

PLANNING COMMISSION RESOLUTION NO. 2006-35

**RESOLUTION OF INTENTION TO INITIATE AN AMENDMENT
TO TITLE 17, THE MARIPOSA COUNTY ZONING ORDINANCE TO ADD
PROVISIONS FOR TEMPORARY CAMPING USES**

WHEREAS, Section 17.148.010, Mariposa County Zoning Ordinance defines “Residential use” as, “any building or portion thereof designed or used exclusively for family living purposes which includes living, sleeping, cooking and sanitation facilities in accordance with the requirements of the *Uniform Building Code* for residential structures”; and

WHEREAS, the Mariposa County Zoning Ordinance allows residential uses as permitted uses in most zoning designations throughout the county; and

WHEREAS, Section 17.148.010, Mariposa County Zoning Ordinance defines “Non-commercial recreation” as “all recreation activities which are conducted on lands regulated by this title for which no charge is required”; and

WHEREAS, the Mountain General, the General Forest, the Mountain Preserve, and the Public Domain zones allow non-commercial recreation as permitted uses on parcels; and

WHEREAS, camping on one’s own private property falls within the definition of non-commercial recreation; and

WHEREAS, the Timber Exclusive zone allows camping as a permitted use on parcels; and

WHEREAS, camping on one’s own private property has been allowed on properties in Mariposa County within other zones, such as when a property owner is planning or preparing for development of their property or otherwise enjoying their property before it is fully developed; and

WHEREAS, without a defined limit to the camping activity, an extended stay camping use could ultimately result in occupancies of properties which are residential in character; and

WHEREAS, there are health, building and zoning codes which are established for residential uses and occupancies which are not applied to non-commercial recreation uses or camping uses; and

WHEREAS, the allowance of non-commercial recreation or temporary camping uses as a permitted use in certain zones in Mariposa County is not intended to enable establishment of residential camping uses while circumventing adopted Building,

Health, and Safety Codes applied uniformly to code compliant residential development through Mariposa County; and

WHEREAS, the County of Mariposa does not wish to prohibit camping in areas appropriately licensed or authorized for campgrounds or recreational parks or facilities, or zoned for camping activities; and

WHEREAS, this revision to the Mariposa County Zoning Ordinance is declarative of the current County enforcement policies; and

WHEREAS, the Planning Commission has considered the recommendation of the Mariposa County Planning Department staff.

NOW THEREFORE BE IT RESOLVED THAT the Mariposa County Planning Commission does hereby initiate an action, pursuant to the Mariposa County Zoning Ordinance, Section 17.128.020 (C), to modify the text of the Mariposa County Zoning Ordinance, Chapter 17.108, Supplementary Standards, and Mariposa County Zoning Ordinance, Chapter 17.148, Definitions.

BE IT FURTHER RESOLVED THAT the Planning Commission does hereby adopt the following findings as the basis for undertaking this amendment to Title 17, the Zoning Ordinance:

1. Camping for extended periods of time on property which is not developed or improved for camping purposes, is like a residential occupancy and results in impacts like a residential occupancy, and is not within the intent of the Mariposa County Zoning Ordinance.
2. The extended occupancy in a recreational vehicle, tent, travel trailer, trailer coach, tent trailer, or any other vehicle or facility or structure on property which is not developed or improved for camping purposes, is like a residential occupancy and results in impacts like a residential occupancy, and is not within the intent of the Mariposa County Zoning Ordinance.
3. The use of a recreational vehicle, tent, travel trailer, trailer coach, tent trailer, or any other similar vehicle or facility or structure for living purposes as an accessory or appurtenant use is not within the intent of the Mariposa County Zoning Ordinance.
4. The proposed amendment to the Zoning Ordinance will ensure that there is a clear understanding of how recreational vehicles, tents, travel trailers, trailer coaches, tent trailers, or any other similar vehicles or facilities or structures may be occupied when they are not located in appropriately licensed or authorized campgrounds or recreational parks or facilities, or areas zoned for camping activities.

5. The proposed amendment to the Zoning Ordinance will ensure that there are clearly established limits to how long one may legally temporarily camp on their private property.
6. This amendment is in the interest of the health and safety of Mariposa County residents.

BE IT FURTHER RESOLVED THAT the Planning Commission hereby directs that the proposed Zoning Ordinance amendments in Attachment 1 be advertised for adoption, be widely circulated in Mariposa County, be noticed to the general public in the newspaper and be referred to the Mariposa County Planning Commission for a recommendation, prior to being sent to the Board of Supervisors for final consideration and enactment.

ON MOTION BY Commissioner Ludington, seconded by Commissioner Ross; this resolution is duly passed and adopted this 7th day of July, 2006 by the following vote:

AYES: Ludington, Ross, Skyrud, Rudzik

NOES: None

ABSENT: DeSantis

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

ATTEST:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

ATTACHMENT 1

Proposed Text of Zoning Ordinance Amendment

Changes shown in: *italicized, underlined type* for new text
~~striketrough type~~ for deleted text

Chapter 17.108 Supplementary Standards

Sections:

17.108.060 General Use Standards, to be added,

J. Temporary Camping, as defined by Chapter 17.148, shall be a permitted use in the TPA, RR, MH, MT, MG, GF, MP and AE zones, as long as the temporary use is not detrimental to adjoining residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.

(all other sections of Supplementary Standards to remain unchanged)

Chapter 17.148 Definitions

Sections:

17.148.010 Definitions, to be added,

Camping, Temporary:

Occupying or maintaining for occupancy any place for temporary living, sleeping, or other human occupancy purpose, when not in an appropriately licensed or authorized area for campgrounds or recreational parks or facilities, or zoned for camping activities, for no longer than 14 cumulative nights in any 90 day period. Temporary camping shall not be for commercial purposes. Temporary camping does not include the parking or storage or an unoccupied and otherwise unused recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle on a privately owned parcel, when parked and stored as an accessory use to a residential use. Temporary camping does not include a recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle which is established and used in accordance with all provisions of Mariposa County Resolution No. 88-380.

17.148.010 Definitions, to be amended,

Recreation, non-commercial:

Non-commercial recreation shall mean all recreation activities which are conducted on lands regulated by this title for which no charge is required, including temporary camping as defined herein.

(all other sections of Definitions to remain unchanged)