

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. 2007-06

**A resolution recommending the Board of Supervisors approval of  
SPZA No. 2006-295, Halferty Development Co. LLC, applicant.**

WHEREAS an application proposing the amendment of the Mariposa Town Planning Area Specific Plan and zoning text was received on September 27, 2006; 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 2nd day of February, 2007; 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 BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution directing staff to file a Notice of Determination for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Specific Plan/Zoning Amendment 2006-295.

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt an ordinance approving the proposed text amendment to the zoning ordinance, Mariposa County Code Zoning Title.

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt a resolution approving the proposed text amendment to the Mariposa Town Planning Area Town Plan.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa Town Planning Area Plan and Zoning Ordinance land use and zoning designations are described in Exhibit A and Exhibit B.

BE IT FINALLY RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

**Finding No. 1:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. (Section 17.128.050, Zoning Ordinance)

The amendment is in the general public interest because it provides individuals with disabilities, senior citizens, and those otherwise in need of a pharmacy dispensing prescribed pharmaceuticals with alternate access and greater convenience. The proposed amendment and any required mitigation measures would provide for the adequate review of such proposals on the project level basis so that they do not impact local traffic or congestion of local streets, and that any air pollution issues are addressed at the project level. With appropriate mitigation measures on specific projects, this amendment will not have a significant adverse affect on the general public health, safety, peace and welfare.

*Finding No. 2: The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)*

**The proposed amendment will amend the Mariposa Town Planning Area Specific Plan. This Specific Plan is an “area plan” identified in the Mariposa County General Plan, and adopted specific plans are recognized as documents defining land use and policies for planning areas. When adopted, area plans are separate documents, and address specific issues and opportunities for its planning area. The proposed amendment will continue to provide a long term guide for the development and for the short term day-to-day decisions making in the Mariposa Town Planning Area.**

*Finding No. 3: The amendment conforms to the requirements of state law and county policy. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)*

State law and the Mariposa County General Plan allow for the amendment to area plans as provided by the adopted Specific Plan for the Mariposa Town Planning Area. This amendment has been processed in accordance with the requirements of the Mariposa County General Plan and the Mariposa County Zoning Ordinance. This amendment has also been processed in accordance with adopted environmental review policies and laws. The public hearing has been noticed in accordance with the requirements of Section 17.132 of Title 17, Mariposa County Zoning Code.

*Finding No. 4: The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. (Section 17.128.050, Zoning Ordinance and Section 2.504, General Plan.)*

This amendment is consistent with the guiding policies, goals, policies and standards of the Mariposa County General Plan. Section 5.3.01 of the General Plan creates the land use classification “planning area.” Planning areas identify “towns” and are implemented by area plans adopted by the Board of Supervisors. “Area Plans” are

mini-General Plans adopted to meet the needs of each town, community or uniquely identified special area of the County. The General Plan notes that the town of Mariposa has an adopted "town planning area specific plan" that will remain in effect and are incorporated into the General Plan. Further, the General Plan states that modifications or updates may be necessary to address new policies.

*Finding No. 5: The subject parcels are physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designated and the anticipated land use development. (Section 17.128.050, Zoning Ordinance.)*

This finding is not applicable to Zoning Amendment No. 2006-295.

*Finding No. 6: The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Section 17.128.050, Zoning Ordinance.)*

This finding is not applicable to Zoning Amendment No. 2006-295

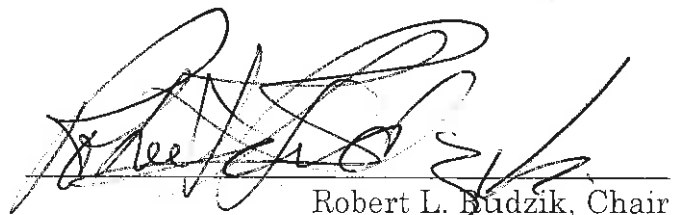
ON MOTION BY Commissioner Ross, seconded by Commissioner Skyrud; this resolution is duly passed and adopted this by the following vote:

AYES: Commissioners Ross, Skyrud, Rudzik, Hagan and DeSantis

NOES: None

EXCUSED: None

ABSTAIN: None

  
Robert L. Budzik, Chair  
Mariposa County Planning Commission

Attest:

  
Carol Suggs, Secretary to the  
Mariposa County Planning Commission

## EXHIBIT A

### Proposed Amendment to Title 17, Zoning

#### Chapter 17.336.060.B.8

*"8. Drive-thru facilities shall be prohibited unless all of the following conditions are met:*

- a. The drive-thru facility is not a part of a commercial use that takes direct access from either State Highway 140 or 49;*
- b. The drive-thru facility shall be solely limited to providing prescription pharmaceutical products."*

#### Chapter 17.336.070.A.10

*"10. Drive-thru facilities shall be prohibited."*

## **EXHIBIT B**

### **Proposed Amendment to the Mariposa Town Planning Area Town Plan**

#### **Section 3.26.B.8**

*"8. Drive-thru facilities shall be prohibited unless all of the following conditions are met:*

- 1. The drive-thru facility is not a part of a commercial use that takes direct access from either State Highway 140 or 49;*
- 2. The drive-thru facility shall be solely limited to providing prescription pharmaceutical products."*

#### **Section 3.27.A.10**

*"10. Drive-thru facilities shall be prohibited."*