



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES-FINAL

MEETING DATE: October 7, 2022
TIME: 9:00 AM
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Commissioner Herman called the meeting to order at 9:00A.M. and announced that item 4A will be moved to item 5A.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Excused	
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

Commissioner Herman led the pledge.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – August 5, 2022 9:00 AM

By motion of Commissioner McCamman, seconded by Commissioner Wilmeth, the minutes of August 5, 2022 were approved as presented.

RESULT: (3-0)

AYES: Wilmeth, Herman, McCamman

ABSTAINED: Walls

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. Public Hearing: Resolution Approving Use Permit Determination No. 2022-061 with Findings, Including a Finding that the Project is Exempt from Environmental Review; Allison Sierra Inc., Applicant. the Use Permit Determination Proposes an Office, Shop and Outdoor Storage for a

Construction Company in the Bootjack TPA, located at 5052 Darrah Road in Bootjack, Also Known as Assessor Parcel Number 014-400-0050. This Item was Originally Noticed and Scheduled for 7/22/2022 (MT ID Ref #13160) But Continued to a Meeting that was Canceled. the Item was Publicly Noticed Again and Scheduled for 10/7/2022. 2022-PCRES-9 Planner: Katy Casner

Kaitlyn Casner, Planner II, presented the project along with a power point.

Public comment was heard from Steve Allison, Applicant.

By Motion of Commissioner McCamman, seconded by Commissioner Walls, the Planning Commission adopted a resolution and approved Use Permit Determination No 2022-061 as presented with findings, including a finding that the project is exempt from environmental review.

RESULT: (4-0)

AYES: Walls, Wilmeth, Herman, McCamman

6. PLANNING COMMISSIONER INFORMATION

Information was received by Commissioner Walls and Wilmeth.

7. INFORMATION ITEMS

Information was received by Deputy Director, Steve Engfer and County Surveyor, Russ Marks.

8. ADJOURN

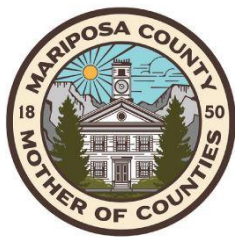
There being no further business the meeting was adjourned at 9:42 A.M.

Mick Herman, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

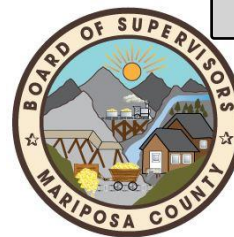
Note: Full audio recordings of the minutes are available from the Planning Department by request or online:

<http://mariposacountyca.igmp2.com/citizens/calendar.aspx?view=list>.



MARIPOSA COUNTY

Planning • 209-966-5151



5.A

MEETING: October 7, 2022

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Use Permit Determination No. 2022-061

Public Hearing: Resolution Approving Use Permit Determination No. 2022-061 with Findings, Including a Finding that the Project is Exempt from Environmental Review; Allison Sierra Inc., Applicant. The Use Permit Determination Proposes an Office, Shop and Outdoor Storage for a Construction Company in the Bootjack TPA, Located at 5052 Darrah Road in Bootjack, Also Known as Assessor Parcel Number 014-400-0050. This item was originally noticed and scheduled for 7/22/2022 (MT ID Ref #13160) but continued to a meeting that was canceled. The item was publicly noticed again and scheduled for 10/7/2022.

See attached.

ATTACHMENTS:

Staff Report (PDF)

Attachment A - Vicinity Map (PDF)

Attachment B - PC Resolution (PDF)

Attachment C - Site Plan & Elevations (PDF)

Attachment D - NOE (PDF)

Attachment E - Neighborhood Commercial Zone - 1 (Indoor) CN-1 (PDF)

Attachment F - Neighborhood Commercial Zone - 2 (Indoor and Outdoor) CN-2 (PDF)

PP Presentation (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: John McCamman, District V Planning Commissioner

SECONDER: Ed Walls, District I Planning Commissioner

AYES: Ed Walls, Jack Wilmeth, Mick Herman, John McCamman

EXCUSED: Deni Smith



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Kaitlyn Casner, Assistant Planner

Planning Commission Meeting Date: October 7, 2022

PROJECT: Use Permit Determination Application No. 2022-061

LOCATION: 5052 Darrah Road in Bootjack
Assessor Parcel Number 014-400-0050

APPLICANT: Allison Sierra Inc., applicant/owner

NOTICING: Gazette Ad: September 22, 2022
Mailed Notice: September 16, 2022
Posted Notice: September 16, 2022

COMMISSION ACTION

Staff recommends the Planning Commission adopt a resolution:
Approving Use Permit Determination (UPD) No. 2022-061 with findings including a finding that the project is exempt from environmental review.

BACKGROUND

History: This project was scheduled for the July 22, 2022, Planning Commission meeting. By request of the applicant, the Public Hearing was continued until August 19, 2022. This Planning Commission meeting was cancelled; therefore, this project was re-noticed for the October 7, 2022 Planning Commission meeting.

General Plan: Bootjack Community Planning Area – Interim Community Center. Sections 5.3.01.I(2). A. and B. detail the purpose and extent of uses of the Interim Community Center land use designation as follows:

A. Purpose

The Interim Community Center land use classification identifies lands 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 local residents, and (2) secondarily support tourism and County visitors.

Attachment: Staff Report (2022-PCRES-10 : Use Permit Determination No. 2022-061)

B. Extent of Uses

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”

Zoning:

Town Planning Area (TPA)

Pursuant to County Code Section 17.12.010, Town Planning Areas “...are the centers for industrial and commercial activity, and population concentration.”

The Bootjack Community Planning Area does not have a specific plan governing land use within its boundaries. Therefore, the land use regulations of the Rural Residential Zone (RRZ) apply in the interim. In addition to the uses permitted in the Rural Residential Zone, the uses listed as “permitted uses” in the Neighborhood Commercial-1 (CN-1) and Neighborhood Commercial-2 (CN-2) zones are permitted, subject to the Use Permit Determination process. Indoor offices and storage, as well as indoor and outdoor retail sales are considered a permitted use in the CN-2 zone. The CN-1 and CN-2 uses are intended to provide indoor and outdoor retail services to the small residential community.

There have been various Use Permit Determinations within the Bootjack TPA, including UPD 2002-454 that was approved for a 8,000 square foot building used for a construction company office, shop and storage on an adjacent parcel. During this UPD the Planning Director determined that the proposed uses were similar to CN-1 and CN-2 uses and compatible with the existing uses within the project vicinity. Copies of the Neighborhood Commercial – 1 and Commercial – 2 Zones are included as Attachment E & F.

The purpose of the use permit determination is to allow the proper integration of uses into a TPA without an adopted specific plan, which may be suitable only in specific locations. The proposed uses are similar to the CN-1 and CN-2 uses and compatible with the existing uses within the project vicinity.

Access:

Access is proposed off Darrah Road, a county maintained “Major Collector” road, and Bootjack Lane, a county maintained local road. The future building permit applications will be subject to encroachment permit requirements.

The existing single-family residence has an improved access existing off Darrah Road. The south half of the parcel is being utilized as a commercial storage yard currently and has improved access off Bootjack Lane.

Adjacent and Surrounding Land Uses:

The project site is surrounded by parcels with Interim Community Land Uses. There are several existing commercial uses in Bootjack, which include; a retail market, feed and equipment rental store, restaurant, veterinarian office, church, storage facilities, fire station, lumber store and fencing supply construction business.

The project site is across the street (Darrah Road, south) from a Veterinarian Office and across the street (Bootjack Lane, northeast) from a Painting/Construction company. Adjacent to the parcel there is a restaurant to the west, the Mariposa Fish & Game Protective Association Clubhouse to the northwest, a Sierra Tel (Telephone Company) building to the southeast and mixed residential uses surround the site in various directions. As measured from the project site, there is a residence about 297 feet to the northeast. There is also a residence about 195 feet to the south-east and another residence about 750 feet to the northwest.

PROJECT DESCRIPTION

Project:

The project proposes to develop a 7.2-acre parcel with a 2,640 sq. ft. office building, a 9,600 sq. ft. shop and approximately 5,000 sq. ft. of outdoor storage, all intended to be used for a construction company, located at 5052 Darrah Road in Bootjack (APN 014-400-0050). There is an existing 1-bedroom single family residence on site that the applicant intends to keep as a rental. Additionally, the area proposed to be the shop and outdoor storage is currently being utilized as a commercial storage yard.

The applicant plans to have 25 employees that are expected to create approximately 50-100 commercial trips per day by employees and clients. The applicant is proposing 24 paved parking spaces to accommodate clients and employees. Proposed hours of operation are five days per week (Monday through Friday) from 7 a.m. to 5 p.m.

Building:

The project includes the construction of a 2,640 sq. ft. office building and a 9,600 sq. ft. shop building.

Grading:

No grading is proposed as part of this application. Determination of grading requirements will be made at the time of building permit application.

Parking:

The Zoning Ordinance sections that apply to this parcel of land do not contain a list of required parking ratios. The Zoning Ordinance sections that apply to the Town of Mariposa does contain a list of parking ratio requirements that can be used as guidance for review of the parking requirements. See chart below.

