditions of Project Approval*

*Design Review Application No. 2006-296*

1. The approved project consists of the construction of a 17,272 square foot pharmacy, with a drive-thru on a General Commercial-zoned parcel in the Mariposa Town Planning Area; the property is also located within the Design Review Overlay. The use will have brick and tile siding, a covered walkway at the entrance and along a portion of the west and north sides adjacent to the entrance, tile roof where visible from the ground level, and stone bases on support pillars. Access to the site will be from Joe Howard Street. Fifty-eight (58) parking spaces are required for the project, and the applicant is proposing sixty-three (63) spaces. Perimeter and internal landscaping have been provided in conformance with the Mariposa Town Planning Area Town Plan and Zoning. Minor amendments in the approved project description, site layout and design may be approved by the Planning Director if a finding is made that the amendments don't create impacts which were not reviewed by the lead agency, and the modified design conforms with adopted design review requirements. This action does not allow outside sales or storage areas

(Planning Department Recommendation)

2. This project is approved as of May 4, 2007. This approval shall expire May 4, 2010. If the conditions of approval are not completed by that date, 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 May 4, 2010.

(Planning Department Recommendation)

3. The construction of any of the required access and/or frontage improvements for this project shall not negatively impact any off-site improvements or parcels such as, but not limited to, existing driveways serving existing development.

(Planning Department Recommendation)

4. A grading permit shall be obtained prior to any grading activities on-site. The work shall be subject to all grading ordinance standards, including erosion control requirements.

(Mariposa County Code, Grading Ordinance)

5. 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.

(Mitigation Measure; Planning Department Recommendation)

6. 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 Resource Conservation District prior to any grading or construction work occurring on the project site.

(Mitigation Measure; Planning Department Recommendation)

7. 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.

(Mitigation Measure; Planning Department Recommendation)

8. 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.

(Planning Department Recommendation)

9. All utilities, with the exception of propane storage tanks, shall be underground within the project site.

(Mariposa County Code, Zoning §17.336.030.A)

10. 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. Anti reflective colors or surfaces shall be used on all rooftop equipment.

(Mariposa County Code, Zoning §17.336.030.B)

11. 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.

(Mariposa County Code, Zoning §17.336.030.B)

12. The building elevations shall generally conform to those on file at the Planning Department dated 2/23/2006 and approved by the Planning Commission. The base colors for the proposed building shall be as shown on the plans. Trim may be brighter or darker colors to compliment architectural features. The color of the roof of the building shall be compatible with the building. The applicant

shall submit a final material and color palette showing the proposed materials and colors for the building, and roofing, etc. which shall be approved by the Planning Director prior to issuance of a building permit.

(Mariposa County Code, Zoning §17.336.030.B)

13. The south side of the building will be modified to add additional architectural elements that provide variety and relief to the side of the building. Such architectural elements might include lengthening the drive through canopy, windows, or other architectural elements that offer depth or textural relief to the building's façade. Approval of these features shall be part of the final plans submitted per condition Number 12.

(Mariposa County Planning Department Recommendation)

14. An action plan for the implementation of necessary conditions to reduce or eliminate the potential air pollution created during construction shall be prepared and submitted. This Plan will be approved by the Air Pollution Control District Officer prior to the issuance of a grading permit, and will become a condition on the grading permit.

(Mitigation Measure; County Air Pollution Control District Office recommendation)

15. Prior to issuance of a building permit, the applicant shall provide a detailed floor plan that locates the drive-thru window within the pharmacy dispensing area of the building. The use of the drive-thru window shall only be for dispensing prescription pharmaceutical products. The Planning Director shall approve the location of the drive-thru window on the detailed construction drawing, in accordance with the requirements of Section 17.336.060.8 of Title 17.

(Mariposa County Code, Zoning §17.336.030.B)

16. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan for the site, and conform to those on file and date stamped March 29, 2007. 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. The landscaping plan shall include landscaping within the areas dedicated to the State of California, along Highway 49, and along Joe Howard Street, in accordance with Section 17.336.030.C.2. 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.

(Mariposa County Code, Zoning §17.336.030.C)

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.

(Mariposa County Code, Zoning §17.336.030.C)

18. 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. The light fixtures shall be a "full cutoff" fixture as listed in the International Dark Sky Standards. A lighting plan showing the design and location of all exterior lights, including any lighting at sidewalk level, shall be submitted. The Planning Director shall approve the design of the lighting fixtures prior to issuance of the grading permit. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. Building Inspectors from the Building Department shall verify the location of the lights during their regular inspections of the building construction.

(Mitigation Measure; Mariposa County Code, Zoning §17.336.030.B)

19. Minor amendments in the configuration and materials of the proposed development 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 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.

(Mariposa County Code, Zoning §17.336.030.B)

20. 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.

(County Fire Recommendation)

21. 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 commercial structures.

(County Fire Recommendation)

22. Connection to the Mariposa Public Utility District (MPUD) water and wastewater services and compliance with the MPUD Fire Protection Ordinance is required. The applicant shall contact MPUD for permit requirements.

(Mariposa Public Utility District Regulation; Mariposa County Code, Zoning §17.336.050.B)

23. Prior to issuance of a grading permit, the applicant shall modify the water main easements to an appropriate location as agreed to with MPUD. The applicant shall provide evidenced that the water main easement has been relocated and approved by the MPUD manager.

