

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

AGENDA DATE: 12/5/00  
AGENDA ITEM NO.: 8C

DEPARTMENT: Planning

By: Skip Strathearn  
Associate Planner

Phone: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes \_\_\_ No X

1) Adopt Mitigated Negative Declaration for General Plan/Zoning Amendment 2000-6. 2) Adopt Resolution amending General Plan pursuant to GP/ZA 2000-6. 3) Waive first reading and introduce an ordinance amending zoning ordinance pursuant to GP/ZA 2000-6 with the recommended findings. The amendment, as recommended by the Planning Commission, would allow additional uses to be considered within the Greeley Hill Business District Overlay (BDO) subject to the conditional use permit process. 4) Adopt a mitigated negative declaration for Conditional Use Permit No. 269. 5) Adopt a Resolution approving CUP No. 269 (30,000-gallon bulk propane tank) with recommended findings and conditions. The Planning Commission recommends approval of the GP/ZA and conditional use permit.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- The Business District Overlay was approved by the Board on March 14, 2000 as GP/ZA 99-3.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- ALTERNATIVES:
- 1) Revise text amendment language and require the additional uses to be allowed within the BDO subject to the use permit determination process, not conditional use permit process.
  - 2) Amend conditions for CUP
  - 3) Deny the text amendment and leave the BDO unchanged.
  - 4) Deny conditional use permit for bulk propane project

NEGATIVE ACTION: If amendment is not approved, zoning in the BDO would remain unchanged. The proposed uses would continue to be prohibited in the Greeley Hill BDO.

<p>COSTS: (X) Not Applicable</p> <p>A. Budgeted Current FY \$ _____</p> <p>B. Total anticipated Costs \$ _____</p> <p>C. Required additional funding \$ _____</p> <p>D. Internal transfers \$ _____</p> <p>COSTS: ( ) 4/5th Vote Required</p> <p>A. Unanticipated revenues \$ _____</p> <p>B. Reserve for Contingencies \$ _____</p> <p>C. Source Description \$ _____</p> <p>Balance in Reserve Contingencies, If Approved: \$ _____</p>	<p><b>SPECIAL INSTRUCTIONS</b></p> <p>List the attachments and number the pages consecutively:</p> <p>Memorandum to Board with Attachments</p> <p>Attachment 1 PC Resolution, Staff Report to Planning Commission, Initial Study for GP/ZA 2000-6</p> <p>Attachment 2 PC Resolution, Staff Report to Commission, Initial Study for Conditional Use Permit No. 269</p> <p>Attachment 3 Draft Ordinance approving Zoning Amendment; Draft Resolution approving General Plan amendment</p> <p>Attachment 4 Draft Resolution approving Conditional Use Permit No. 269</p> <p>Attachment 5 Planning Commission minutes</p>
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CLERK'S USE ONLY

Res. No.: 00-422 Gen Plan Ord. No.: \_\_\_\_\_  
00-423 CUP

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

**MARIPOSA COUNTY BOARD OF SUPERVISORS  
RESOLUTION NO. 2000-423**

**A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 269**

**WHEREAS**, the County received an application for a 30,000-gallon bulk propane storage facility to be considered within the Business District Overlay subject to the Use Permit Determination process; and

**WHEREAS**, this application was considered by the Planning Commission and Board of Supervisors concurrently with General Plan/Zoning Amendment 2000-6 pursuant to concurrent processing provisions established by Section 17.08.210, Mariposa County Zoning Ordinance; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing regarding the conditional use permit in accordance with County and State requirements; and

**WHEREAS**, the Planning Commission recommends that the bulk propane storage facility be subject to the conditional use permit process instead of the use permit determination process; and

**WHEREAS**, the Board of Supervisors held a duly noticed public hearing on the conditional use permit in accordance with County and State requirements.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Supervisors hereby approves Conditional Use Permit No. 269.

