

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

Resolution

No. 2020-009

**A resolution approving Conditional Use Permit No. 2020-043 with a finding that the project is exempt from Environmental Review. Jerry Wagner, applicant. Assessor's Parcel Number 013-144-014.**

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WHEREAS, a Conditional Use Permit application was received on May 15, 2020 from Jerry Wagner for a property located at 5350 Highway 140 in the Town of Mariposa, also known as Assessor Parcel Numbers 013-144-014; and

WHEREAS, the Conditional Use Permit proposes to convert the use of the project site from a general commercial use to residential use; and

WHEREAS, the parcel is located in the General Commercial zone and land use classification of the Mariposa Town Planning Area Specific Plan; and

WHEREAS, the parcel is adequately served with water and sewage utilities by the Mariposa Public Utility District; and

WHEREAS, the proposed residential use is a conditional use in accordance with County zoning and land use designations; and

WHEREAS, the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; 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 Planning Commission public hearing was scheduled for July 24, 2020; 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 Notice of Exemption and Staff Report and the comments of the applicant. An opportunity for public comment was provided, however, no public comment was received.

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 pursuant to California Environmental Quality Act, Section 15301(a) – Minor Alterations of Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit Application No. 2020-043.

BE IT FINALLY RESOLVED THAT the project is approved based on the findings set forth in Exhibit 1 and the conditions set forth in Exhibit 2.

ON MOTION BY Commissioner Herman, seconded by Commissioner McCamman, this resolution is duly passed and adopted this July 24, 2020 by the following vote:

AYES: Walls, Herman, Harris, McCamman

NAYS:

ABSENT: Sweeney

ABSTAIN:



Larry Harris, Chairman  
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the  
Planning Commission

## ***Exhibit 1 - Recommended Findings for CUP 2020-043***

In accordance with Section 17.112.050 of the Mariposa County Zoning Code, the following findings are made for Conditional Use Permit Application No. 2020-043:

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

EVIDENCE: The existing facility is 1,430 square feet and proposed parking will cover 648 square feet of the approximate 8,300 square foot parcel. The single-family development will only account for seventeen percent (17%) of the total area.

2. FINDING: The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

EVIDENCE: The project proposes to utilize the existing structure and parking which are physically situated entirely onsite. The existing arrangements are adequate to support the proposed change of use to residential.

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 Environmental Health Unit 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 and existing structures meet 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 Highway 140, which is maintained by Caltrans. The applicant has proposed to use three (3) existing on-site parking stalls. Vehicles currently access the site via an existing Highway 140 encroachment (driveway). No additional impacts due to the change in land use are anticipated as a result of this project.

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: 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. The proposed residential use is a conditional use within the General Commercial Zone, and the proposal is consistent with the policies and standards of the General Plan and County Code 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: This project has been found to be exempt from the California Environmental Quality Act (CEQA) based on the Categorical Exemption defined in Section 15301 (a) of the CEQA guidelines, which exempts minor changes to existing structures. This project proposes minor changes to the interior of an existing building and will not have a significant impact on the environment. The conditions attached to this approval are established to address the aesthetic quality, safety 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 - Recommended Conditions of Approval for CUP 2020-043***

The following conditions of approval are applied to this project in order to ensure compliance with all applicable codes and policies.

### General Conditions

1. Conditional Use Permit No. 2020-043 is approved for the change of an existing commercial use to a residential use, which includes the interior conversion of the office space, located at 5350 Highway 140 in the Town of Mariposa (APN 013-144-014), to a single family residence. No exterior changes are approved.

(Section 17.112.040, Section 17.067.010 and Section 17.066.010 of Mariposa County Zoning Ordinance)

2. The applicant has three (3) years to implement the project, until July 24, 2023. The applicant may request one or more time extensions of up to eighteen (18) months (Section 17.08.170 of Mariposa County Zoning Ordinance)

3. Prior to any residential use of the property, a written verification from the Building Department authorizing residential occupancy in the form of a Certificate of Occupancy or letter from the Building Department to the Planning Director shall be submitted to the Planning Director.

(Mariposa Planning Recommendation)

4. No changes to the approved site plan, no new signs, no new exterior lighting, and no exterior changes to the building or site shall be permitted without review by and written approval of the Planning Director pursuant to applicable conditions for the project and/or an approved Design Review Application.

(Section 17.067.010 and Section 17.066.010 of Mariposa County Zoning Ordinance)

5. Prior to the issuance of a building permit or residential use of the property, all fees associated with the County's processing of this project and filing of associated documents shall be paid.

(Section 17.08.050 of Mariposa County Zoning Ordinance)

6. Prior to issuance of a Certificate of Occupancy or commencement of residential use, the Planning Director or her designee shall conduct a site inspection to ensure that all applicable conditions have been satisfied.

(Mariposa Planning Recommendation)

7. Noncompliance with any of the conditions of approval for Conditional Use Permit No. 2020-043 may be grounds for revocation of the approval.

(Mariposa Planning Recommendation)

### Additional Conditions

8. Applicant shall remove all signage for advertisement, parking or other commercial purposes. An onsite inspection by Planning Director or her designee shall be conducted to verify removal of commercial signage prior to commencement of residential use of the property.

(Mariposa Planning Recommendation)

9. 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. Any trash dumpster (permanent or temporary) shall be screened from view.

(Mariposa Planning Recommendation)

10. Premises identification shall be an approved reflective sign and visible from both directions along the frontage road prior to commencement of residential use of the property.

(Mariposa County Fire Department Requirement)

11. Prior to any residential use of the property, all applicable California Fire Regulations shall be met. A letter shall be submitted to the Planning Director by County Fire stating this condition has been met.

(Mariposa Planning Recommendation)