Use	Required Parking pursuant to Section 17.336.030, Title 17	Proposed on-site parking by applicant

Single Family Residence	2	8
Professional office space	7.5 (1 for every 350 sq. ft.)	
Manufacturing, processing, fabrication, and warehouse use	11 (1 for each 1000 sq. ft. gross floor area + 1 for each 2000 sq. ft. of exterior activity + 1 for each 5000 sq. ft. of exterior storage)	16
Total	20.5	24

Neighborhood Commercial Zone-1 is considered a similar zone, and a portion of the use being proposed is a similar use to the professional office use. Neighborhood Commercial Zone-2 is considered a similar zone, and a portion of the use being proposed is similar in use to the manufacturing, processing, fabrication, and warehousing use. Therefore, staff considers the project to have sufficient parking for the proposal.

The applicant proposed two parking areas on the site plan; one area (by the office and accessed off Darrah Road) contains 8 spaces and the other area (closer to and accessed off Bootjack Lane) contains 16 spaces.

Lighting:

If this UPD is approved, the use would be subject to the lighting standards of the International Dark-Sky Association and Section 17.76.020.E of Mariposa County Code (Neighborhood Commercial Zone-1). Project compliance with these standards will be reviewed at the building permit stage. This section of code requires that:

1. All exterior lighting shall be designed and located so as to confine lighting directly to the premises and shall not shine light upon other properties in the vicinity. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.
2. A lighting plan showing the design and location of all exterior lights shall accompany all development permit applications and shall include all information deemed necessary by the planning director. The lighting plan shall be approved by the planning director prior to issuance of the development permit. All exterior lighting shall comply with the approved lighting plan and non-compliance with the approved lighting plan or this section shall be considered a violation.

Signs: All signs must comply with the standards set forth in the Zoning Ordinance, Chapter 17.76.020.D. Applicant has submitted plans for one (1) 4 foot by 8-foot sign with no lighting and a white background and green lettering including the ASI logo.

PROJECT ANALYSIS

Use Permit Determination Process:

The project is being reviewed pursuant to the standards of Mariposa County Code Title 17, Zoning Ordinance, Chapter 17.116, Use Permit Determinations.

Pursuant to this section of code, the:

“...purpose of the use permit determination is to allow the proper integration of uses into a TPA without an adopted specific plan, which may be suitable only in specific locations, or only if such uses are designed or arranged on the site in a particular manner. The intent is to permit and control uses which have the potential to be socially, economically, or environmentally incompatible with a surrounding area.”

A use permit determination is not a conditional use permit, and the Planning Commission’s options for action on the application are limited. Applicable code states,

“In considering an application, the planning commission shall give due regard to the nature and condition of adjacent properties, uses, and structures, and to the area affected by the proposed use.”

“The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, 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.”

“If the planning commission finds, based upon factual evidence adduced at the hearing that the aforementioned conditions will not be objectionable and will not create a private or public nuisance based upon the above criteria, it shall grant approval.”

“If the planning commission is unable to make the required findings, the proposed use shall be subject to the provisions of the conditional use permit process.”

Based upon county code, the Planning Commission has two options for action on a use permit determination application. The Commission may approve the project as proposed or the Commission may require that the project go through a

conditional use permit process. The Commission does not have the authority to apply conditions to a use permit determination application, unless the conditions exist in code.

A conditional use permit process is a discretionary process, environmental review is required pursuant to California Environmental Quality Act (CEQA), and the planning commission may apply conditions to a conditional use permit or may deny a conditional use permit.

**Basis for the
Analysis:**

As stated above, the Planning Commission must determine whether the proposed use, under the circumstances of the particular case, will be objectionable by reason of noise, odors, smoke, dust, bright lights, vibrations, or the use of explosives or dangerous materials. In some particular cases, this determination might be simple if a use involved the handling of explosive materials, or had on site equipment that would obviously cause vibrations or excessive noise. When such a simple determination is not obvious another measure needs to be used for determining whether there are objectionable factors caused by the particular use.

Objectionable Factors:

Noise:

Noise from the project will come from different sources. With the proposed office (commercial), the customer and employee traffic to and from the site will generate automobile related noise. The business hours for the use are between the hours of 7:00 a.m. and 5:00 p.m., five days a week, which will result in an increase in traffic onto the project site, and therefore a slight increase in noise, above a residential use, could result. The proposed shop has the potential to create noise, through intermittent tool noises as vehicles and equipment are repaired, however, the impact will be lessened with the activity being within the shop, minimizing the sound onto adjacent parcels.

The project site is in the Interim Community Center Land Use and Town Planning Area zone. The site is near other commercial uses. With the hours of operation during the daytime hours, little if any noise will be created by the use between 7:00 p.m. and 5:00 a.m., which are the most sensitive hours for noise impacts. The use, therefore, will not result in objectionable noise over the existing noise created by Highway 49, Darrah Road, Cole Road, and nearby commercial uses.

Odor:

The proposed office building and shop is not expected to create more odor than a residential use would.

Smoke:

The proposed use does not, by its nature produce smoke.

Dust:

A natural outcome of living in a rural area, where many roads and driveways are gravel, is the dust created by traffic and other activities. As with permitted residential uses, traffic from the project site may produce dust. Encroachment

permit requirements include paved surfaces that will substantially reduce dust. Additionally, the use of a construction office in and of itself does not produce a constant flow of ingress and egress that is normally associated with production of dust.

The proposed project site access driveway and parking lots are proposed to either be paved with asphalt or graveled.

Lighting:

General Plan Policy 11-1d states: “Ensure that light sources in new development are compatible with rural character and that the light sources do not produce glare that interferes with vision.”

A significant effect, or an objectionable circumstance, would be if the proposed use had the potential to introduce “bright lights” that impact off-site parcels.

If this UPD is approved, the use would be subject to the lighting provisions of Section 17.76.020.E of the Neighborhood Commercial Zone 1, Title 17, Zoning, at the Building Permit stage for any new proposed light fixture. This section of code requires that all exterior lighting be designed and located so as to confine the lighting directly to the premises and not shine on other properties in the vicinity. As part of the development permit application, the applicant will be required to provide a lighting plan that meets the zoning requirements. This lighting plan must be approved by the Planning Director, and non-compliance with the lighting plan would be a Zoning Ordinance violation.

Vibrations:

Nothing within this application would indicate that there would be significant vibrations produced by the use. Therefore, the project will not be objectionable due to vibrations.

**Explosives/
Dangerous Mat’l.**

No explosives or dangerous materials are proposed.

Other Considerations:

Visual:

The Bootjack Community Planning Area has no building design standards, and the county has no mechanism for governing the design of project improvements for the Use Permit Determination. There are provisions in the CN-1 & CN-2 uses for lighting and signage.

Traffic:

Traffic generated by the use will result from the arrival and departure of the twenty-five employees, and clients. The project site is located off Darrah Road, which feeds onto Highway 49, and Bootjack Lane, which feeds onto Darrah Road. Darrah Road and Bootjack Lane are County maintained paved roads and are improved with two 10-foot travel lanes. Both roads have adequate capacity to accommodate additional traffic generated by this use.

Access: The project is proposing an entrance to the shop off Bootjack Lane and an entrance to the office and single-family residence off Darrah Road, both which will be required to be built to commercial encroachment standards. Both proposed access points are currently improved with gravel entrances.

General Plan Consistency: The Bootjack Community Planning Area does not yet have and is not scheduled for an adopted Area Plan and is referred to as a Planning Area of the General Plan.

The existing specific land use for the site is Interim Community Center. 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.I.I(2).A of the General Plan. The proposed business is a local construction company which is a limited scope business that provides construction services to both local community projects and for infrastructure improvements that supports tourism including capital improvement projects in Yosemite National Park and surrounding areas.

Informational Only: The General Plan lists the land uses consistent with a Community Planning Area as: single-family residential, rural commercial, recreation/resort-oriented, small business and public. Multi-family residential uses with more than two attached dwelling units per structure are not consistent residential uses within community planning areas; live-work commercial/residential uses are acceptable.

Building Permit Application: The applicant will need to submit a building permit application for the construction of the proposed structure. Plans will be required to meet all applicable California Building Code standards. Any septic disposal requirements will also have to be met through the Building Permit process and will have to meet all Health Department requirements. Planning will ensure that all Zoning Code requirements are met prior to sign-off.

Agency Comments: Comments were received from Public Works and the Environmental Health Department and the Southern Sierra Miwuk Nation.

Public Works commented that the applicant will be required to apply for an encroachment permit as they are changing the use from residential to commercial. Additionally, both proposed access points will be addressed at time of building permit and encroachment permit application.

Environmental Health stated that they have no concerns or comments.

Southern Sierra Miwuk Nation requested in the case of inadvertent findings during construction, to be notified as soon as possible for reasons of documentation and supervision.

Public Comments: None as of the publication of this staff report.

Environmental Review: Staff recommends filing of a Notice of Exemption for this project based upon Section 15061 of the California Environmental Quality Act (CEQA) Guidelines. There are existing permit processes in place, including Building Permits for future structures and grading and Encroachment Permits process for the proposed improved encroachments off a county-maintained road, which are required prior to installation, to ensure that all potential impacts associated with the project will be addressed by the appropriate agencies. Both County-maintained roads have been determined to have adequate capacity for the proposed additional traffic and the majority of employees will not be working on site. The project site is a large parcel with similar uses surrounding it and there will be minimal grading as the site topography is gentle slopes with less than 5 percent grade in the majority of areas. Additionally, Mariposa County Code has standards in place for any proposed lighting and signage.

