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

**Resolution**

**No. 2017-004**      **A resolution approving Use Permit Determination No. 2017-047 for Wise Investment Properties, Applicant. Assessor Parcel Number 014-400-003.**

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**WHEREAS, Use Permit Determination Application No. 2017-047 was submitted by Wise Investment Properties on March 17, 2017; and**

**WHEREAS, the proposal was submitted to convert an existing residence into a veterinary clinic, adding a fully enclosed kennel to the proposed veterinary building, and converting a detached garage into an administrative office; and**

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

**WHEREAS, a Planning Commission public hearing for this project was scheduled and noticed for the 19<sup>th</sup> of May, 2017; 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 public hearing date and considered all of the information in the public record, including the Staff Report and information regarding public concerns about the application; and**

**WHEREAS, the Planning Commission continued the public hearing for this project to the 2<sup>nd</sup> day of June, 2017, at 9 a.m. or as soon thereafter as possible, in order for the applicant to address the Planning Commission's concerns, including insulation for the kennel, screening, and occasional evening use of the facility; and**

**WHEREAS, on the 25<sup>th</sup> day of May 25, 2017 the applicant modified the proposal to address the concerns of the Planning Commission; and**

**WHEREAS the Planning Commission did hold a public hearing on the continued date and considered all of the information in the public record, including the staff memorandum to the Planning Commission, testimony presented by the public concerning the application, the comments of the applicant, the modified project description, and the amended draft resolution.**

**NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby find, pursuant to Section 15061 of CEQA Guidelines, that the**

project is exempt from environmental review pursuant to the California Environmental Quality Act under the General Rule exemption.

BE IT THEREFORE FURTHER RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby approve the application for Use Permit Determination No. 2017-047.

BE IT THEREFORE FURTHER RESOLVED THAT, findings are made for project approval as shown in Exhibit 1.

BE IT THEREFORE FINALLY RESOLVED THAT, the approved site plan shown in Exhibit 2.

ON MOTION BY Commissioner Kehoe, seconded by Commissioner McCamman, this resolution is duly passed and adopted this 2<sup>nd</sup> day of June, 2017 by the following vote:

AYES: Kehoe, McCamman, Kennec, Herman

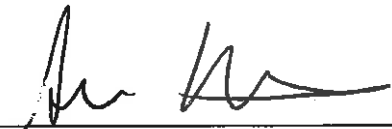
NOES: None

ABSENT: Becker

ABSTAIN: None

  
\_\_\_\_\_  
Mick Herman, Chair  
Mariposa County Planning Commission

Attest:

  
\_\_\_\_\_  
Susan Hunter, Secretary to the  
Mariposa County Planning Department

**EXHIBIT 1**  
**PROJECT FINDINGS**  
**FOR**  
**USE PERMIT DETERMINATION NO. 2017-047**

1. **FINDING:** This use permit determination has been processed and reviewed in accordance with the procedures and standards set forth in Title 17, Mariposa County Zoning Ordinance.

The application is to convert a 1440 sq. ft. residence into a veterinary clinic (and adding a fully enclosed and heavily insulated 144 sq. ft. kennel to the veterinary building). A detached 800 sq. ft. garage will be converted into an administrative office for a construction company. A 50' x 55' chain link fence will be slat-screened and an 8' x 40' sea-land cargo container will be placed inside of this screened fence area. Another 8' x 40' sea-land cargo container will be placed just west of the detached garage.

Along with the existing vegetation, the applicant will plant a row of evergreen, fast growing trees such as pine, and/or cedar along the fence between their property and the northwest neighbor's property. A similar row of trees will be planted to hide the Sea-Land container proposed to be located west of the detached garage, which would be otherwise unscreened. Each planting area will have at least 5 to 7 (five to seven) 5-gallon trees in a row. The applicant will ensure that the vegetative screening is irrigated and maintained.

This parcel is 14.73-acres and located at 5043 Darrah Rd., Mariposa (APN 014-400-003). The site Zoning is Town Planning Area (Bootjack). The Land Use is Interim Community Center. The applicant will operate a veterinary clinic and an administrative office for a construction company. This is not a contractor's yard by proposal.

The site will be developed, operated and maintained in accordance with the Planning Commission's approved site plan and the applicant's approved project description, including the following project description details:

The applicants plan to have to 7-9 employees with approximately 25 - 30 commercial trips made per day by employees and clients. The applicant will add 7 new parking spaces to the 7 parking spaces that exist, for a total of 14 parking spaces. One of these spaces will be a handicap accessible parking space. The parking lots will have a minimum 40' radius gravel turnaround. Regular proposed hours of operation are five days per week from 7 a.m. to 5 p.m. Occasional use of the facilities for emergency veterinary visits may occur. The kennel may be used for overnight patient stays as needed.

Existing development on-site includes one single family dwelling, 1 detached garage, 1 old barn, 1 8' x 26' deck, 1 8'x 8' shed and two well houses. There is an existing 10' wide asphalt driveway from Darrah Rd. A 30' long by 12' wide gravel turnout with 25' taper at each end of the turnout is proposed for the existing asphalt driveway.

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

The planning director may approve one or more revisions to an approved use permit determination provided that: a) such revision does not result in a cumulative expansion of more than ten percent (10%) of the original site or use area, and b) such revision, other than expansion, is deemed necessary and desirable for the best utilization of a site, and c) such revision will not result in creating a potential public nuisance or health and safety problem, will not create impacts which were not addressed by the original environmental determination for the project, and will not change the original intent of the use permit determination. Notice of a use permit determination revision shall be the same as specified by Mariposa County Code, Section 17.08.120.D.

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 or an identified permitted use. Administrative offices are permitted uses in Town Planning Areas under County Zoning Ordinance Section 17.76.020.A.1.b. (1). Veterinary clinics, as long as clinic activities primarily occur on the interior of a structure, have been previously determined by the Planning Commission to be similar to a permitted use in the Neighborhood Commercial 1 and 2 zones. Based on the large parcel size, the existing development on-site, the proposed screening, the proposed heavy insulation of the kennel, and the minimal exterior activity, the proposed use is compatible with 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 one existing residence and an existing detached garage and barn. There is sufficient area on site for parking for the proposed clinic and office use. The project site has an existing paved driveway to Darrah Road. The permit process, involvement of affected agencies, and application of existing standards and regulations will address potential impacts of the project. 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:** There is no proposed lighting for signage or parking. The proposed 12' x 12' kennel is enclosed and it is not proposed to be used for

regular overnight animal boarding, thus minimizing noise outside the operating hours of the facility. The animal kennel building will be heavily insulated.

Based upon the information in the staff report and project application, which is incorporated into this finding by reference, the proposal will not emit vibrations, offensive odor, smoke, dust, or bright lights. No explosive or dangerous materials are foreseen to be used. Traffic associated with the project will not exceed the capacity of Darrah Road.

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

**EVIDENCE:** The project site is located in the Bootjack Community 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 5.3.01.1.(2).A of the General Plan]. Further, Section 5.3.01.1.(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 veterinary clinic services and administrative services for a construction company to residents of Mariposa County.

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.

This project is consistent with the purpose of the Interim Community Center land use and the Town Planning Area zone.

6. **FINDING:** The approved site plan will become null and void if the project is not implemented in 3 years (June 2, 2020) pursuant to Section 17.08.170 of Mariposa County Code.
  
7. **FINDING:** This 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.

**EXHIBIT 2**  
**APPROVED SITE PLAN**  
**USE PERMIT DETERMINATION NO. 2017-047**

