RESOLUTION - ACTION REQUESTED 2014-610

MEETING: November 25, 2014

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Zoning Ordinance Amendment No. 2014-078; County of Mariposa

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution with the Recommended Findings; Directing Staff to File a Notice of Exemption for the Project and Approving Zoning Ordinance Amendment No. 2014-078

Proposed text amendment to the Mariposa County Code Title 17 to implement General Plan provisions for processing Mining Permits. Text amendments are proposed to:

1. Chapter 17.20 Mountain Home zone
2. Chapter 17.24 Mountain Transition zone
3. Chapter 17.28 Mountain General zone
4. Chapter 17.32 General Forest zone
5. Chapter 17.36 Mountain Preserve zone
6. Chapter 17.40 Agriculture Exclusive zone, and
7. Chapter 17.148 Definitions.

The Planning Commission recommends that the Board of Supervisors:

A. Adopt a resolution with the recommended findings;
   - Directing staff to file a Notice of Exemption for the project; and
   - Approving zoning Ordinance Amendment No. 2014-078

B. Adopt an ordinance with findings amending Mariposa County Code Title 17 pursuant to Code Amendment No. 2014-078.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board of Supervisors adopted Resolution No. 2014-306 initiating amendments to Mariposa county Code Title 17 to implement General Plan provisions for processing mining permits and to make text in County Code title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and county Code Title 18, Chapter 18.02.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**
The Board can:
1. Modify the environmental determination.
2. Modify the text in the amendments; this would need to be returned to the Planning Commission for review pursuant to Government Code. The modified text would need to be consistent with the General Plan.
3. Take no action on the zoning ordinance amendment project, and direct staff to return with further amendments to the General Plan and Zoning Ordinance (finding the adopted General Plan does not reflect current Board policy).

Negative action would result in no amendments to the Zoning Ordinance text. General Plan policies would not be implemented in zoning ordinance text.

**ATTACHMENTS:**
Staff Report (DOC)
Process Requirements for a Mining Permit Reclamation Plan (County Code)(PDF)
Findings Required to Approve a Conditional Use Permit (County Code) (PDF)
Agricultural Advisory Committee Draft Minutes (DOC)
Planning Commission Minutes - September 5, 2014 (PDF)
Draft Planning Commission Minutes - October 17, 2014 (DOC)
Draft Board of Supervisors Resolution (DOC)
Draft Board of Supervisors Ordinance (DOC)
Ordinance Summary (DOC)
Draft Notice of Exemption (DOC)
Public Notice (DOC)
Public Comments (PDF)
Correspondence received after packet submittal (PDF)
Public Input from John Brady - MERG After Packet Submittal (PDF)

**CAO RECOMMENDATION**
Requested Action Recommended

Mary Hodson
Mary Hodson, Interim CAO 11/19/2014
RESULT: ADOPTED AS AMENDED [3 TO 2]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Lee Stetson, Merlin Jones, Kevin Cann
NAYS: Janet Bibby, John Carrier
COUNTRY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 965-3222
KEVIN CANN, CHAIR DISTRICT IV
MERLIN JONES, VICE-CHAIR DISTRICT II
LEE STETSON DISTRICT I
JANET BIBBY DISTRICT III
JOHN CARRIER DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: SARAH WILLIAMS, Planning Director

FROM: RENE' LaROCHE, Clerk of the Board

SUBJECT: PUBLIC HEARING: Adopt a Resolution with the Recommended Findings; Directing Staff to File a Notice of Exemption for the Project; and Approving Zoning Ordinance Amendment No. 2014-078

Resolution: 14-610

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 25, 2014

ACTION AND VOTE:

3. Planning RES-2014-610

PUBLIC HEARING: Adopt a Resolution with the Recommended Findings; Directing Staff to File a Notice of Exemption for the Project; and Approving Zoning Ordinance Amendment No. 2014-078

2:13 PM Chair Cann opened the Public Hearing.

Staff Report

Eileen Collins gave the staff report, accompanied by a PowerPoint presentation. Ms. Collins referenced a change requested in a letter from Stoel Rives, and noted that the Planning Department would be happy to support this in regard to that contract. Ms. Collins noted that language which currently reads "...located in the General Plan Agriculture Working Landscape land use classification on large parcels of 160 acres..." under Permitted Uses on pages 7, 8, 9, and 11 of attachment N.1.g. (agenda packet pages 348, 349, 350, and 352), should be replaced with: "...located in the General Plan Agriculture Working Landscape land use classification which are 160 acres..." Ms. Collins also advised that if the suggested changes from the public regarding contiguous parcels is adopted, those same paragraphs will need to be amended to read: "a parcel or contiguous parcel located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code."