Conclusion: In conclusion, while staff acknowledges that this use does represent a change on-site from what exists there today, staff recommends that the Planning Commission give due consideration to the TPA zoning on-site, the existing General Plan policies for the Interim Community Center Land Use, and the prior Planning Director determination.

Staff recommends that the Planning Commission find that office and construction buildings use have been previously determined to be similar to neighborhood commercial uses. Staff recommends that the Planning Commission find that the uses are appropriate on the project parcel.

ALTERNATIVE ACTIONS: If the Planning Commission cannot make the required findings, pursuant to County Code 17.116.050, the proposed use shall be subject to the provisions of the conditional use permit process specified in County Code 17.112.

See attached Resolution (Attachment B) for project findings.

Attachments:

- A. Vicinity Map
- B. PC Resolution Draft
- C. Site Plan & Elevations
- D. Notice of Exemption
- E. County Code 17.76 (CN-1)
- F. County Code 17.80 (CN-2)

Mariposa County Planning Department

Project Vicinity Map



0 100 200 Feet
1:2,400

PROJECT TYPE: Use Permit Determination 2022-061

APPLICANT: Allison Sierra Inc.

APN: 014-400-0050-00

SITE ADDRESS: 5052 Darrah Road, Mariposa, California 95338

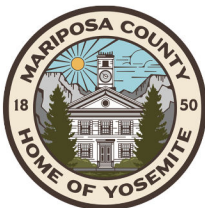
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Date: Wednesday, March 30, 2022

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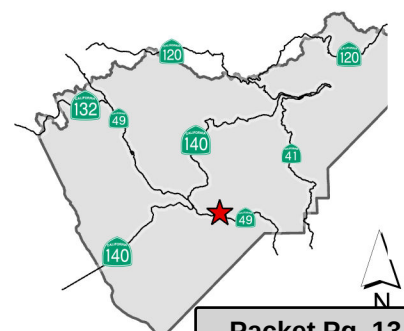
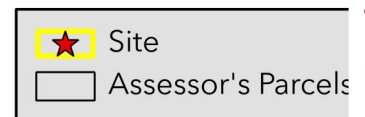
Assessor's Parcel Map Update: 08/2021

Map Credit: BEN OGREN, Sr. GIS Specialist



Mariposa County Planning Department
PO BOX 2039 5100 Bullion Street
Mariposa, California 95338-2039
209.966.5151 FAX 209.742.5024
mariposaplaning@mariposacounty.org
<http://www.mariposacounty.org/planning>

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.



Packet Pg. 13

Attachment: Attachment A - Vicinity Map (2022-PCRES-10 : Use Permit Determination No. 2022-061)

C:\Users\ibogren\Documents\ArcGIS\Projects\Use Permit Determination 2022-061\Map Documents\2022-061.aprx

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

Resolution

No. 2022- A resolution approving Use Permit Determination No. 2022-061 with findings, including a finding that the project is exempt from environmental review for Allison Sierra Inc., Applicant. Assessor Parcel Number 014-400-0050.

WHEREAS, Use Permit Determination No. 2022-061 was submitted on the 25th day of March, 2022; and

WHEREAS, the Use Permit Determination No. 2022-061 proposes to develop a parcel in the Bootjack Community Planning Study Area into a construction administrative office and shop, with outdoor storage; and

WHEREAS, the business currently employs approximately 25 employees, most of whom work off-site; 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 7th of October, 2022; 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.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby approve Use Permit Determination No. 2022-061.

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 is shown in Exhibit 2.

Attachment: Attachment B - PC Resolution (2022-PCRES-10 : Use Permit Determination No. 2022-061)

ON MOTION BY Commissioner, seconded by Commissioner, this resolution is duly passed and adopted this 7th day of October, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Department

EXHIBIT 1
FINDINGS FOR APPROVAL OF
USE PERMIT DETERMINATION NO. 2022-061

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 Bootjack Community 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: Use Permit Determination No. 2022-061 proposes the construction of a 2,640 sq. ft. office building, 9,600 sq. ft. shop and approximately 5,000 sq. ft. of outdoor storage. The applicant proposes to operate a construction company on a 7.2 acre parcel located at 5052 Darrah Road in Bootjack (APN 014-400-0050). The site zoning is Town Planning Area (Bootjack). The Land Use is Interim Community Center.

Indoor offices and storage, as well as indoor and outdoor retail sales are a permitted use in Town Planning Areas under County Zoning Ordinance Section 17.12.010.B, Section 17.076.020 and Section 17.080.010. The proposed use is similar to or compatible with the existing uses on the property and in the general area of the project site. The project proposed an 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 developed parcel with one single family residence with a dirt driveway to Darrah Road. There is sufficient area on site for parking for the office use. The project site has an existing storage yard and dirt driveway to Bootjack Lane. The permit process, involvement of affected agencies and County departments, 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.

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 similar to or compatible with the existing uses in the area. 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 and Bootjack Lane.

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

EVIDENCE: The project 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.I.I(2).A of the General Plan]. Further, Section 5.3.01.I(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 business is a local construction company which is a limited scope business that provides construction services to both local community projects and for infrastructure improvements that supports tourism including capital improvement projects in Yosemite National Park and surrounding areas.

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.

6. **FINDING:** The project has been found to be similar to permitted uses listed in the CN-1 (Section 17.76.020) and CN-2 (Section 17.80.020) zoning districts as well as compatible with existing nearby uses previously approved through use permit determination process within the Bootjack Town Planning area and pursuant to Mariposa County Zoning Ordinance Sections 17.08.120.

EVIDENCE: The proposed construction company use is hybrid of indoor administrative office activities, shop and outdoor storage for the materials and equipment to support the construction services offered. The office use, is similar to the CN-1 zone permitted uses of administrative or other similar professional offices, The proposed shop and outdoor storage function similarly to the retail and service commercial uses allowed in CN-1 and

CN-2 zone when there are outdoor sales areas such as hardware, nurseries or feed businesses that involve storage of materials including but not limited to plants, soil, wood chips, bulk landscaping materials, feed, pipe, lumber, rental equipment and other materials. The proposed construction company storage area would involve storage of similar equipment and materials. The proposed outdoor storage also functions similarly to the CN-2 service commercial use of automobile rental in that there are vehicles stored in a parking lot or “yard” which are moved in and out of the site as a matter of routine, in a similar fashion as equipment moving in and out of the site for the construction company. CN-2 zoning allows for outdoor sales and services when an integral part of the primary use, as would be the case for the construction company outdoor storage area. While the proposed use would not function as a retail sales yard, the proposed use would involve the storage of materials and goods that are provided to its construction customers as an integral part of the business. Generally, it is expected that the proposed use would not generate the same traffic as a retail operation would, as customers frequenting the site would be on a limited basis as compared to permitted retail uses allowed in the CN-1 and CN-2 zones.

Additionally, the proposed project will function similar to the various construction company offices, shops and storage businesses previously approved through the Use Permit Determination processer in the Bootjack TPA such as follows:

- Use Permit Determination 2017-047 (All Creatures Veterinary Hospital and Natural Environments contractors’ office and yard) for a veterinary clinic and admin office and material storage for a construction company approved by Planning Commission on June 5, 2017.
- Use Permit Determination 2002-454 (David Gerken) for a construction company office, shop and storage approved by Planning Commission on November 1, 2002.
- Use Permit Determination application for APN 014-220-065 (Bootjack Feed and Equipment Rental) for a small equipment rental and feed store with storage. Approved by Planning Commission on October 22, 1993.
- Use Permit Determination 2015-059 (Ranch Fence) for a real estate office, commercial fence office with over-the-counter sales and shop fabrication of fence materials approved by Planning Commission on September 25, 2015.
- Use Permit Determination 2019-119 (Twiss Realty & Ranch Fence) for a real estate office and administrative office for a fence company approved by Planning Commission on November 22, 2019.

Based on the preceding analyses, the uses proposed are similar to CN-1 and CN-2 uses and compatible with the existing uses within the project vicinity.

7. **FINDING:** The project will comply with applicable requirements and subsections of Mariposa County Zoning Ordinance Section 17.108.
8. **FINDING:** The project will comply with all pertinent sections of the Mariposa County Zoning Ordinance Section 17.76.020; development standards for the Neighborhood

Commercial Zone-1 and Mariposa County Zoning Ordinance Section 17.80.20; development standards for the Neighborhood Commercial Zone-2.

9. **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.
10. **FINDING:** The approved site plan will become null and void if the project is not implemented in 3 years (by October 7, 2025) pursuant to Section 17.08.170 of Mariposa County Code.

