

**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2021-004

**A resolution approving Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143; Habitat for Humanity of Mariposa County, applicant. Assessor's Parcel Number 013-130-055 and 058.**

WHEREAS, an application for a Conditional Use Permit was received on the 28<sup>th</sup> day of September 2020 from Habitat for Humanity of Mariposa County for a single family residential use located at an unassigned address location off of Stroming Road, (adjacent to 5073 Stroming Road), in the Town of Mariposa, also known as Assessor's Parcel Number 013-130-155 and 058; and

WHEREAS, the subject parcel is in the General Commercial (GC) Zone and Historic Design Review Overlay Zone (HDRO) of the Mariposa Town Planning Area; a residential use is a conditional use in the GC zone. The residence is proposed to be approximately 1,400 square feet; and

WHEREAS, the project was reviewed by the Historic Sites and Records Preservation Commission on the 9<sup>th</sup> day of November 2020 and the Historic Sites and Records Preservation Commission made a recommendation to the Planning Commission for approval of the project; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 22<sup>nd</sup> day of January 2021; 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 did hold a public hearing on the noticed date and considered all of the information in the public record, including the Notice of Exemption and Staff Report, testimony presented by the public concerning the application, the recommendation of the Historic Sites and Records Preservation Commission and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit Nos. 2020-142 and Historic Design Review Application Nos. 2020-143.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and with the conditions set forth in Exhibit 2.

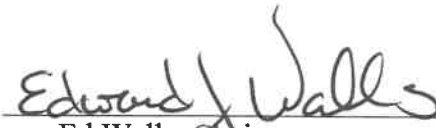
ON MOTION BY Commissioner Herman, seconded by Commissioner Smith, this resolution is duly passed and adopted this 22<sup>nd</sup> day of January 2021 by the following vote:

AYES: Herman, McCamman, Smith, Walls

NOES: None

EXCUSED: None

ABSTAIN: None



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Ed Walls, Chair  
Mariposa County Planning Commission

Attest:



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Carol Suggs, Secretary to the  
Mariposa County Planning Commission

**Exhibit 1**  
**Project Findings for CUP No. 2020-142**  
**And HDRO No. 2020-143**

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 50% of the total area of the parcel, including the driveway, the proposed house with covered porch, and the proposed parking area. This conditional use requires less parking than a permitted commercial use, and therefore this conditional use includes more open space than a permitted commercial use would.

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

**EVIDENCE:** Based on the site inspection and the scale of the project as proposed, the applicant will be able to locate the proposed improvements entirely onsite while meeting all County requirements for setbacks, landscaping, and grading. If a retaining wall is needed, a “split-rock/block” wall with compatible colors will be constructed.

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 project is required to connect to the Mariposa Public Utility District (MPUD) for sewage disposal; MPUD has confirmed that they have the capacity to serve this project. Disposal of solid waste is the responsibility of the applicant; the Mariposa County landfill has the capacity to process typical residential waste streams.

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 is required to connect to the Mariposa Public Utility District water lines; MPUD has confirmed that they have the capacity to serve the water and fire protection needs of this project

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 project as proposed meets the minimum applicable County setback standards. Project Conditions of approval require licensed land surveyor field location of

property line for setback compliance during building permit process. There are no special setbacks required for this project.

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

**EVIDENCE:** The project will not conflict with any public easement. The project has frontage on Stroming Road (a County-maintained road), and an existing 30-foot-wide private access easement, both of which are paved. The Public Works Department has made no objection to the project provided that county requirements are met including on-site drainage, and review for encroachment permit applicability, at the time of building permit application.

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:** Areas designated by the General Plan as Town Planning Areas have been determined to be suitable for higher-density residential development and for commercial uses that would not be appropriate in other areas of the County, as determined on a case-by-case basis. The proposed use is consistent with the policies and standards of the General Plan as related to Town Planning Areas. The Mariposa Town Planning Area Specific Plan governs this property. Residential uses such as the proposed use are conditional uses within the General Commercial zone, and the proposal is consistent with the policies and standards of the General Plan regarding the processing of conditional use permits. This project will not impact the town of Mariposa's commercial center or core.