Board Clarification

Supervisor Carrier inquired as to the differences between permitted and conditional use permits; and required clarification as to whether the Board has the ability to deny a conditional use permit project if they determine that it does not fit into the county, with permitted uses not having that ability. Ms. Collins affirmed. Supervisor Carrier discussed issues that arose regarding the SilverTip Resort,
and inquired if all mining operations should be a conditional or, alternatively, if the recommendation could be changed to state that mining operations are permitted on parcels of 160 acres and less, but that mining operations on parcels larger than 160 acres are conditional which would allow the Board control of future projects. Ms. Williams clarified that the fundamental difference between permitted and conditional uses is that "permitted use" means that the parcel is appropriate for that use in that zone regardless of its size or location, while a "conditional use" may or may not be appropriate, does include the public health and welfare, and is a parcel/project specific review. Ms. Williams also clarified that if the Board takes this action, it will be confirming the 2006 policies.

Supervisor Bibby noted that counties were cautioned at one of the Mining Board meetings to look at their plans to see what they are allowing as permitted by right as compared to conditional use as the state will not deny the permit if it is in the General Plan, so those land use decisions need to be on the local level; and inquired as to the source for the definition that was used for mining. Ms. Williams noted that the definition comes from the General Plan, and is included in this action for consistency. Supervisor Bibby required clarification that permitted by right is what is current on Agriculture Exclusive, and that this is correct. Ms. Williams affirmed. Supervisor Bibby noted that when the Ag lands transfer policy was adopted, it disregarded that great consideration was put into the question of what it would take to include or exclude Ag lands between land uses, and bypassed the conditions that had been crafted; remarked that this is making necessary steps to create buffers, while still recognizing and allowing permissible activity; and discussed the land transfer policy and that she thinks it will continue to be a problem in the future. Supervisor Bibby also discussed the need for timely processing and the collection of fees sufficient to do the reclamation process, in order to prevent cleanup costs to the County; and urged that the Board be quickly advised if Planning should become overwhelmed.

Supervisor Cann required clarification as to the two active quarries. Ms. Williams noted that the text regarding two active slate mines was correct in 2006, but that it is no longer correct as one is the mine that the County seized the reclamation monies and reclaimed earlier this year. Supervisor Cann inquired as to the acreage of that mine. Ms. Williams did not know off hand. A citizen responded 984 from the audience. Supervisor Cann requested clarification of whether this action would make that quarry a legally non-conforming activity if it was sitting on 140 acres; and required clarification that the Planning Commission's support of this matter was unanimous. Ms. Williams affirmed both.

Supervisor Carrier inquired as to what authority the Board would have in a hypothetical situation where a mining operation was located on 5000 acres, which would be a permitted use at present, gets a permit from the state and has no real issues regarding CEQA, and then suddenly starts moving two million tons of dirt to great public outcry. Ms. Williams responded that the County issues the permit to mine, and not the State; and that the County approves a mining permit and reclamation plan, as well as an environmental review. Ms. Williams also noted that public health and welfare are also included in a conditional use permit.

Supervisor Bibby noted that if the Department of Conservation is unhappy with what Mariposa County is doing they will request us to appear before them, and inquired if the Department of Mining and Reclamation is similar. Ms. Williams responded that they are an oversight state agency which is also involved when the mining permit is adopted as there are state fees that also need to be paid; and they are involved in reviewing all applications for new permits, all applications for amendments, and they may be involved in enforcement actions. Supervisor Bibby noted that the citizens of Mariposa County have to have trust that their voices will be heard, because conditional use permits also give the ability to give overriding reasons, like jobs, for permitting. Ms. Williams responded that the statement of overriding considerations is something that the lead agency needs to make a finding for. She also outlined the CEQA process noting that it is different from the conditional use permit process. Supervisor Bibby discussed permitting by right, and the importance of adhering to the General Plan.

Public comment opened

Kris Casto urged passage of this item, and extended thanks to the staff and Planning Commission.

Jack Bankhead expressed concerns that this will impact small miners, noting that most of the mines in the area have 12-20 acres; and noted that an EIR is required regardless of whether it is permitted use or CEQA.

David Butler operator of the existing slate quarry on Agua Fria remarked that everything
worked before; and inquired what has changed since 2006 when they did the General Plan review and went over them.

**Public comment closed**

Supervisor Cann requested validation from Ms. Williams that that this action is attempting to implement those things that were agreed upon in 2006. Ms. Williams noted that the zoning ordinance in its current format was adopted at the end of the 1980s; in 2006 policies were amended with the General Plan; and that this action is seeking to codify those 2006 amendments. Supervisor Cann noted that the County went to great lengths to retain the inspection authority for surface mines, and requested clarification of same. Ms. Williams remarked that they tried to include an engineer who has gone to the training in their inspections; and that many other counties use outside consultants to do these technical inspections rather than use planners.