**ENVIRONMENTAL FINDINGS FOR
USE PERMIT DETERMINATION NO. 2022-061**

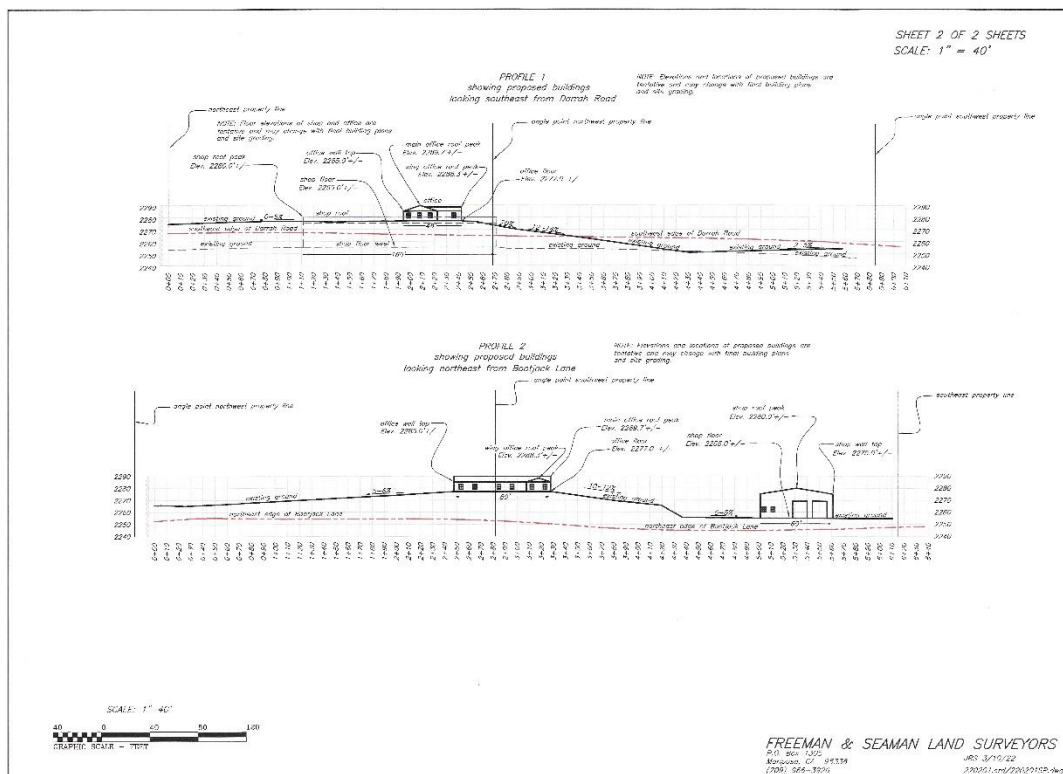
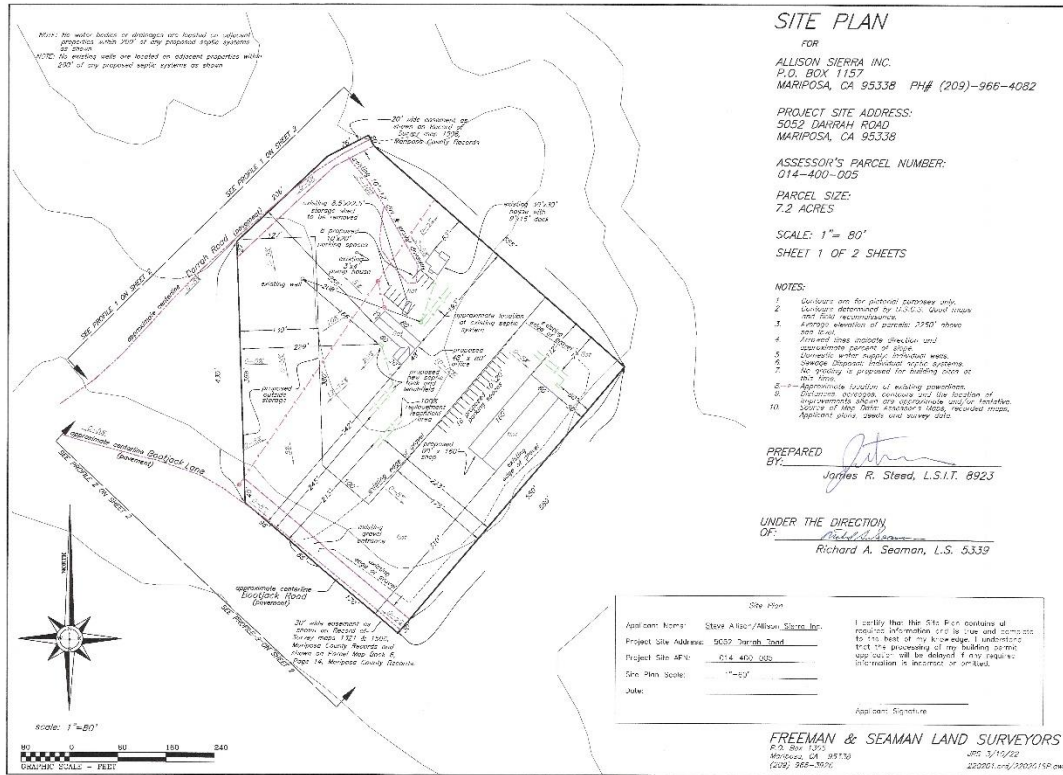
Pursuant to California Administrative Code, Sections 15061, it is found that:

The project is exempt from review pursuant to CEQA Guidelines Section 15061. The permit process required prior to construction/operation of the project will ensure that all potential impacts created by the project are reviewed and addressed by the appropriate agencies. There are existing permit processes in place, including Building Permits for future structures and grading and Encroachment Permits process for the proposed improved encroachments off a county-maintained road, which are required prior to installation, to ensure that all potential impacts associated with the project will be addressed by the appropriate agencies. Both County-maintained roads have been determined to have adequate capacity for the proposed additional traffic and the majority of employees will not be working on site. The project site is a large parcel with similar uses surrounding it and there will be minimal grading as the site topography is gentle slopes with less than 5 percent grade in the majority of areas. Additionally, Mariposa County Code has standards in place for any proposed lighting and signage.

EXHIBIT 2

APPROVED SITE PLAN

USE PERMIT DETERMINATION NO. 2022-061



SITE PLAN

FOR

ALLISON SIERRA INC.
P.O. BOX 1157
MARIPOSA, CA 95338 PH# (209)-966-4082

PROJECT SITE ADDRESS:
5052 DARRAH ROAD
MARIPOSA, CA 95338

ASSESSOR'S PARCEL NUMBER:
014-400-005

PARCEL SIZE:
7.2 ACRES

SCALE: 1"= 80'
SHEET 1 OF 2 SHEETS

NOTES:

1. Contours are for pictorial purposes only.
2. Contours determined by U.S.G.S. Quad maps and field reconnaissance.
3. Average elevation of parcels: 2250' above sea level.
4. Arrowed lines indicate direction and approximate percent of slope.
5. Domestic water supply: Individual wells.
6. Sewage Disposal: Individual septic systems.
7. No grading is proposed for building sites at this time.
8. -P- Approximate location of existing powerlines.
9. Distances, acreages, contours and the location of improvements shown are approximate and/or tentative.
10. Source of Map Data: Assessor's Maps, recorded maps, Applicant plans, deeds and survey data.

PREPARED BY:

James R. Steed, L.S.I.T. 8923

UNDER THE DIRECTION OF:

