STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2017-014


WHEREAS, an application for Variance No. 2017-150 and Design Review No. 2017-151 was received on August 30, 2017 from the Mariposa Public Utility District for a property located at 4956 Miller Road, Mariposa, California, also known as Assessor Parcel Numbers 013-190-029, 013-190-030, and 013-190-042; and

WHEREAS, Variance No. 2017-150 proposes to build required improvements to the existing Mariposa Public Utility District wastewater treatment plant within 12 feet for fencing and 14 for structures from the centerline of Miller Road and to allow several improvements and some grading within the 50 foot setback from the centerline of Mariposa Creek; and

WHEREAS, Design Review Application No. 2017-151 is required because the parcels are located within the Historic Design Review Overlay and the Design Review Overlay zones; and

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

WHEREAS, a duly noticed public hearing was scheduled for October 6, 2017; 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 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. A Mitigated Negative Declaration has been previously adopted for the project as well.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Variance Application No. 2017-150 and Design Review Application No. 2017-151.
BE IT THEREFORE FURTHER RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1, and conditions set forth in Exhibit 2.

ON MOTION BY Commissioner McAmman, seconded by Commissioner Becker, this resolution is duly passed and adopted this October 6, 2017 by the following vote:

AYES: McAmman, Becker, Kennec, and Herman

NOES: None

EXCUSED: None

ABSTAIN: Kehoe

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Shawnee Iacono, Secretary to the
Mariposa County Planning Commission
Exhibit 1

Project Findings for Variance No. 2017-150 and Design Review No. 2017-151

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 existing wastewater treatment plant has been located at the site since 1957 and is required to install the proposed improvements to meet state and court requirements. The area to install the proposed improvements is limited by the narrowness of the parcels which sit between Highway 49 and Miller Road and are further bisected by Mariposa Creek. The site is zoned Public, Quasi-Public which permits the operation of a wastewater treatment plant, however, due to the narrowness of the parcels, the structures would need to be located in an area that does not meet the required setbacks.

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. No agency has expressed concern with the project. The project will result in the wastewater treatment plant meeting National Pollution Discharge Elimination System requirements for water that is discharged. The improvements to the wastewater treatment plant will ensure that the wastewater treatment plant services can be relied upon by existing users and future development. The project engineer has confirmed that no work will occur within the 100-year floodway. The project will not result in any increase to flood levels and will not alter the flow of floodwaters on upstream or downstream properties during the occurrence of the 100-year base flood discharge.

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 Public, Quasi-Public zone and the Mariposa Town Planning Area. The applicant is proposing improvements to an existing wastewater treatment plant that is consistent with the zone and land use. The Variance is a process that is permitted by the county code and state law, if appropriate as determined by specific physical characteristics of the site. The granting of this Variance to construct the required improvements to the existing wastewater treatment plant will not adversely affect the General Plan if the Planning Commission finds that the individual site conditions warrant a deviation from the setback 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 setback standards were strictly applied to this parcel, the required improvements could not be made. This would result in the wastewater plant discharge not meeting state
requirements. The property is narrow and is bisected by Mariposa Creek, limiting the developable area near the existing wastewater treatment plant.

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:** The granting of this variance does not constitute a grant of special privilege. This is the only wastewater treatment plant that serves the town of Mariposa. The site is zoned for this type of use and is already developed with a wastewater treatment plant. This variance will allow the required improvements to be made to be able to continue to serve the needs of the town of Mariposa.

6. This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305(a) CEQA Guidelines.
# Exhibit 2


Project Name: Mariposa Public Utility District  
File Number: Variance No. 2017-150 and Design Review No. 2017-151

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

<table>
<thead>
<tr>
<th>CONDITIONS OF APPROVAL / PUBLIC WORKS DEPARTMENT</th>
<th>MONITORING DEPARTMENT</th>
<th>VERIFIED IMPLEMENTED</th>
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<tbody>
<tr>
<td>1. Project approval is valid for a period of three years from October 6, 2017. This approval shall expire on October 6, 2020. 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.</td>
<td>Mariposa Planning</td>
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<td>(County Code Section 17.08.170 and 17.08.180)</td>
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<td>2. This approved variance is for the construction of improvements to the Mariposa Public Utility District wastewater treatment plant. The approved variance to the setbacks from the centerline of Miller Road will allow a reduction to 12 feet for fencing and 14 feet for the structures; and a variance from the required 50 foot setback from the centerline of Mariposa Creek to allow for several improvements and some grading to occur within the setback as shown on the site plan dated September 22, 2017.</td>
<td>Mariposa Planning</td>
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<td>(Approved Project Description) County Code Section 17.120.050.F</td>
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<td>3. Prior to the installation of any structures, including fencing, paint or stain colors for the proposed improvements shall be submitted to the Planning Department and approved by the Planning Director.</td>
<td>Mariposa Planning</td>
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<td>(Planning Department Recommendation) County Code Section 17.120.050.F</td>
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<td>4. The applicant should consider ranch style fencing or black vinyl-clad chain link fencing, as its matte coloring blends in better than standard chain link.</td>
<td>Mariposa Planning</td>
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<tr>
<td>(Planning Recommendation)</td>
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<td>5. Landscaping shall be planted at regular intervals along the fence-line and irrigated so as to properly maintain the vegetative screening. A landscaping plan must be submitted and approved that provides effective screening. The plan shall show proposed irrigation, proposed and existing vegetation, and distance to verify effective screening. Trees planted must be 15 gallons in size.</td>
<td>Mariposa Planning</td>
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<td>(Planning Recommendation)</td>
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<td>6. The applicant shall provide an adequate surfacing for all graded areas to be used for parking, storage and access. Pavement is not required, based on the low intensity of this use. A minimum of two (2) inches of aggregate road base or equivalent would be considered adequate surfacing.</td>
<td>Mariposa Planning</td>
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</tbody>
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(Mariposa County Code §17.336.030.C.4)

| 7. The applicant is responsible for contacting the CA Regional Water Quality Control Board to determine if a General Permit for Discharges of Storm Water Associated with Construction Activity is required for this project. If required, the applicant shall obtain the permit prior to commencement of construction activities. All provisions and requirements of the permit shall be completed. | Mariposa Planning |

(Planning Recommendation)