
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2004-48

A resolution approving Use Permit Determination No. 2004-177 for Michael and Christine Lopez, Applicants and George Pearce, Agent. Assessor Parcel Number 016-140-010.

WHEREAS a Use Permit Determination application was submitted by George Pearce acting as agent for Michael and Christine Lopez on September 9, 2004; and

WHEREAS the proposal includes the conversion of an existing building into an antique store; 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 pursuant to Section 15303 of CEQA Guidelines that the project is exempt from review pursuant to the California Environmental Quality Act, as the project is the conversion of an existing small structure; 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 duly noticed public hearing was scheduled for the 3rd of December, 2004; and

WHEREAS a Staff Report for the Use Permit Determination was 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 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 approve a Notice of Exemption; and

BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve the application for Use Permit Determination No. 2004-177.

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.

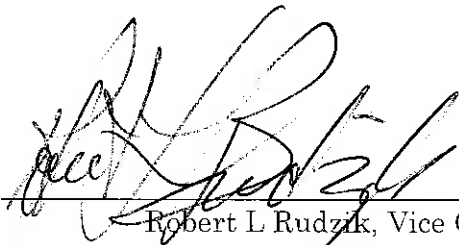
ON MOTION BY Commissioner Lyle Turpin, seconded by Commissioner Denise Livingston; this resolution is duly passed and adopted this 3rd day of December, 2004 by the following vote:

AYES: Commissioners Ludington, Rudzik, Skyrud, and Turpin

NOES: None


ABSENT: Commissioner Susan Crain

ABSTAIN: None



Robert L Rudzik, Vice Chair
Mariposa County Planning Commission

Attest:



Tracy Gauthier, Secretary to the
Mariposa County Planning Department

EXHIBIT 1
PROJECT FINDINGS
FOR
USE PERMIT DETERMINATION #2004-177

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

1. **FINDING:** The project is suitable and a proper use in the Catheys Valley Town Planning Area, 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 the conversion of an existing building into an antique store. There are existing commercial enterprises adjacent to the project site. Antique stores are a permitted use in Town Planning Areas under County Zoning Ordinance Section 17.076.020.A.1.b.(1). The project will use an existing on-site well and septic system and will not impact any sensitive environmental resources.

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

EVIDENCE: The project site is an existing parcel with an existing building. There is sufficient area on site for parking for the proposed antique store. There is an existing road accessing the property. There will be no major physical changes to the property; the only physical change will be the grading of an area for a small parking area.

3. **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 the conversion of an existing building into an antique store. It will not emit vibrations, offensive odor, smoke, dust, or bright lights. No explosive or dangerous materials are foreseen to be used. The antique store is a permitted use in Town Planning Areas under County Zoning Ordinance Section 17.076.020.A.1.b.(1).

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 Town Planning Area, with a General Plan and zoning designation of the same. The County General Plan

Land Use Element states Town Planning Areas are considered 'centers of service, commerce, industry, and population.' 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-1) zone. The CN-1 zone under Section 17.076.020.A.1.b.(1) states retail sales of antiques is a permitted use. The project will have to comply with applicable County Zoning Ordinances pertaining to parking, signs, lighting, and use.

ZONING ORDINANCE REQUIRMENTS

USE PERMIT DETERMINATION NO. 2004-177

1. The project shall comply with Mariposa County Zoning Ordinance Section 17.108.120; Parking requirements.
2. The project shall comply with all pertinent sections of the Mariposa County Zoning Ordinance Section 17.76.020; development standards for the Neighborhood Commercial Zone-1.