**BE IT FURTHER RESOLVED**, this approval is based on the findings mandated by Section 17.112.040 of Mariposa County Code as stated and discussed in Exhibit A.

**BE IT FURTHER RESOLVED**, the conditional use permit is approved with the conditions as stated in Exhibit B.

**BE IT FINALLY RESOLVED**, the Board of Supervisors adopts a Mitigated Negative Declaration for the project in accordance with the California Environmental Quality Act as shown in Exhibit C.

**PASSED AND ADOPTED** by the Mariposa County Board of Supervisors on this 5<sup>th</sup> day of December, 2000 by the following vote:


AYES:            Balmain, Stewart, Pickard

NOES:            None

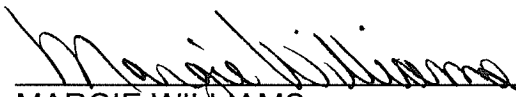
ABSTAINED:    Reilly

EXCUSED: Parker

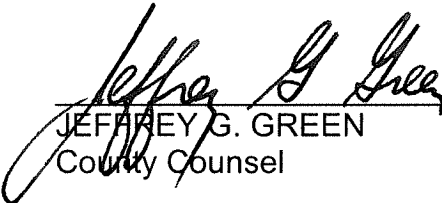
NOT VOTING: None

  
\_\_\_\_\_  
Doug Balmain, Vice Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN  
County Counsel

## RESOLUTION EXHIBIT A

### Findings for Conditional Use Permit No. 269

**1. *“That adequate open space is being provided”***

The proposed bulk propane tank will cover roughly 600 sq. ft. of the 3.17-acre parcel. Adequate open space is provided.

**2. *“That the site is physically suited for the proposed development”***

The site provides adequate location for the tank as well as adequate ingress/egress for delivery trucks. The site is physically suited for the proposed development.

**3. *“That adequate provisions have been made for sewage disposal and handling of solid waste”***

The bulk propane tank facility will require no septic disposal and an insignificant amount of solid waste would be generated.

**4. *“That the proposed development will have adequate potable water for public use and fire protection”***

There will be no requirement for potable water at the site.

**5. *“That the project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses”***

The required setback from Holtzel Road is 55 feet from centerline of the roadway and 25 feet from the edge of the property line. The required side yard setback is 25 feet. The site plan for the proposed tank shows that it will meet all setback requirements from Holtzel Road and property lines.

**6. *“That appropriate access is available or is proposed to the development”***

Access to the site is from Holtzel Road. This encroachment meets county standards and is adequate for fire protection vehicle ingress/egress.

**7. *“That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan”***

Greeley Hill is a Town Planning Area without a specific plan. The installation of the bulk propane tank in this area is inconsistent with the General Plan and current zoning, and will require the approval of General Plan/Zoning Amendment 2000-6

for its allowance. The project is consistent with Land Use Goals D and I of the general plan.

8. ***“That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns”***

The project will not have a significant effect on the environment because mitigation measures have been proposed that when implemented will eliminate or reduce potential significant effects to a less than significant level.

9. ***“That 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, and 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”***

The project will not be detrimental to the health, safety, morals, comfort and general welfare of people living or working in the neighborhood, nor will it be injurious or detrimental to property in the neighborhood or the general welfare of the county. The project will be required to comply with all fire safe measures as identified by the county fire chief, and complete a Business Plan under the Certified Unified Program Agencies program. The project will also be required to screen the propane tank from roadways and neighboring properties to the maximum extent possible.