Richard A. Seaman, L.S. 5339

Site Plan

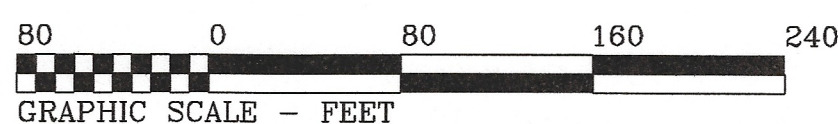
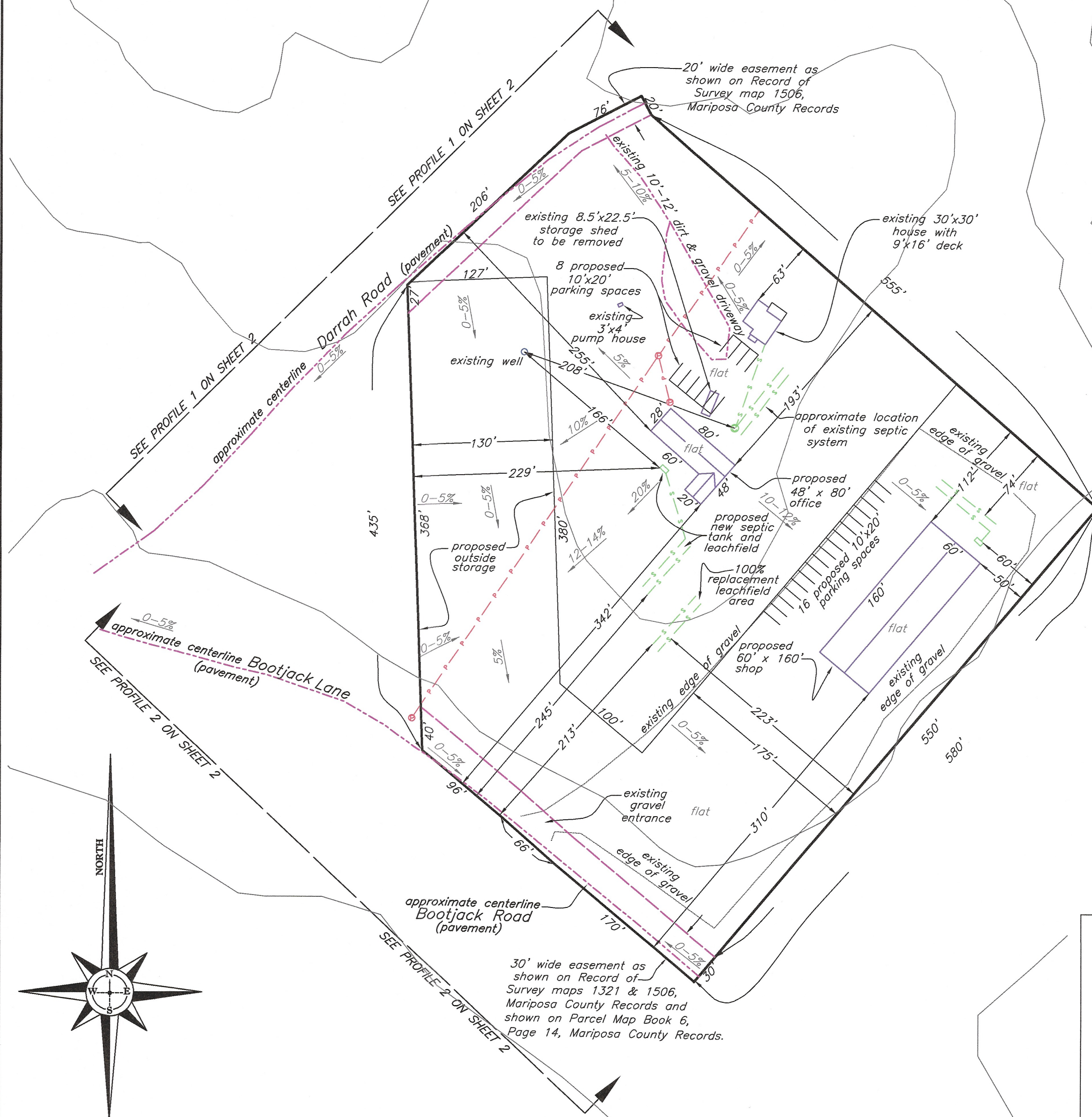
Applicant Name: Steve Allison/Allison Sierra Inc.
Project Site Address: 5052 Darrah Road
Project Site APN: 014-400-005
Site Plan Scale: 1"=60'
Date: _____

I certify that this Site Plan contains all required information and is true and complete to the best of my knowledge. I understand that the processing of my building permit application will be delayed if any required information is incorrect or omitted.

Applicant Signature

FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
(209) 966-3926
JRS 3/10/22
220201.crd/220201SP.dwg

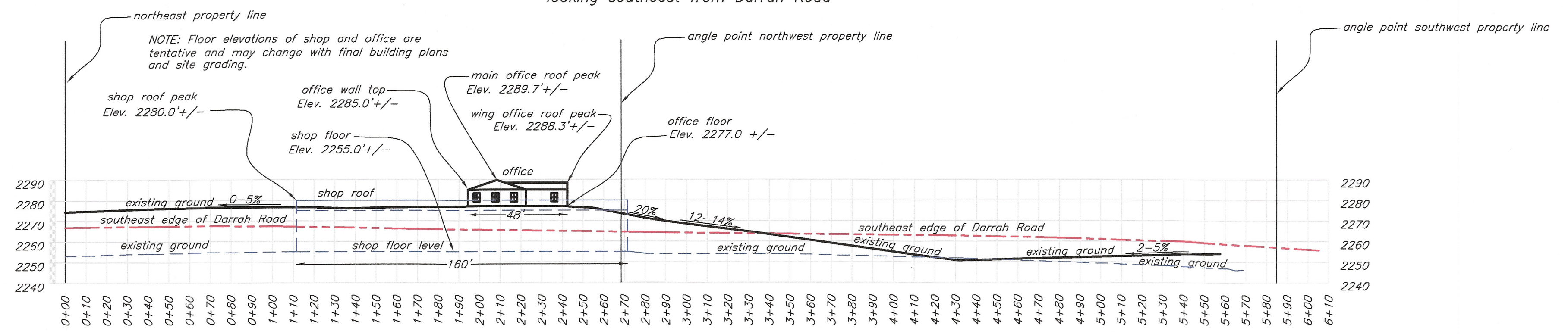
NOTE: No water bodies or drainages are located on adjacent properties within 200' of any proposed septic systems as shown
NOTE: No existing wells are located on adjacent properties within 200' of any proposed septic systems as shown



SHEET 2 OF 2 SHEETS
SCALE: 1" = 40'

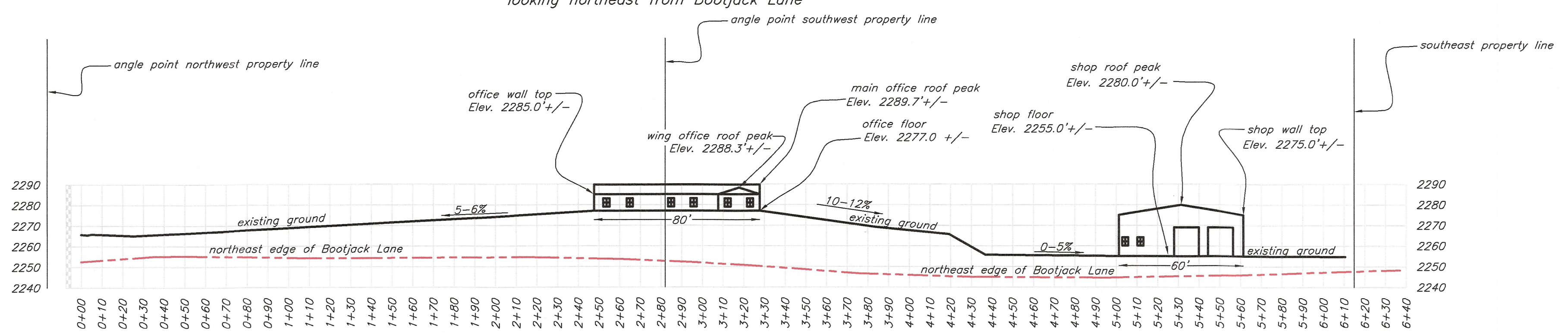
PROFILE 1
showing proposed buildings
looking southeast from Darrah Road

NOTE: Elevations and locations of proposed buildings are tentative and may change with final building plans and site grading.

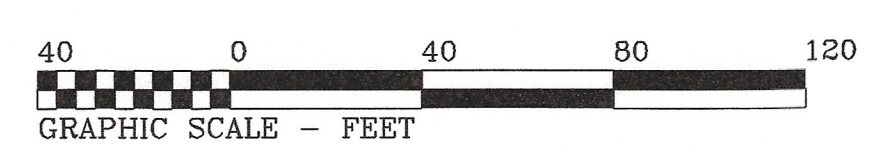


PROFILE 2
showing proposed buildings
looking northeast from Bootjack Lane

NOTE: Elevations and locations of proposed buildings are tentative and may change with final building plans and site grading.



SCALE: 1"=40'



FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
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Attachment: Attachment C - Site Plan & Elevations (2022-PCRES-10 : Use Permit Determination No. 2022-061)

MARIPOSA COUNTY

NOTICE OF EXEMPTION

TO: County Clerk
County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Sarah Williams
Planning Director
5100 Bullion Street
Mariposa, CA 95338

Project Title: Use Permit Determination No. 2022-061, Allison Sierra Inc.

Project Location: Project site is at 5052 Darrah Road, Mariposa (APN 014-400-0050).

Description of Project: Use Permit Determination to develop a 7.2-acre parcel with a 2,640 sq. ft. office building, a 9,600 sq. ft. shop and approximately 5,000 sq. ft. of outdoor storage, all intended to be used for a construction company, located at 5052 Darrah Road in Bootjack (APN 014-400-0050). There is an existing 1-bedroom single family residence on site that the applicant intends to keep as a rental. The applicant plans to have 25 employees that are expected to create approximately 50-100 commercial trips per day by employees and clients (most employees work off-site). The applicant is proposing 24 paved parking spaces to accommodate clients and employees. Proposed hours of operation are five days per week (Monday through Friday) from 7 a.m. to 5 p.m.

Name of Public Agency Mariposa County Planning Commission

Approving Project: Allison Sierra Inc., Applicant
Name of Person Carrying

Out Project: General Rule Exemption Section 15061, CEQA Guidelines
Exempt Status:

Reason Why Project Is Exempt: This project is not subject to the California Environmental Quality Act (CEQA) pursuant to Exemptions established by CEQA Guidelines Section 15061. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. There are existing permit processes in place, including Building Permits for future structures and grading and Encroachment Permits process for the proposed improved encroachments off a county-maintained road, which are required prior to installation, to ensure that all potential impacts associated with the project will be addressed by the appropriate agencies. Both County-maintained roads have been determined to have adequate capacity for the proposed additional traffic and the majority of employees will not be working on site. The project site is a large parcel with similar uses surrounding it and there will be minimal grading as the site topography is gentle slopes with less than 5 percent grade in the majority of areas. Additionally, Mariposa County Code has standards in place for any proposed lighting and signage.

