
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2010-026

A resolution approving Use Permit Determination No. 2010-152 for All Creatures Veterinary Hospital, Dr. Eileen Bissmeyer, Applicant Assessor Parcel Number 014-210-052.

WHEREAS a Use Permit Determination application was submitted by Dr. Eileen Bissmeyer on November 1, 2010; and

WHEREAS the proposal includes the use of 1,400 square feet of a 2,160 square foot building for a veterinary hospital and on-site parking; 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(b)(3) 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 3rd day of December 2010; 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. 2010-152.

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 Francisco, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 3rd day of December, 2010 by the following vote:

AYES: Tucker, Rudzik, Francisco, Marsden

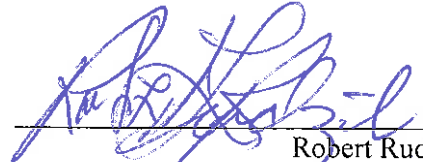
NOES: None

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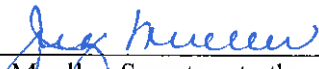
ABSENT: Ross

ABSTAIN: None



Robert Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Department

EXHIBIT 1

PROJECT FINDINGS FOR USE PERMIT DETERMINATION #2010-152

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 sits on a 3.23 acre site that is already developed. Medical and dental offices are permitted uses Town Planning Areas under County Zoning Ordinance Section 17.76.020.A.1.a.1. The proposed use was previously found to be similar to a medical or dental office. It is also 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 suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

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

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 will not produce noise, offensive odor, smoke, dust, bright lights, or vibrations. No explosives will be used. Dangerous materials will be stored indoors and will be handled and managed according to MSDS and OSHA guidelines.

4. **FINDING:** The proposed project is consistent with application 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 that 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 17.12.020.B of the County Zoning Ordinance states that TPAs that don't have specific plans can allow uses listed in the Neighborhood Commercial-1 (CN-1) Zone. The CN-1 zone under Section 17.76.020.A.1.a.1 states that medical and dental offices 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.