

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2010-013

A resolution conditionally approving Variance No. 2010-087 and Historic Design Review No. 2010-062 ATC Associates, Inc., applicant. Assessor Parcel Number 002-050-031 and 002-050-032.

WHEREAS an application for Historic Design Review No. 2010-062 was received on May 24, 2010 from ATC Associates Inc. for a property located at 5000 Main Street in Coulterville, also known as Assessor Parcel Numbers 002-050-031 and 032; and

WHEREAS Historic Design Review No. 2010-062 proposed a temporary installation of a soil vapor extraction system with a wood plank covered chain link fence enclosing the equipment; and

WHEREAS a six foot fence was proposed and the Coulterville Town Planning Area Town Plan limits fences to three feet in height parallel to the front property line(s); and

WHEREAS an application for Variance No. 2010-087 was received on June 30, 2010 from ATC Associates Inc. which requests a variance to the fence height standards contained in the Coulterville Town Planning Area Town Plan in order to construct a six foot fence, and

WHEREAS the purpose of the fence is to screen and protect the mechanical remediation equipment that is a part of a soil and groundwater remediation project to remove a gasoline release and that is estimated to take approximately two years; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS the Planning Department prepared a report for the Historic Sites, Records, and Preservation Commission in accordance with the review procedures of the commission; and

WHEREAS the Historic Sites, Records, and Preservation Commission held a duly noticed public meeting on July 12, 2010 where the proposed design of the fence was reviewed; and

WHEREAS the Historic Sites, Records, and Preservation Commission did unanimously recommend that the Planning Commission approve the project as presented; and

WHEREAS a duly noticed public hearing was scheduled for the 6th of August 2010; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and draft 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 noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, and the comments of the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find that the project is exempt from environmental review; and

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance No. 2010-087 and Historic Design Review No. 2010-062; and

BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 with the terms and conditions set forth in Exhibit 2.

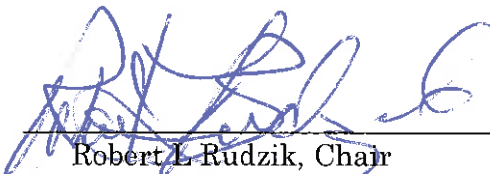
ON MOTION BY Commissioner Ross, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 6th day of August 2010 by the following vote:

AYES: Ross, Marsden, Tucker, Francisco, and Rudzik

NOES: None

EXCUSED: None

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Attachment 1

Project Findings for Variance No. 2010-087 and Historic Design Review No. 2010-062

1. **FINDING:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity. (§17.120.050.A, Mariposa County Zoning Code)

EVIDENCE: The site was subject to gasoline releases into the soil and groundwater from underground storage tanks that were previously present on the site. The Regional Water Quality Control Board Central Valley Region is requiring the property owner to remediate the soil and groundwater from the gasoline release. The necessary mechanical equipment to remediate the soil and groundwater needs to be protected from theft and vandalism to avoid delays or additional cost to the remediation project. It is estimated that the remediation project will take two (2) years. Upon completion of the remediation project the fence and mechanical equipment will be removed.

2. **FINDING:** The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located. (§17.120.050.B, Mariposa County Zoning Code)

EVIDENCE: This project will not be materially detrimental to the public welfare or injurious to the property or surrounding improvements. The Public Works Department has commented stating they have no concerns over the proposed configuration of the project. Allowing a six foot fence in this particular case will prevent the vandalism, unauthorized tampering, or theft of the equipment. A six foot fence will also shield the equipment from public view, minimizing the effects of the project on the historic nature of downtown Coulterville. Public Welfare will benefit from the removal of contaminated soil and cleaner groundwater. A project to remediate contaminated soil is in the public's interest and potentially protects surrounding properties from contamination.

