

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2004-16

**A resolution denying Use Permit Determination No. 2004-37,
Rodney Cantarini, applicant. Assessor Parcel Number 014-400-
002**

WHEREAS an application for a use permit determination was received on March 9, 2004 from Rodney Cantarini for a property located at 5033 Darrah Road, at the northeast corner of the intersection of Darrah Road and Cole Road in Bootjack, also known as Assessor Parcel Number 014-400-002; 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 May 7, 2004; 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 Initial Study 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, including the Initial Study and 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 deny Use Permit Determination #2004-37; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the applicant Rodney Cantarini submit a Conditional Use Permit application for this project.

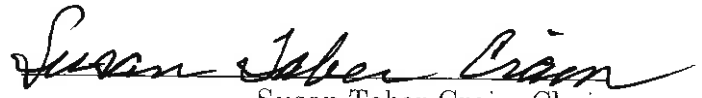
ON MOTION BY Commissioner Ludington, seconded by Commissioner Rudzik, this resolution is duly passed and adopted this May 7, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Crain, Skyrud, and Turpin

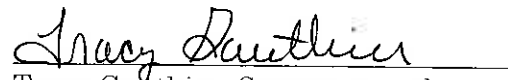
NOES: None

EXCUSED: None

ABSTAIN: None


Susan Taber Crain, Chair
Mariposa County Planning Commission

Attest:


Tracy Gauthier, Secretary to the
Mariposa County Planning Commission

Project Findings – Exhibit 1

Use Permit Determination 2004-37 Recommended Findings for Denial

The following Findings are found pursuant to Section 15303 of the California Environmental Quality Act and Section 17.112.040 of the Mariposa County Zoning Ordinance.

1. The project is exempt from the California Environmental Quality Act as per Section 15303 of the CEQA Guidelines consisting of the new construction of private facilities wherein any building footprint will not exceed 2,500 square feet.
2. Use Permit Determination application 2004-37 proposes to construct a parking lot for the purpose of used auto retail and a two-story office and retail building, with a footprint of 2,080 square feet. Phase 1 of the project will consist of the parking lot construction, and the installation of a temporary office building measuring 8 feet by 10 feet, with two portable toilets available for employee and customer use. The temporary improvements will be in place until the permanent office and retail structure is complete; approximately one year, according to the applicant.
3. The project is located at the intersection of Darrah Road and Cole Road, and the project has access onto both paved County-maintained roads.
4. The project site contains 1.87 acres (81,457 sq. ft.). Total building square footage equals 7,040 sq. ft. Including coverage by roads and other paved areas, the maximum lot coverage standard of 35 percent will not be exceeded. The proposed construction will not impact the open space standard.
5. The site is physically suited for commercial development.
6. Although there is an existing septic system onsite that appears to be of adequate capacity, the applicant is proposing the use of portable toilets prior to construction of the permanent retail and office space in Phase 2 of this project. Mariposa County Environmental Health has strict regulations regarding the use of portable toilets during construction; the portable toilets may only be used for six months. The applicant is proposing that construction of the retail space could take up to one year after the project approval, which would not meet the Health Department standards.
7. The proposed project is generally consistent with the policies and standards of the Mariposa County General Plan; however, the Mariposa County General Plan requires that land uses be evaluated based on the concerns that led to the establishment of the policies. Based on the proposal for the portable toilets, the project does not meet the

concern of “the promotion of safe and sanitary building sites for all segments of the population—present and future.”

8. Based on the applicant's proposal for portable toilets onsite, the Planning Commission finds that the proposed project may be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the surrounding area and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. The proposed project will not have other impacts on the environment.