## RESOLUTION EXHIBIT B

### Conditions of Approval for Conditional Use Permit No. 269

1. This Use Permit is approved for the purpose of installing a 30,000 bulk propane storage facility for satellite delivery at 6364 Greeley Hill Road (APN 004-580-018) in the Greeley Hill Town Planning Area.
2. The propane tank shall be painted a light, earth tone color such as off-white or tan.
3. Prior to the issuance of a grading or building permit the project applicant shall submit a complete Business Plan and Emergency Notification Plan under the Certified Unified Program Agencies (AB 2185) program to the Mariposa County Health Department for review and approval. The plans shall be approved and implemented prior to finalizing the building permit.
4. Prior to the issuance of a grading or building permit, the project applicant shall submit a screening plan, which may include landscaping and/or fencing that will provide a screen of the bulk propane tank to the maximum extent possible from the viewshed of Holtzel Road. If fencing is used for the purpose of screening the tank prior to maturity of vegetation, the fencing shall be of natural materials and a maximum of six (6) feet in height. Screen trees and shrubs shall be coniferous, a combination of slow, medium and fast to rapid growing, 15 gallons in size at time of planting (for trees), 5 gallons in size (for shrubs, drought tolerant or low water requiring). Landscaping shall be irrigated and maintained for the life of the project. The screening plan shall be approved by the Planning Director prior to the issuance of a grading or building permit and landscaping and fencing installed prior to finalizing the building permit.
5. Prior to the issuance of a building permit, the project applicant shall contact the Mariposa County Fire Department for verification of current fire protection development requirements. The project design, construction and operation shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and/or standards of the fire department. Compliance with applicable regulations shall be verified by the Mariposa County Fire Department prior to finalizing the building permit.
6. Prior to the issuance of a building permit for the bulk propane tank the Planning Director shall receive a memorandum from the County Fire Chief stating approval of a fire protection program which meets the requirements of the Mariposa County Fire Department. The fire protection measures shall be implemented prior to finalizing the building permit and shall remain in effect for the life of the project.
7. If additional grading, beyond excavation for footings for the propane tank, is required to implement the bulk propane tank project, a member of Planning Department staff shall be on-site and if evidence of cultural artifacts occurs all work shall cease. The project applicant shall contract with a qualified archaeological specialist to determine if any artifacts discovered during construction are a historical or unique archaeological resource. The

archaeological specialist shall determine appropriate actions to mitigate impacts to the resource(s). Actions may include moving the location of the tank site to avoid the resource, or other actions to permanently protect the resource.

8. All exterior lighting fixtures shall be of a hooded type, and shall be designed and located so as to confine lighting directly on the premises. The lighting fixtures shall be the minimum intensity necessary to adequately light the area. A lighting plan and the design of the lighting fixtures shall be submitted to the Planning Department prior to issuance of a building permit for the project.
9. All signage for the project shall be in conformance with Section 17.76.020.D., Mariposa County Zoning Ordinance. The Planning Department shall approve project signage prior to the issuance of a building permit.
10. No advertising, including the business logo, shall be allowed on the propane tank.
11. No on-site storage of residential propane tanks nor on-site retail sales of propane from the 30,000 propane tank shall be allowed.
12. The applicant shall verify with PG&E that the location of the bulk propane tank meets any special setback standards from power lines as prescribed by PG&E. The applicant shall provide the Planning Department with evidence of verification prior to the issuance of a building permit.
13. Prior to the issuance of a building or grading permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.
14. Conditional Use Permit #269 shall be considered null and void if the project is not fully implemented within three (3) years from the date of Planning Commission approval.

RESOLUTION EXHIBIT C

FILED

MARIPOSA COUNTY  
NEGATIVE DECLARATION

DEC 08 2000

(Pursuant to California Administrative Code, Section 15079)

Don Z. Phillips

COUNTY CLERK

BY DEPUTY CLERK  
Cindy A. Dale

APPLICANT/APPLICATION: Conditional Use Permit No. 269  
Thomas & Alice Deutsch

PROJECT DESCRIPTION: Installation of a 30,000 bulk propane tank facility at 6364 Greeley Hill Road within the Business District Overlay of the Greeley Hill Town Planning Area.