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:** The project as proposed is categorically exempt from the provisions of the California Environmental Quality Act, as it is a new single-family residential structure. Additionally, the Mariposa Town Planning Area Specific Plan has a certified EIR which covers the development of all property within the TPA boundaries. The conditions attached to this approval are established to address the aesthetic quality, safe ingress and egress, impacts of exterior lighting and other potential impacts of this project on the surrounding parcels and neighborhood.

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:** According to the project as proposed, no detriment will be posed to the health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property.

10. **FINDING:** The project proposal as conditioned conforms to the architectural theme and development guidelines established by the Board of Supervisors pursuant to Mariposa County Code and subsection 17.336.060 (Design Review Overlay) and subsection 17.336.070 (Historic Design Review Overlay).

***Exhibit 2***  
***Project Conditions for CUP No. 2020-142***  
***And HDRO No. 2020-143***

1. The approved project consists of construction of one residence located on APNs 013-130-055 and 058 (project site). The proposed residence is to be approximately 1,400 square feet in size. The project is 0.57-acres and zoned General Commercial in the Mariposa Town Planning Area; the property is also located within the Historic Design Review Overlay zone.
2. The roof of the residence is proposed to be dove white, Malarkey dimensional “Legacy” roofing (or equivalent). The siding of the home will be Hardie Plank lap siding, with fiber cement to resist cracking, rotting, swelling and pests. The Select Cedarmill finish mimics wood. The residence will have baluster railing on the front of the home. The front porch deck will be concrete. The windows will be double-pane, annealed, double-hung vinyl window. Doors will be vinyl with main entrance door and the top 2 panels will be made of glass. Two on-site parking spaces are required, and the driveway shall meet County (CAL FIRE) requirements.
3. If a retaining wall is needed, a “split-rock/block” wall with compatible colors will be constructed and the residences are otherwise designed in keeping with the Mariposa Town Planning Area Specific Plan.
4. This project is approved as of January 22, 2021. This approval shall expire January 22, 2024. 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 January 22, 2024.
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.

6. A grading plan and permit must be submitted for the building permit and soil erosion best management practices (BMPs) shall be included on the plans. Any exposed soils shall be revegetated.
7. Prior to issuance of the building and/or grading permit, County Engineer review and approval shall be obtained for the on-site drainage plans and civil design. The County Engineer shall also determine if an encroachment permit is required for any work proposed in the Stroming Road easement.
8. Prior to construction, the required property line and road setbacks shall be identified and posted on the project site by a Licensed Land Surveyor. The setback postings shall be maintained throughout construction. (Field verification shall be required as a part of the Building Permit process).
9. 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.
10. 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.
11. All utilities, except for propane storage tanks, shall be underground within the project site.
12. 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.
13. 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.
14. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan for the site. The landscaping plans shall indicate existing native trees within the development site to be retained. The landscaping plan shall conform with 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. 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.

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15. 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.
16. The base color for the proposed building shall be a light color in a warm tone. Trim may be brighter or darker colors to compliment architectural features. Trim is proposed to be white. The color of the roof and the building shall be compatible and consistent with the purpose and intent of the Historic Design Review Overlay District and as approved by the Planning Commission. The applicant shall submit final building elevations which shall be approved by the Planning Director prior to issuance of a building permit.
17. All exterior lighting fixtures shall be shielded and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department. The Planning Director shall approve the design of the lighting fixtures prior to issuance of a building permit.
18. 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.
19. 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.
20. 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.
21. The applicant may opt to have Planning staff file the Notice of Exemption (NOE). This filing notifies the public that Mariposa County has determined that the project is exempt from the California Environmental Quality Act (CEQA). While filing is not required, it is advisable to minimize legal exposure to the project, since the action of filing 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 January 22, 2021. The County Clerk's Office requires a fee of \$50.00 for the filing of a NOE. If the applicant opts to file, cash or a money order made payable to the Mariposa County Clerk's Office must be submitted to Planning within 4-days of the approval of the applications. Within five (5) business days, the Notice of Exemption will be filed. A cashier's check or money order shall be made out to the Mariposa County Clerk in the amount of fifty (\$50) dollars. The Mariposa County Clerk will not accept a personal check for purposes of filing this document.



22. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

23. Non-compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2020-142 may be grounds for revocation of the CUP.