(Mariposa Public Utility District Regulation; Mariposa County Code, Zoning §17.336.050.B)

24. Prior to the issuance of a building permit, the applicant shall resize and relocate the water line within the modified easement location identified in Condition Number 22.

(Mariposa Public Utility District Regulation; Mariposa County Code, Zoning §17.336.050.B)

25. Prior to issuance of a grading permit, the applicant shall provide engineered plans, as required by MPUD, for the increased fire flow requirements as required by MPUD. The applicant shall provide evidence to the Planning Director that the fire flow requirements have been approved by the MPUD General Manager. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide evidence to the Planning Director from the MPUD General Manager that the water mains have been redesigned and installed, and meets the fire flow and MPUD Fire Protection Ordinance.

(Mariposa Public Utility District Regulation; Mariposa County Code, Zoning §17.336.050.B)

26. Access to the MPUD sewer main easement on the west side of the parcel shall remain available for sewer main maintenance as determined by the MPUD General Manager prior to the issuance of a building permit and the approval of the final landscaping plan.

(Mariposa Public Utility District Regulation; Mariposa County Code, Zoning §17.336.050.B)

27. The location of a new/additional fire hydrants shall be approved by both MPUD and the County Fire Chief, in accordance with the requirements of local ordinances, and installed prior to issuance of a certificate of occupancy.

(Mitigation Measure; MPUD Requirements and County Fire Chief Recommendation)

28. The applicant shall submit a dimensioned parking plan showing all parking space dimensions and adequate backing area to be approved by the Planning Director prior to issuance of a grading permit for the project. The plan shall show that all required parking improvements are entirely contained on-site. All improvements within the parking area shall comply with the standards contained in §17.336.030.C of County Code, including paving, and shall be maintained for the life of the project.



(Mariposa County Code, Zoning §17.336.030)

29. The parking lot shall comply with all handicapped accessibility requirements as established by Title 24 of California Code of Regulations. The Building Director shall approve the parking lot pursuant to these regulations prior to issuance of a grading permit for the project.

(Mariposa County Code, Zoning §17.336.030)

30. A commercial driveway encroachment permit for Joe Howard Street 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.

(County Public Works Recommendation)

31. Road frontage improvements in the form of paving (parking lane), curb, gutter and sidewalk shall be required along Joe Howard Street as determined by the Public Works Director in accordance with Section 17.336.050A.2 of the Zoning Ordinance. An encroachment permit shall be obtained from the County Public Works Department. Engineered plans shall be required. All required encroachment improvements shall be completed and approved by Public Works prior to issuance of a Certificate of Occupancy.

(County Public Works Recommendation; Mariposa County Code, Zoning §17.336.050)

32. Prior to the commencement of any road improvements, road construction or other road building or maintenance activities required as a condition of approval for this project and prior to issuance of any encroachment permit for the required improvements, a consultation meeting with the Public Works Department, the applicant, the agent, and the road contractor shall occur. This meeting shall be conducted on-site. This consultation meeting shall be setup by the applicant and/or agent. Any and all costs associated with the consultation shall be the responsibility of the applicant. The County engineer shall verify that this condition has been met prior to issuance of any road improvement or encroachment permit required for this project and prior to the scheduling of any on-site inspection of road improvements.

(County Public Works Recommendation)

33. 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.

(Planning Department recommendation)

34. The applicant shall pay all fees associated with the County's filing of documents for the Negative Declaration. The Department of Fish and Game filing fee (\$1,800) and County Clerk fee (\$50) shall be paid within five (5) workdays of the adoption of the Negative Declaration by the Planning Commission. Pursuant to the California Environmental Quality Act §21089(b), the project is not operative, vested, or final until the filing fees required pursuant to §711.4 of the Fish and Game code are paid. (Department of Fish and Game Recommendation; §711.4, Fish and Game)

(Planning Department recommendation; Department of Fish and Game requirement)

35. Detailed engineering plans for the on-site retention basin, based upon the approved hydrology report, shall be approved by the County Engineer prior to issuance of a grading permit. The Plan requirements shall be incorporated into the grading permit.

(County Public Works Recommendation)

36. The applicant shall submit a final Sign Design Review Plan for the proposed structure, delineating the location, size, materials, colors, lettering, and lighting method for all on-site signage. The signs shall conform to those shown on the plans dated April 17, 2007. The proposed signage shall be in conformance with §17.336.060.D of County Code and not exceed sixty-four (64) square feet. Reductions shall be made to the size of the background or overall size of the monument sign or to the individual letter signs, to meet the sixty-four (64) square foot limit. The Planning Director shall approve the design of the final sign plans prior to issuance of the grading permit

(Mariposa County Code, Zoning §17.336.030.D)

37. Frontage improvements, including a commercial width sidewalk, shall be required along the project's frontage of Highway 49. An encroachment permit shall be obtained from the California Department of Transportation for these required improvements to Highway 49 on the subject property, and for any improvements to the intersection of Highway 49 and Joe Howard Street. The landscaping within the Caltrans right-of-way shall also be subject to an encroachment permit. All required improvements shall be completed and approved by Caltrans prior to the issuance of a Certificate of Occupancy.

(Planning Department Recommendation; California Department of Transportation requirement)

38. Grading work for the project is encouraged to occur during the months of April through October. If grading work will occur between November 1 and April 1, a sediment control plan prepared and approved in accordance with Mariposa County Code, Grading §15.28.120(c) shall be required.

(Mariposa County Code, Zoning §17.336.080.A)