Lead Agency Contact Person: Kaitlyn Casner, Assistant Planner (CEQA Determination)

Phone Number: (209) 966-5151

Sarah Williams
Planning Director

Date

Attachment: Attachment D - NOE (2022-PCRES-10 : Use Permit Determination No. 2022-061)

17.76 Neighborhood Commercial Zone-1 (INDOOR) CN-1

17.76.010 Purpose And Intent

17.76.020 Development Standards For CN-1

17.76.030 Minimum Setback Standards

17.76.010 Purpose And Intent

The Neighborhood Commercial Zone-1, (Indoor) CN-1, hereinafter referred to as CN-1, is designed to provide for indoor retail services primarily related to the needs of the small residential community.

HISTORY

Adopted by Ord. [704 Sec. 1](#) on 3/8/1988

17.76.020 Development Standards For CN-1

Development standards for the CN-1 shall be as follows:

A. Uses:

1. Permitted Uses: The following indoor uses shall be permitted within any CN-1 zone:

a. Office and Professional Uses:

- i. Administrative, doctors, dental, stockbrokers, attorneys, accountants, real estate, and other similar professional offices;
- ii. Libraries and reading rooms;
- iii. Photographers' studios and supplies;
- iv. Urgent care facilities.

b. Retail Sales:

- i. Antique and gift shops;
- ii. Auto parts--new or reconditioned;
- iii. Art galleries and studios;
- iv. Clothing, drug, food, beverage, hardware, paint, nursery stock, feed, radio, television, furniture, appliance, sporting goods, camping supplies, and variety stores.

c. Services:

- i. Barber and beauty shops;
- ii. Banks and similar financial institutions;
- iii. Shoe repair shops;
- iv. Travel agencies, tourist information centers and other related services;
- v. Locksmiths, gunsmiths, and other similar uses;
- vi. Convenience printing and duplicating services.
- vii. Animal hospitals and veterinary services.

d. Other permitted uses: Residential and those applicable uses listed under Chapter 17.108 of this title.

2. Accessory uses: Water and wastewater treatment facilities and systems in conjunction with an established permitted use.
3. Conditional uses: None.
4. Prohibited uses: All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title.

B. Minimum parcel or lot size: No parcel or real property shall be divided or split into two (2) or more parcels or lots by voluntary transfer, court action, or other conveyance where any one (1) of the parcels or lots so created will result in a parcel or lot which does not conform with the following:

1. Have a minimum size of two and one-half (2 1/2) acres (exclusive of easements).
2. Have a minimum size of one (1) acre (exclusive of easements) if a public or community water or sewer system provides services to the parcel or lot and slope of the parcel or lot does not exceed fifteen percent (15%) average slope. Average slope is expressed in percent as a ratio of vertical rise to horizontal distance on a specific area of land. Determinations are to be based on normally acceptable methods subject to approval by the planning department.
3. The applicant shall show that such water and waste disposal system developed on said parcel or lot meets all laws and standards of the state of California and the county of Mariposa, and shall provide evidence that such community or public service is available or will be developed where required under provisions of this section.

C. Density: One (1) single family residence per legal parcel.

D. Signs:

1. The following signs shall be permitted in the CN- 1 zone:
 - a. Temporary signs not exceeding sixteen (16) sq. ft. The term of such signs shall be the term of the special event and shall not exceed six (6) months, or the term of time the property is offered for sale or lease.
 - b. Signs complying with the standards of this title and advertising the business or services located on the parcel upon which the sign is located.
2. Sign standards:
 - a. The aggregate sign area for any business shall be 1 sq. ft. of sign area per one (1) lineal foot of the business frontage with a maximum sign area of thirty-two (32) square feet. A business within a building having frontage on more than one (1) public right-of-way may use the maximum aggregate sign area on one frontage and one-half (1/2) the maximum aggregate sign area on the other frontage with a maximum sign area of forty-eight (48) square feet.
 - b. Signs shall be incorporated into the building design and shall not extend above the peak of the roof of the building upon which the sign is located. A monument sign shall be allowed as an alternative to or in addition to the building.
 - c. In addition to the maximum aggregate sign area, commercial centers having a common name and containing three (3) or more business entities may contain a monument sign not exceeding thirty-two (32) square feet and six (6) ft. in height.

The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.

- d. Larger signs for “large scale development” may be considered if they comply with all of the standards within this paragraph. The allowance of larger signs for “large scale development” shall be based on the building square footage. Businesses which are over 10,000 square feet in size (gross floor area as established by either the building permit plans for the building or as established by the assessor/recorder files) shall be “large scale development”. In the case of a multi story building, the square footage of each story or floor shall be included in the calculation of the total gross floor area. Large scale development businesses shall be allowed an additional 32 square foot of advertising signage. The additional advertising signage for large scale development businesses allowed by this paragraph shall be located on the face of the building. A business which utilizes the additional sign area permitted for “large scale” development by this section is not entitled to the additional sign area permitted by 17.76.020D.2.b.

E. Lighting:

1. All exterior lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties in the vicinity. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.
2. A lighting plan showing the design and location of all exterior lights shall accompany a development permit applications and shall include all information deemed necessary by the planning director. The lighting plan shall be approved by the planning director prior to issuance of the development permit. All exterior lighting shall comply with the approved lighting plan, and non-compliance with the approved lighting plan or this section shall be considered a violation.

HISTORY

Adopted by Ord. [704 Sec. 1](#) on 3/8/1988

Adopted by Ord. [800 Sec. II](#) on 4/2/1991

Adopted by Ord. [912 Sec. II](#) on 1/7/1997

Amended by Ord. [1086 Sec. I](#) on 12/20/2011

Adopted by Ord. [1087 Sec. II](#) on 1/17/2012

Adopted by Ord. [1092 Sec. II](#) on 12/4/2013

17.76.030 Minimum Setback Standards

The minimum setback standards for CN-1, shall be the same as those listed in section 17.108.130(A) but notwithstanding anything to the contrary, there shall be a minimum setback of fifty (50) feet from any property line that abuts a residential zone.

HISTORY

Adopted by Ord. [704 Sec. 1](#) on 3/8/1988

17.80 Neighborhood Commercial Zone-2, (Indoor And Outdoor) CN-2

17.80.010 Purpose And Intent

17.80.020 Development Standards For CN-2

17.80.030 Minimum Setback Standards

17.80.010 Purpose And Intent

The neighborhood commercial zone-2 (indoor and outdoor) CN-2, hereinafter referred to as CN-2, is designed to provide for indoor and outdoor retail services primarily related to the needs of the surrounding residential community.

HISTORY

Adopted by Ord. [704 Sec. 1](#) on 3/8/1988

17.80.020 Development Standards For CN-2

Development standards for the CN-2 shall be as follows:

A. Uses:

1. Permitted uses: The permitted uses in the CN-1 shall also be allowed in the CN-2. In addition the following indoor and outdoor uses shall be permitted within any CN-2. Outside sales or services shall be permitted only when an integral part of the primary use.
 - a. Retail sales:
 - i. Radio, television, furniture, appliance sales and repair; and
 - ii. Food and beverage store, with or without fuel pumps.
 - b. Services:
 - i. Cafes and restaurants that may sell alcoholic beverages;
 - ii. Day care and preschools;
 - iii. Automobile rental; and
 - iv. Laundromats and dry-cleaning.
 - c. Public facilities and utility substations or offices.
 - d. Miscellaneous indoor handicrafts manufacturing for the purpose of retail sales at the site where they are manufactured.
 - e. Other permitted uses: Residential and those applicable uses listed under Chapter 17.108.
2. Accessory uses: Water and wastewater treatment facilities and systems in conjunction with an established permitted use.
3. Conditional uses: Self-storage facilities.
4. Prohibited uses: All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title.

- B. Minimum parcel or lot size: The minimum parcel or lot size shall be as stated in section 17.76.020(B). Density: One (1) single family residence per legal parcel.
- C. Density: One (1) single family residence per legal parcel.
- D. Signs: The standards for signs in the CN-2 zone shall be as specified in section 17.76.020 of this title.
- E. Lighting: The standards for lighting in the CN-2 zone shall be as specified for the CN-1 zone listed in section 17.76.020(D) of this title.
- F. Site development for self-storage:
1. Lot coverage.
 - a. Maximum lot coverage: thirty-five (35) percent of the gross land area.
 2. Lighting for self-storage facilities: The board of supervisors finds that preserving rural character means requiring lighting practices and systems that will minimize light pollution and glare, conserve energy and resources, and restrict the degradation of the night sky while maintaining night-time safety, utility, security and efficiency.
 - a. All building lighting for security or aesthetics will be a fully shielded type, and installed and maintained such that shielding does not allow any upward distribution of light. Floodlighting is discouraged, and if used shall be shielded to prevent:
 - i. Disability glare for drivers or pedestrians;
 - ii. Light trespass beyond the property line; and
 - iii. Light visible above a 90 degree horizontal plane. Wall pack type fixtures are not acceptable.
 - b. All exterior lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at (and glare across the property lines and disability glare at any location off the property.
 - c. The applicant for any permit for work involving outdoor lighting fixtures governed by this section shall submit, as part of the site plan, evidence that the proposed lighting plan complies with this section. This information shall contain and not be limited to the following:
 - i. The location, lamp type and lumens, of each fixture;
 - ii. The height of each fixture; and
 - iii. The area to be lit by each outdoor lighting fixture.
 3. Landscaping: The board of supervisors finds that preserving rural character means requiring landscaping standards that reflect the character of the surrounding area and ensure development is reasonably compatible with adjacent property.
 - a. Utilization of indigenous or water conserving vegetation is required. Using existing vegetation shall be required to meet required screening or for intervening landscaping purposes.
 - b. Within 5 years of planting, vegetation shall be in place effectively breaking up the bulk, mass, and length when the storage buildings are viewed from adjoining residential properties and roadways.

