
WHEREAS, an application for a Conditional Use Permit and Historic Design Review was received on March 15, 2018 from Jamie Joslin for a property located at 4993 5th Street in the Town of Mariposa, also known as Assessor’s Parcel Number 013-185-001; and

WHEREAS, the Conditional Use Permit proposes the installation of a food trailer to prepare and serve food to customers. The applicant proposes occasional special events for the business as well as operating seven (7) days a week from approximately 7 am to 9 pm. The property is located within the parking district. The parcel is provided water and sewage utilities by Mariposa Public Utility District; and

WHEREAS, the projects were reviewed by the Historic Sites and Records Preservation Commission on the 9th day of April 2018 and the Historic Sites and Records Preservation Commission made a recommendation to approve the project to the Planning Commission; and;

WHEREAS, an Notice of Exemption was prepared pursuant to the California Environmental Quality Act; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 18th day of May 2018; 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 find that 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 No. 2018-047 and Historic Design Review 2018-048.

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 Becker, seconded by Commissioner McCamman, this resolution is duly passed and adopted this 18th day of May 2018 by the following vote:

AYES: Becker, McCamman, Kehoe, Kennec

NOES: Herman

EXCUSED: None

ABSTAIN: None

Attest:

Kimberlee A. Lake, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1

PROJECT FINDINGS

FOR

CONDITIONAL USE PERMIT NO. 2018-047 AND HISTORIC DESIGN REVIEW 2018-048

1. FINDING: Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

   EVIDENCE: The proposed development covers approximately 50% of the total area of the parcel, including the existing building, carports, and the proposed food trailer. The applicant is not proposing any parking. The parcel is located within the Mariposa Town Parking District, and per 17.336.030, parking standards do not apply to properties within the parking district.

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. No new structures are being proposed, other than the parking of the mobile food preparation unit.

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 served by the Mariposa Public Utility District (MPUD) for sewage disposal; MPUD has confirmed that they have the capacity to serve this project. The project will have to meet all Health Department Requirements for the disposal of solid waste.

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 served by 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. The project will have to meet all MPUD requirements prior to commencing operation.

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. 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 5th Street, which is a County-maintained road. The applicant states that customers will walk from the Parking District to the parcel. The applicant has proposed no on-site parking. Conditions of approval will require the applicant to prepare and implement a vehicle access control plan to prevent vehicles from accessing the site. If vehicles will be accessing the site they are required to obtain an encroachment permit and meet all Public Works requirements.

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 commercial 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. Conditional 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.

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: 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: With the implementation of conditions of approval attached to the Conditional Use Permit, it can be found that the project is not detrimental to health,
safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property. It also can be found that the use will not be injurious or detrimental to property and improvements in the neighborhood.

EXHIBIT 2
CONDITIONS OF APPROVAL
FOR
CONDITIONAL USE PERMIT NO. 2018-047 AND HISTORIC DESIGN REVIEW 2018-048

The following conditions of approval were approved for this project in order to ensure compliance with county codes and policies. A completed and signed checklist indicates that the conditions have been complied with and implemented.

1. The approved project consists of the installation of one food trailer on the parcel located at 4993 5th Street (APNs 013-185-001). The proposed food trailer is to be approximately eight feet by forty feet by ten feet. The parcel is zoned General Commercial in the Mariposa Town Planning Area; the property is also located within the Historic Design Review Overlay. The applicant has proposed a commissary, seating and bathrooms inside the existing structure. The applicant proposes to be in operation seven days a week, from 7am to 9pm. No on-site parking or vehicle access has been proposed.

2. This project is approved as of May 18, 2018. This approval shall expire May 18, 2021. 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 May 18, 2021.

3. All exposed and/or disturbed soils created by grading or food trailer installation activities shall be watered down or suppressed during any 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.

4. 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.

5. 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. All solid waste shall be removed regularly and disposed of at an appropriately licensed facility.

6. All utilities, with the exception of propane storage tanks, shall be underground within the project site.

7. 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 and/or food facility permit to operate.

8. 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 and/or food facility permit to operate.

9. Prior to the issuance of a building permit and/or food facility permit to operate, 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 and/or food facility permit to operate.

10. 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.

11. The base color for the proposed food trailer shall be a warm color in a light tone. The applicant proposes the trailer to be white. Any trim may be brighter or darker colors to compliment architectural features. Lattice skirting will be installed on the trailer in order for the trailer to be consistent with the purpose and intent of the Historic Design Review Overlay District. The applicant also proposed black, shielded string lighting across the lot as well as picnic tables on the parcel.

12. The applicant shall submit a sign design review for the facility delineating the location, size, materials, letters, coloring and lighting method for on-site signage. The proposed signage shall be in conformance with section 17.336.070. The signage must be approved by the Planning Director prior to issuance of a building permit and/or food facility permit.

13. 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 and/or food facility permit.

14. 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.

15. No vehicular access is proposed to the site as part of the project (except food trailer and owner vehicle). The applicant shall submit an access control plan demonstrating restricted vehicular access to the parcel through the existing 5th Street Encroachment. An access control plan must be submitted and approved by Planning and Public Works prior to the issuance of a building permit and/or a food facility permit to operate. The approved access control plan shall be implemented prior to commencing operation.

OR

The applicant shall obtain an encroachment permit from the Public Works Department. All required encroachment improvements shall be completed and approved by Public Works prior to issuance of a food facility permit to operate. All grading and road improvement work shall comply with the Mariposa County Improvement Standards and all requirements contained therein. The County Engineer may require engineered improvement plans prepared by a Registered Civil Engineer for any improvements required as part of an encroachment permit. If engineered improvement plans are required, the plans shall be approved by the County Engineer prior to commencement on the required improvements. Evidence that all required encroachment improvements have been completed and approved by the Public Works Department shall be provided to Mariposa Planning before opening for business.

16. Prior to the issuance of a building or grading permit and prior to issuance of a food facility permit to operate, all fees associated with the County’s processing of this project and filing of associated documents shall be paid.

17. Prior to commencement of operation, the applicant shall obtain and provide verification to the Planning Department that the applicant has obtained all required health permits. Additionally, the project must remain in compliance with all Health Department Requirements.

18. The applicant shall contact the Building Department and obtain all necessary building permits or provided verification from the Building Department that no permits are required.
19. You may opt to have our office file the Notice of Exemption (NOE). This filing notifies the public that Mariposa County has determined that your project is exempt from the California Environmental Quality Act (CEQA). While filing is not required, it is advisable if you want to minimize legal exposure to your project, since the action of filing shortens the statute of limitations on appeals from 180-days to 35-days. If you opt to file, then the NOE must be posted within five days of May 18, 2018. The County Clerk’s Office requires a fee of $50.00 for the filing of the NOE for your project. If you opt to file, please submit cash or a money order made payable to the Mariposa County Clerk’s Office to our office for that amount within 4-days of the approval of your Conditional Use Permit and Historic Design Reviews. Within five (5) business days of the approval of this project, the applicant shall file a Notice of Exemption. 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.

20. 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.

21. Non-compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2018-047 and Historic Design Review 2018-048 may be grounds for revocation of the CUP.

22. All Mariposa Public Utility District (MPUD) requirements for sewer and water connections shall be met prior to commencement of operation. Applicant shall provide evidence to Planning staff in the form of a letter from MPUD that this condition has been met prior to opening for business.
23. The project site shall be maintained and operated in such a manner as to not create nuisances in the form of odors, noise, dust, solid waste, or light. The project site shall be maintained in a neat, clean, and orderly manner at all times.