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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution

No. 2012-007

A resolution approving Use Permit Determination No. 2012-049 for Franklin and Marianne Emery., Applicants Assessor Parcel Number 016-240-005.

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WHEREAS a Use Permit Determination application was submitted by Franklin and Marianne Emery on March 28, 2012; and

WHEREAS the proposal includes the operation of a 12' by 8' **mobile coffee business** (trailer) located at the previous site of the Lighthouse Café, a 2.24 acre parcel located at 2878 and 2874 Highway 140, Catheys Valley (APN 016-240-005). The applicants intend to target Catheys Valley and Mariposa residents who are their way to and from work. The applicants plan to have up to 2 – 3 employees in the future, providing the business grows as planned. The applicants propose a handicapped portable toilet on-site, and exterior flood lights as needed for business operation and safety of customers. Parking will be along the highway frontage. The mobile coffee unit will hook up to PG&E power while at the site and will add a generator in the future for use at events off-site. No grading is necessary for the project. Hours of operation are 7 days per week from 5 a.m. to 7 p.m. The mobile coffee unit will also be taken to community events upon acquisition of the generator.

Existing development on-site includes 2 mobile homes and appurtenant development. There is a long paved highway encroachment, which used to serve the previous commercial development on-site. There is also a 26' by 15' concrete slab from the previous development, on which the mobile unit will be parked; 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 that the project is exempt from 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 a public hearing was scheduled for the 18<sup>th</sup> day of May, 2012; and

WHEREAS the Planning Commission did hold a public hearing on the public hearing 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;

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NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that the project is exempt from environmental review; 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. 2012-049.

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 Rudzik, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 18<sup>th</sup> day of May, 2012 by the following vote:

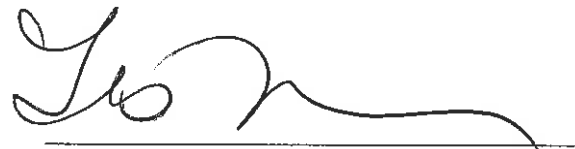
AYES: Rudzik, Francisco, Tucker, and Marsden

NOES: None

ABSENT: None


ABSTAIN: None

EXCUSED: Ross



Les Marsden, Chair  
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the  
Mariposa County Planning Department

**EXHIBIT 1**  
**PROJECT FINDINGS**  
**FOR**  
**USE PERMIT DETERMINATION #2012-049**

This use permit determination has been processed and reviewed in accordance with standards set forth in Title 17, Mariposa County Zoning Ordinance.

1. **FINDING:** Use Permit Determination No. 2012-049 is for a 12' by 8' **mobile coffee business** (trailer) located at the previous site of the Lighthouse Café, a 2.24 acre parcel located at 2878 and 2874 Highway 140, Catheys Valley (APN 016-240-005). The applicants intend to target Catheys Valley and Mariposa residents who are their way to and from work. The applicants plan to have up to 2 – 3 employees in the future, providing the business grows as planned. The applicants propose a handicapped portable toilet on-site, and exterior flood lights as needed for business operation and safety of customers. Parking will be along the highway frontage. The mobile coffee unit will hook up to PG&E power while at the site and will add a generator in the future for use at events off-site. No grading is necessary for the project. Hours of operation are 7 days per week from 5 a.m. to 7 p.m. The mobile coffee unit will also be taken to community events upon acquisition of the generator.

Existing development on-site includes 2 mobile homes and appurtenant development. There is a long paved highway encroachment, which used to serve the previous commercial development on-site. There is also a 26' by 15' concrete slab from the previous development, on which the mobile unit will be parked.

Project is subject to all applicable Building and Health Code and permit requirements.

2. **FINDING:** The project is suitable and a proper use in the Town Planning Area Zone, 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 is similar in use to those permitted uses in the Neighborhood Commercial 1 and 2 Zones. Retail and service uses, are a permitted use in Town Planning Areas under County Zoning Ordinance Section 17.076.020.A.1.b.(1). The proposed use is compatible with the existing uses on the property and in the general area of the project site. The project will not impact any sensitive environmental resources.

3. **FINDING:** The site is physically suitable for the proposed development.

**EVIDENCE:** The project site is an existing parcel with two existing residences. There is sufficient area on site for parking for the proposed retail use. The project site has an existing paved encroachment to Highway 140. The permit process, involvement of affected agencies, and application of existing standards and regulations will address potential impacts of the project.

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Based upon these site characteristics and existing permit processes, the site is found to be physically suited for the proposed use.

4. **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 is similar to or compatible with the existing uses in the area. As based upon the information in the staff report and project application, which is incorporated into this finding by reference, it will not emit vibrations, offensive odor, smoke, dust, or bright lights. No explosive or dangerous materials are foreseen to be used. Impacts associated with the project will not surpass the levels created by existing traffic on Highway 140.

5. **FINDING:** The proposed project is consistent with applicable Mariposa County Zoning ordinances and its General Plan.

**EVIDENCE:** The project is located in the Catheys Valley Planning Area, with a General Plan designation of Interim Community Center and zoning designation of Town Planning Area. The purpose of the Interim Community Center land use is for "...single family dwellings within a Planning Area for which an area plan has not yet been adopted. The Interim Community Center land use classification also identifies lands that may be appropriate for limited business and commerce to (1) primarily support the needs of the local residents, and (2) secondarily support tourism and County Visitors" [Section 5.3.01.I.I(2).A of the General Plan]. Further, Section 5.3.01.I(2).B states "Interim Community Center land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses involve personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Uses which supply retail and commercial needs of local residents not in conflict with adjoining land uses shall be subject to a discretionary review. Also subject to a discretionary review shall be uses which support regional tourism and can be developed compatibly with adjoining land uses." The proposed project intends to provide prepared coffee drinks to Catheys Valley and Mariposa residents on their way to and from work.

Section 17.12.010, Town Planning Areas states that the Town Planning Areas "...are the centers for industrial and commercial activity, and population concentration." Section 17.12.010.B. of the County Zoning Ordinance states that TPAs that don't have specific plans can allow uses listed in the Neighborhood Commercial (CN-2) zone. The CN-2 zone under Section 17.076.020.A.1.b.(1) states retail and service uses 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.

6. **FINDING:** The approved site plan will become null and void if the project is not implemented in 3 years (May 18, 2015) pursuant to Section 17.08.170 of Mariposa County Code.
7. **FINDING:** Project is subject to lighting and sign standards found in Chapter 17.76 of Mariposa County Code. Lighting is also subject to General Plan Policy 11-1d.