3. **FINDING:** The granting of such variance will not adversely affect the comprehensive general plan. (§17.120.050.C, Mariposa County Zoning Code)

EVIDENCE: This property is located within the Central Commercial zone, the Historic Design Review Overlay, the Design Review Overlay and Land Use within the Coulterville Town Planning Area Town Plan. The applicant is proposing a six foot fence in an area where the maximum height of fences allowed along the property lines adjacent to the front property lines. The fence would only stand

during the period that the remediation is occurring and will be removed when remediation is completed. The height variance will in no way affect the comprehensive General Plan. The applicant is proposing the fence to be a chain link fence to provide security with wood fence boards screwed on to the chain link fence to screen the mechanical equipment and meet historic design review standards. Any exposed hardware will be painted dark brown. The granting of this variance will not adversely affect the General Plan if the Planning Commission finds that the individual project conditions warrant a deviation from the fence height standards.

4. **FINDING:** There are special circumstances applicable to the property in which the strict application of zoning ordinance regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone. (§17.120.050.D, Mariposa County Zoning Code)

EVIDENCE: If the fence height standards were strictly applied to this parcel, only a three foot fence would be able to be constructed on at least three sides of the area where the remediation equipment will be located. A three foot fence would not provide adequate security to the mechanical and electrical equipment that is necessary to adequately remediate the project site. Any vandalism, tampering of, or theft of the mechanical equipment could delay the project and increase costs. This site is subject to a gasoline release that has contaminated the soil and groundwater and the RWQCBCVD has required that it be remediated. The project is expected to be temporary, approximately two years, and upon completion all equipment and fencing will be required to be removed and the property will be returned to its previous condition.

5. **FINDING:** The granting of such variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. (§17.120.050.E, Mariposa County Zoning Code)

EVIDENCE: As this property is the only one in the immediate vicinity that faces these particular conditions, the granting of this variance is not a grant of special privilege. The granting of this variance will allow the contamination of soil and groundwater to be remediated and will be of benefit to the public welfare. The variance will only temporarily allow a six foot fence to be constructed to provide security to the remediation equipment as well as screen this equipment from public view. The applicant is still being required to comply with the Historic Design Review Overlay standards and the requirements contained in the Coulterville Town Planning Area Town Plan regarding the screening of mechanical equipment. If other similar projects have similar circumstance then they could apply for a variance to determine if deviation from the standards is appropriate.

Attachment 2

Project Conditions for Variance No. 2010-087 and Historic Design Review No. 2010-062

Project Name: ATC Associates Inc. **File Number:** Variance No. 2010-087/Historic Design Review No. 2010-062

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

Sign-Off Checklist for Conditions of Approval		
CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT	<i>MONITORING DEPARTMENT</i>	<i>VERIFIED IMPLEMENTED</i>
<p>1. The applicant will comply with all of the building code and Building Department requirements.</p> <p>(Planning Department Recommendation)</p>	Building Department	
<p>2. Project approval is valid for a period of three years from August 6, 2010. A building permit shall be issued prior to the project expiration date. This approval shall expire on August 6, 2013. A one and a half year (1.5) time extension may be granted for the project if a complete time extension application is submitted prior to the expiration of approval.</p> <p>(Section 17.140.010, Mariposa County Zoning Ordinance)</p>	Mariposa Planning	
<p>3. This approved variance is for the construction of six foot chain link fence with wood fence boards screwed onto the chain link fence and on the end posts except at the gate. All exposed hardware and end posts will be painted dark brown. The fence will effectively screen the Remediation System Compound and all mechanical equipment</p>	Mariposa Planning	

<p>within it in accordance with the plans on file with the Mariposa Planning Department.</p> <p>(Planning Department Recommendation)</p>		
<p>4. All equipment and fencing associated with the remediation project shall be completely removed at the end of the project. The Building Permit shall not be finalized or closed out until the Planning Department has confirmed this condition has been met.</p> <p>(Planning Department/HSRPC Recommendation)</p>	<p>Mariposa Planning/Building Department</p>	
<p>5. Exposed hardware shall remain painted dark brown during the entire period that the fence is installed. The wood fence boards attached to the chain link fence shall remain in good condition and shall be replaced as necessary to ensure continuous compliance with the approved Historic Design Review.</p> <p>(Planning Department Recommendation)</p>	<p>Planning Department</p>	