No significant effect is based on the following findings:

- (1) No unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to adversely affected;
- (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected;
- (3) The project will not result in a significant dislocation of people;
- (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels;
- (5) The project will not breach any published national, state or local standards relating to solid waste or litter control;
- (6) The project will not have a substantial and demonstrable negative aesthetic effect;
- (7) The project will not create hazards including but not limited to flooding, erosion, or siltation;
- (8) The project is not subject to major known geologic hazards;
- (9) The project will not result in the need for public services beyond those presently available or proposed in the near future;
- (10) The project will not have a significant growth-inducing impact;
- (11) The project does not appear to generate major environmental controversy.

No significant effect is based on review procedures of the following County Departments or Divisions:

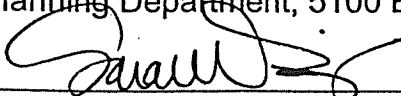
- |                                     |                     |                                     |                          |
|-------------------------------------|---------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/>            | Building Division   | <input checked="" type="checkbox"/> | County Health Department |
| <input checked="" type="checkbox"/> | Planning Commission | <input checked="" type="checkbox"/> | Public Works Department  |

Other: County Fire

No significant effect is based on additional conditions as follows:

See attached Mitigation Measures

Initial Study was prepared by Skip Strathearn, Associate Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338

  
SARAH WILLIAMS, Planning Manager  
Mariposa County Planning Department

12/8/00  
Date



## **CONDITIONAL USE PERMIT NO. 269 MITIGATION MEASURES**

1. The propane tank shall be painted a light, earth tone color such as off-white or tan.
2. Prior to the issuance of a grading or building permit the project applicant shall submit a complete Business Plan and Emergency Notification Plan under the Certified Unified Program Agencies (AB 2185) program to the Mariposa County Health Department for review and approval. The plans shall be approved and implemented prior to finalizing the building permit.
3. Prior to the issuance of a grading or building permit, the project applicant shall submit a screening plan, which may include landscaping and/or fencing that will provide a screen of the bulk propane tank to the maximum extent possible from the viewshed of Holtzel Road. If fencing is used for the purpose of screening the tank prior to maturity of vegetation, the fencing shall be of natural materials and a maximum of six (6) feet in height. Screen trees and shrubs shall be coniferous, a combination of slow, medium and fast to rapid growing, 15 gallons in size at time of planting (for trees), 5 gallons in size (for shrubs), drought tolerant or low water requiring. Landscaping shall be irrigated and maintained for the life of the project. The screening plan shall be approved by the Planning Director prior to the issuance of a grading or building permit and landscaping and fencing installed prior to finalizing the building permit.
4. Prior to the issuance of a building permit, the project applicant shall contact the Mariposa County Fire Department for verification of current fire protection development requirements. The project design, construction and operation shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and/or standards of the fire department. Compliance with applicable regulations shall be verified by the Mariposa County Fire Department prior to finalizing the building permit.
5. Prior to the issuance of a building permit for the bulk propane tank the Planning Director shall receive a memorandum from the County Fire Chief stating approval of a fire protection program which meets the requirements of the Mariposa County Fire Department. The fire protection measures shall be implemented prior to finalizing the building permit and shall remain in effect for the life of the project.
6. If additional grading, beyond excavation for footings for the propane tank, is required to implement the bulk propane tank project, a member of Planning Department staff shall be on-site and if evidence of cultural artifacts occurs all work shall cease. The project applicant shall contract with a qualified archaeological specialist to determine if any artifacts discovered during construction are a historical or unique archaeological resource. The archaeological specialist shall determine appropriate actions to mitigate impacts to the resource(s). Actions may include moving the location of the tank site to avoid the resource, or other actions to permanently protect the resource.
7. No advertising, including the business logo, shall be allowed on the propane tank.

## MITIGATION MONITORING

The implementation of these measures will be monitored through the building or grading permit process.

**Measures 1-6)** Building and/or grading permits will not be issued and/or finalizing of building or grading permits will not occur until the measures have been implemented.

**Measure 7)** The finalizing of the building permit will not occur if advertising signage is placed on the tank. This measure will be monitored through intermittent Planning Staff inspection throughout the life of the project.