- i. Views from adjoining residential properties shall be substantially screened during all seasons.
- c. A combination of trees and shrubs as approved by the planning department shall be used around the perimeter of the facility for screening purposes.
 - i. All trees in the perimeter landscaping shall be a minimum of 5 gallons in size.
- d. Permanent irrigation systems shall be provided in all landscaping areas.
- e. The landscaping plan shall be detailed on the site plan.

HISTORY

Adopted by Ord. [704 Sec. 1](#) on 3/8/1988

Amended by Ord. [800 Sec. II](#) on 4/2/1991

Adopted by Ord. [912 Sec. II](#) on 1/7/1997

Amended by Ord. [984 Sec. I](#) on 4/8/2003

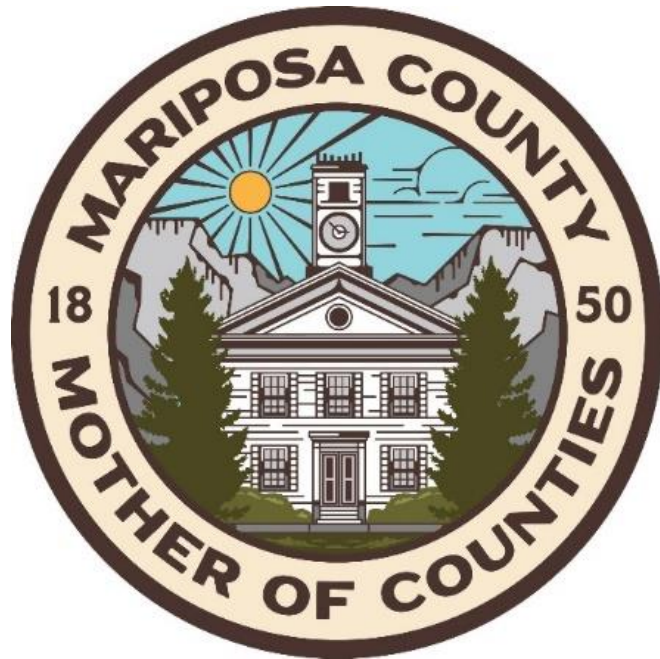
Amended by Ord. [1086 Sec. I](#) on 12/20/2011

17.80.030 Minimum Setback Standards

The setback standards shall be the same as those stated in section 17.108.130(A), but notwithstanding anything to the contrary, there shall be a minimum setback of fifty (50) feet from any property line that abuts a residential zone.

HISTORY

Adopted by Ord. [704 Sec. I](#) on 3/8/1988



Use Permit Determination Application Number 2022-061

Allison Sierra, Inc.
Applicant/owner

Planning Commission Meeting
October 7, 2022

Cole Rd.

Darrah Rd.

Bootjack Ln.

014-400-0050-00

- ❖ 5052 Darrah Road in the Bootjack Community Planning Area
- ❖ APN: 014-400-0050
- ❖ 7.2 acre parcel with existing 1-bedroom single family residence
- ❖ Improved (gravel) access for SFR from Darrah Rd.
- ❖ Improved (gravel) access to south half of parcel for current commercial storage yard

49





Attachment: PP Presentation (2022-PCRES-10 : Use Permit Determination No. 2022-061)



Attachment: PP Presentation (2022-PCRES-10 : Use Permit Determination No. 2022-061)

Project Description

- ❖ Construct:
 - ❖ 2,640 square foot office building
 - ❖ 9,600 square foot shop
 - ❖ Approximately 5,000 square feet of outdoor storage

All to be used by Allison Sierra Inc. (ASI), a construction company

- ❖ Existing SFR proposed to be retained a rental
- ❖ 25 employees, 50 -100 commercial trips per day expected
- ❖ 8 parking spaces for SFR & office use, 16 parking spaces for shop use
- ❖ Hours of operation: 7 am to 5 pm, Monday – Friday
- ❖ Access for SFR & office proposed from Darrah Road
- ❖ Access for shop & outside storage from Bootjack Lane

SITE PLAN

FOR

ALLISON SIERRA INC.
P.O. BOX 1157
MARIPOSA, CA 95338 PH# (209)-966-4082

PROJECT SITE ADDRESS:
5052 DARRAH ROAD
MARIPOSA, CA 95338

ASSESSOR'S PARCEL NUMBER:
014-400-005

PARCEL SIZE:
7.2 ACRES

SCALE: 1"= 80'
SHEET 1 OF 2 SHEETS

NOTES:

1. Contours are for pictorial purposes only.
2. Contours determined by U.S.G.S. Quad maps and field reconnaissance.
3. Average elevation of parcels: 2250' above sea level.
4. Arrowed lines indicate direction and approximate percent of slope.
5. Domestic water supply: individual wells.
6. Sewage Disposal: individual septic systems.
7. No grading is proposed for building sites at this time.
8. -P- Approximate location of existing powerlines.
9. Distances, acreages, contours and the location of improvements shown are approximate and/or tentative.
10. Source of Map Data: Assessor's Maps, recorded maps, Applicant plans, deeds and survey data.

PREPARED
BY:

James R. Steed, L.S.I.T. 8923

UNDER THE DIRECTION
OF:

Richard A. Seaman, L.S. 5339

Site Plan

Applicant Name: Steve Allison/Allison Sierra Inc.
Project Site Address: 5052 Darrah Road
Project Site APN: 014-400-005
Site Plan Scale: 1"=80'
Date: _____

I certify that this Site Plan contains all required information and is true and complete to the best of my knowledge. I understand that the processing of my building permit application will be delayed if any required information is incorrect or omitted.

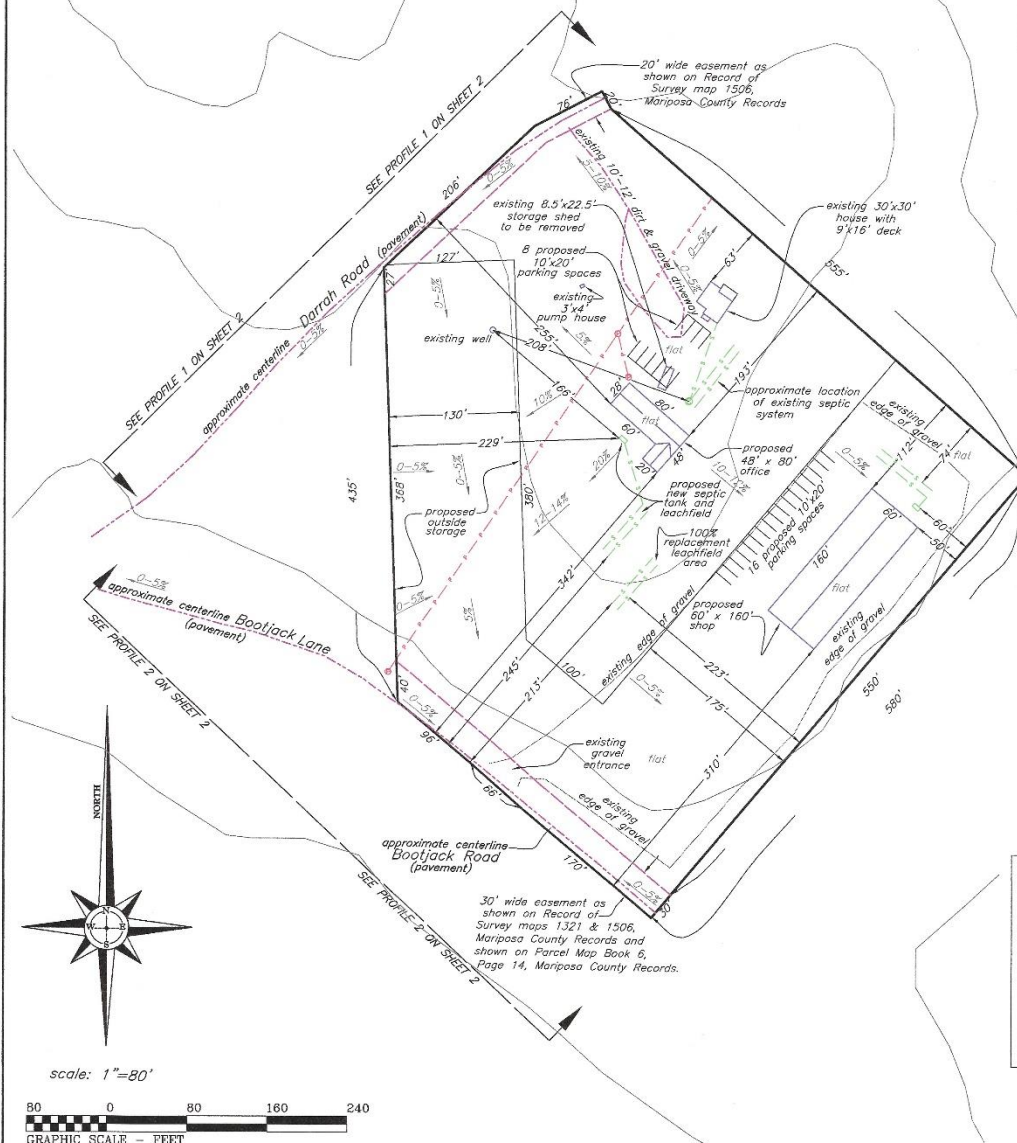
Applicant Signature

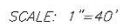
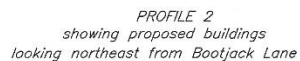
FREEMAN & SEAMAN LAND SURVEYORS
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(209) 966-3926

JRS 3/10/22

220201.crd/220201SP.dwg

NOTE: No water bodies or drainages are located on adjacent properties within 200' of any proposed septic systems as shown.
NOTE: No existing wells are located on adjacent properties within 200' of any proposed septic systems as shown.





