

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. 2007-035

**A resolution conditionally approving Conditional Use Permit No. 2007-108; David Loftis, applicant. Assessor Parcel Number 012-120-031.**

WHEREAS an application for a Conditional Use Permit was received on July 3, 2007 from David Loftis, owner of Above All Towing for a property located at 4995 Gold Leaf Drive in Mariposa, also known as Assessor Parcel Number 012-120-031; and

WHEREAS the project proposes construction of a storage facility along with a storage yard in the Planned Development Zone 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 resource recovery uses and storage yards are allowed 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 with no public hearing required if all PDZ 87-1 standards are met; and

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

WHEREAS the Conditional Use Permit was scheduled for Planning Commission consideration as an action item at the Planning Commission meeting on the 17<sup>th</sup> day of August 2007; and

WHEREAS the Planning Department determined in accordance with 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 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 the Planning Commission 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 Conditional Use Permit No. 2007-108; 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.

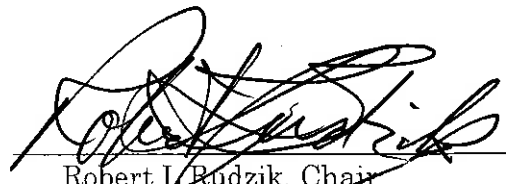
ON MOTION BY Commissioner Francisco, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this August 17, 2007 by the following vote:

AYES: Francisco, DeSantis, and Rudzik

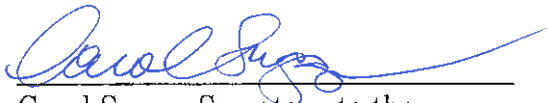
NOES: Ross

EXCUSED: None

ABSTAIN: Skyrud

  
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Robert I. Rudzik, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

***Exhibit 1—Project Findings for CUP 2007-108***

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 parcel, including the driveway, the proposed structure and the proposed parking areas. As a condition of approval for this project, the applicant will be required to provide landscaping for the parcel as shown on the site plan. This 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 and a building pad has been installed. The site has sufficient access for the levels of traffic that will be generated by the proposed vehicle storage 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 is proposing to connect to a septic system on an adjacent parcel, and the Health Department has approved its use for Above All Towing. A condition of approval requires the applicant to provide a mechanism to ensure that the applicant can access and maintain the adjacent septic system in perpetuity (including the replacement area on the adjacent parcel). These requirements will ensure that adequate provisions are made for sewage and solid waste disposal.

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 parcel has a well on-site. The applicant can also connect to the Mariposa Industrial Park community water system. This system was installed to service all parcels in the Planned Development Zone. The Planned Development Zone has standards for fire prevention and protection which must be met by the applicant, including installation of a sprinkler system in the building. Review of the sprinkler system design will include review of water availability. 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 and the majority of work associated with the facility will be storage of vehicles. 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 of Highway 49 North. These characteristics will ensure an appropriate buffer exists to the adjacent land uses. 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 Gold Leaf Drive, a privately maintained 60 feet wide easement which has been previously approved to County standards except frontage improvements. The applicant will install a gravel parking area to complete required road improvement requirements. 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 is in the same general area as this project. 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 or for the proposed secondary access. 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, including this use which was already occurring.

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 location of a resource recovery facility (storage yard) in the county is consistent with land use policy and the general 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:** 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 has reviewed the Negative Declaration and found that this project will not have any potentially significant environmental impacts, which were not reviewed by the previous environmental review document. This project will result in construction of a 4,800 s.f. structure and will not result in any new use or change in the use of the site as it is currently being used as a storage yard. Additionally, there have not been substantial changes over time with respect to the circumstances under which the industrial park was approved, and consequently, subsequent environmental review is not necessary pursuant to Section 15162 of CEQA.

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 facility in which towing equipment including tow trucks will be stored in the Mariposa Industrial Park. 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 garage 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 2007-108***

**Project Name: David Loftis (Above All Towing) File Number: CUP No. 2007-108**

**Project Approval Date: August 17, 2007**

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 4,800 sq. ft. vehicle and equipment storage facility, 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 of Gold Leaf Drive and State Highway 49 North (APN 012-120-031).

Approved Hours of Operation are as follows:

Various hours as towing business requires, Seven days a 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 of the storage facility 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 towing equipment and vehicles.

2. The applicant shall provide additional landscaping and/or solid fencing along the northern property line to provide an effective screen of the facility from Highway 49 North. In addition, the applicant shall be required to landscape all unpaved areas within the project site with trees, shrubs, and/or ground cover. A landscape plan shall be submitted to and approved by the Planning Department, and all landscaping shall be in place prior to the issuance of a certificate of occupancy for the facility.
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, Gold Leaf Drive, or State Highway 49 North. Lighting shall be full cut-off fixtures and shall not create off-site impacts. A lighting plan shall be submitted to and approved by the Planning Department prior to installation.

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.
5. The applicant shall install a minimum of two parking spaces; either paved (10 feet by 20 feet) or graveled (500 square feet per one parking space).
6. New fencing shall not be higher than twelve feet.
7. The exterior building color shall be an earth-toned color. The roofing materials and roofing color shall not be reflective.
8. Prior to issuance of a certificate of occupancy, the applicant shall connect to the Mariposa Industrial Park water system. Additionally, the project applicant, or the manager of the water system, shall contact the State Department of Health Services, Office of Drinking Water to determine if a permit is required for the water system, based upon the increased use of the facility by All Above Towing. A water system permit, or a determination that a permit is not required, shall be obtained and shall be provided to the Planning Department prior to issuance of a certificate of occupancy. The applicant shall participate in any common facility maintenance agreement which exists for this water system.
9. Prior to issuance of a certificate of occupancy for the facility, the applicant shall do the following:
  - A. Obtain all required permits from the Mariposa County Health Department.
  - B. 1) Connect to the leach field system on the adjacent parcel based on the project proposal,  
  
OR  
  
2) develop an on-site septic system.
  - C. If option B. 1) above is chosen, the applicant shall provide evidence that an easement exists allowing the project property to use and maintain the off-site system, including 100% replacement area.

- D. If option B. 1) above is chosen, the applicant shall provide evidence of a recorded maintenance agreement which specifies that the owner agrees to provide their fair share of required maintenance on the off-site system.
10. Prior to issuance of a certificate of occupancy for the facility, the applicant shall install a gravel parking lane on the east side of Gold Leaf Drive in order to complete the requirements established by Document #883043 (deferred improvements for Land Division Application No. 1249). The installation of the parking lane shall comply with all land division requirements.
11. The project shall comply with all Uniform Building and Fire Code Standards.
12. 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 if applicable.
13. 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.
14. **Optional Step.** The applicant may opt to have Mariposa Planning file the Notice of Exemption (NOE). This filing notifies the public that Mariposa County has determined that the California Environmental Quality Act (CEQA) does not apply to the project. While filing is not required, it shortens the statute of limitations on appeals from 180-days to 35-days. If the applicant opts to file, then the NOE must be posted within five days of August 17, 2007. The County Clerk's Office requires a fee of \$50.00 for the filing of the NOE for your project. If the applicant **opts to file**, the applicant shall submit cash or a money order made payable to the Mariposa County Clerks Office to Mariposa Planning for that amount within 4-days of the approval of the Conditional Use Permit.