FREEMAN & SEAMAN LAND SURVEYORS
P.O. Box 1305
Mariposa, CA 95338
(209) 966-3926

JRS 3/10/22
220201.crd/220201SP.dwg

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Background

- ◆ Project proposed within Bootjack Community Planning Area
- ◆ Bootjack TPA *does not* have a specific plan governing land use
 - ◆ Land use regulations of Rural Residential apply in interim.
 - ◆ Permitted uses in Neighborhood Commercial – 1 (CN-1) & Neighborhood Commercial – 2 (CN-2) are permitted, subject to the **Use Permit Determination process**.
- ◆ Purpose of UPD – “...allow the proper integration of uses into a TPA without an adopted specific plan, which may be suitable only in specific locations, or only if such uses are designed or arranged on the site in a particular manner...”

UPD Process

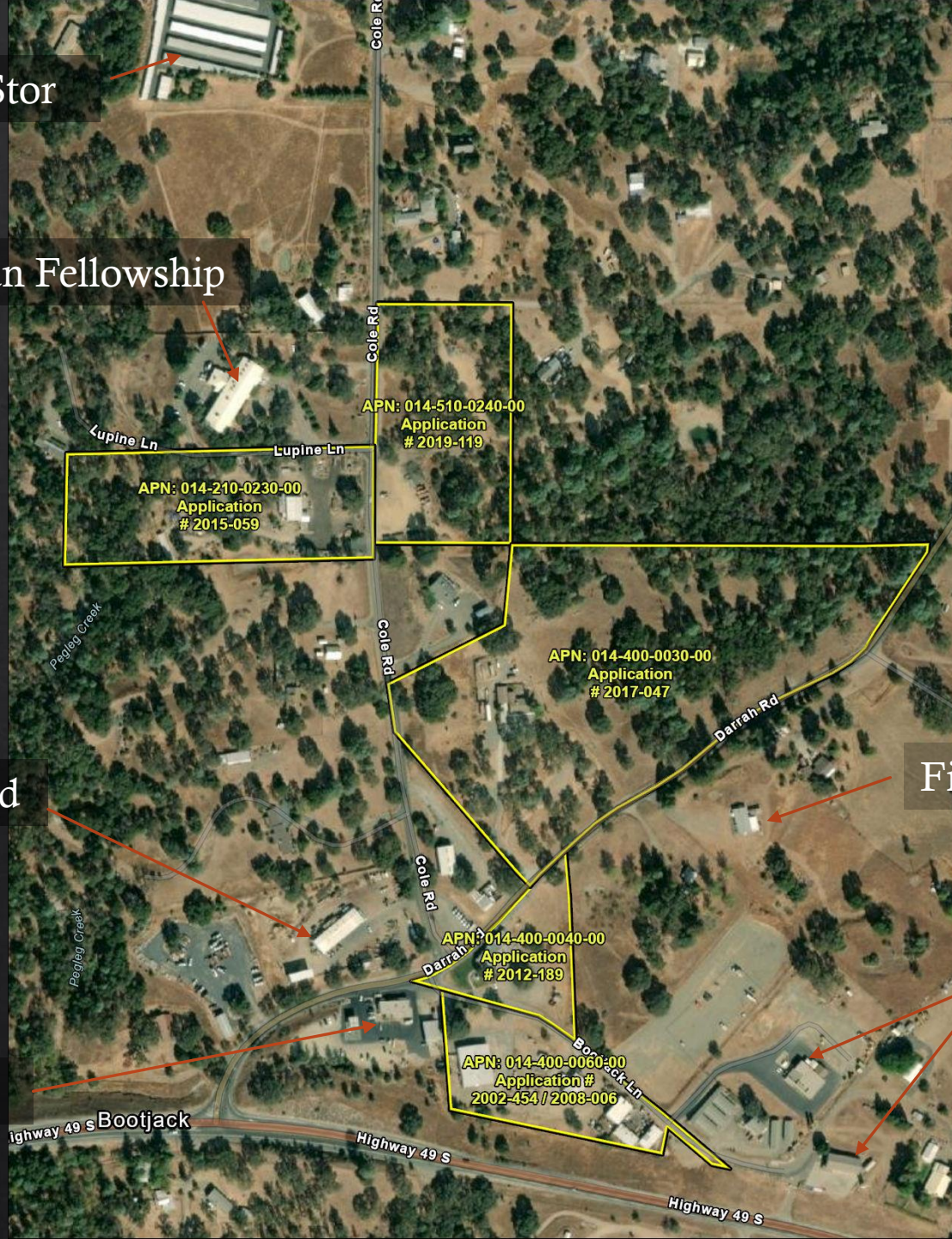
- ◇ *“In considering an application, the planning commission shall give due regard to the nature and condition of adjacent properties, uses, and structures, and to the area affected by the proposed use.”*

Mariposa Self Stor

New Life Christian Fellowship

Bootjack Feed

Bootjack Market



5.A.H

Attachment: PP Presentation (2022-PCRES-10 : Use Permit Determination No. 2022-061)

UPD Process Cont.

UPD is not a CUP – Planning Commission's options for actions on application limited

The Planning Commission does not have the authority to apply conditions to a use permit determination application, unless the conditions exist in code.

A conditional use permit process is a discretionary process, environmental review is required pursuant to California Environmental Quality Act (CEQA), and the planning commission may apply conditions to a conditional use permit or may deny a conditional use permit.

UPD Process continued

- ◇ *“The planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, 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.”*

Production or emission of noise

- ◇ Be produced by different sources
 - ◇ Automobile related noise from office and employee traffic
 - ◇ Business hours – 7 a.m. to 5 p.m. Monday- Friday
 - ◇ Shop noise from intermittent tools as repairs are completed
 - ◇ Impact will be lessened by being conducted indoors
- ◇ Site near other commercial uses
- ◇ Hours of operations during daytime hours, little, if any noise will be produced between 7 p.m. and 5 a.m., most sensitive time
- ◇ The use, therefore, will not result in objectionable noise over the existing noise created by Highway 49, Darrah Road, Cole Road, and nearby commercial uses.

Offensive Odor

- ◆ The proposed office building and shop is not expected to create more odor than a residential use would.

Smoke

- ◆ The proposed use does not, by its nature produce smoke

Dust

Traffic on site may produce dust, as with permitted residential uses

Encroachment permit requirements include paved surfaces that reduce dust

Construction office & shop does not produce a constant flow of ingress/egress that is normally associated with production of dust

Proposed project site & parking lots proposed to either be paved or graveled

Bright Lights

If UPD is approved, use is subject to lighting provisions of CN-1 at building permit stage for any new light fixture

Section 17.76.020.E of CN-1 requires all exterior lighting to be designed and located to confine the lighting directly on the premises and not shine onto properties in the vicinity

Part of development permit application – requires lighting plan to be approved by Planning Director

Applicant proposes any future lighting to be dark sky compliant

Vibrations

- ◆ Nothing within this application would indicate that there would be significant vibrations produced by the use. Therefore, the project will not be objectionable due to vibrations.

Explosive or dangerous material

- ◆ No explosives or dangerous materials are proposed

◆ Staff recommends filing of a Notice of Exemption for this project based upon Section 15061 of the California Environmental Quality Act (CEQA) Guidelines. There are existing permit processes in place, including Building Permits for future structures and grading and Encroachment Permits process for the proposed improved encroachments off a county-maintained road, which are required prior to installation, to ensure that all potential impacts associated with the project will be addressed by the appropriate agencies. Both County-maintained roads have been determined to have adequate capacity for the proposed additional traffic and the majority of employees will not be working on site. The project site is a large parcel with similar uses surrounding it and there will be minimal grading as the site topography is gentle slopes with less than 5 percent grade in the majority of areas. Additionally, Mariposa County Code has standards in place for any proposed lighting and signage.

Environmental Review

Conclusion

Staff recommends that the Planning Commission find that office and construction buildings use have been previously determined to be similar to neighborhood commercial uses. Staff recommends that the Planning Commission find that the uses are appropriate on the project parcel.



Staff recommends the Planning Commission adopt a resolution:

Approving Use Permit Determination (UPD) No. 2022-061 with findings including a finding that the project is exempt from environmental review.