Supervisor Bibby required clarification regarding how the grandfathering clauses in the General Plan will apply here with existing mines on less acreage. Ms. Williams responded that mining operations with existing permits and reclamation plans would only be impacted if they need to make amendments to their permit or reclamation plan, and then they would have to look at the requirement that mining is a conditional use on parcels less than 160 acres in size on any parcel in the Ag working landscape. Supervisor Bibby discussed the multiple appearances before the Office of Mine Reclamation (OMR) several years ago, and the documentation and form that they want completed; and remarked that the issue of fees needs to be revisited. Supervisor Cann noted that we went through those actions because we felt we could provide a more fair, reasonable and timely service to those needing it. Ms. Williams advised that those requirements remain regardless of the Board's action today on this item.

Supervisor Carrier requested clarification that this item essentially housekeeping to cleanup language to bring policies in line with the amendments made in 2006. Ms. Williams noted that it is housekeeping, but that the Board will be implementing the 2006 policies in zoning; and discussed same.

Supervisor Jones required clarification of whether this is changing rules midstream. Ms. Williams responded that mining is permitted in the Ag Exclusive zone at this time with no consideration of parcel size; and remarked that this ordinance amendment would modify the process for mining operations on parcels less than 160 acres in size and would require a conditional use permit. Supervisor Jones noted that he is in favor of leaving it the way it was and just doing necessary clean-up.

**Public comment re-opened**

David Butler noted that he doesn't think the question regarding the grandfathering of existing operators was answered; and referenced an earlier comment regarding landowners and noted that some of these operations are run by lessees. He also noted that it will be a lot of paperwork and frustration to require existing operators to go back through and do a conditional use permit if they desire to amend their operation or reclamation plan. Ms. Williams noted that there is a provision in Title 17 that describes the ability for non-conforming uses to be continued to be maintained and expansions of up to 50% would be continued to be allowed; and that the zoning ordinances have some provisions that allow for some expansion in square footage before new requirements apply. Supervisor Bibby noted that this one of the areas that Mariposa County was censured on because the operation didn't match the paperwork, and the State is not going to tolerate that anymore.

**Public comment closed**

**Board Deliberation**

Supervisor Bibby discussed the contiguous recommendation, and recommended that it go back before the Planning Commission and Agriculture Commission before Board action.

Supervisor Jones required clarification regarding any selling clauses. Ms. Williams responded that operations cannot change significantly; that inspections are conducted annually; and an operator could not sell out. Supervisor Jones clarified that operators cannot sell off parts, once this is adopted. Ms. Williams responded that they could not continue to operate.
Supervisor Carrier discussed his discomfort with adding language at this point; inquired as to the time that would be needed to send it back to the Ag commission and Planning Commission; and inquired as to any consequences from such a delay. Ms. Williams responded that it would take approximately three months; and that the consequence is staff time. Supervisor Carrier required clarification of why this language is now being inserted. Ms. Williams noted that the purpose of a public hearing is to get input from the public; and that these are amendments and suggestions that make sense as long as the operation is on both of those contiguous parcels. Supervisor Carrier inquired if there are any current operations that this would affect. Ms. Williams responded that it could potentially affect Mr. Bankhead who is operating on a 40 acre piece, with a 160 acre parcel next to it; and with this modification, Planning would have to say that the whole of the operation is a permitted use.

Supervisor Bibby inquired if the issue of contiguousness ever came up. Ms. Williamson responded that it did not. Supervisor Bibby discussed existing operations, and the provisions that would apply.

Supervisor Stetson required inquired clarification of County Counsel as to whether the Board would be violating any process should they adopt this action today. County Counsel advised that the Board would need to make the determination of whether this change is substantial and should go back to the Agriculture Committee and Planning Commission.

Supervisor Carrier noted that he would like to vet it back through since the Board does ask for input from those committees.

Supervisor Bibby noted that her preference is also to send the item back through the process.

Chair Cann called the question.

Supervisor Jones noted that he does not see this as a substantial change. Supervisor Bibby inquired if this is a policy that will apply to new ones, not just those grandfathered in. Ms. Williams affirmed.

RESULT: ADOPTED AS AMENDED [3 TO 2]

MOVER: Merlin Jones, District II Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Lee Stetson, Merlin Jones, Kevin Cann
NAYS: Janet Bibby, John Carrier
WHEREAS, on the 24th day of June, 2014, Resolution No. 2014-306 was adopted by the Board of Supervisors, initiating amendments to Mariposa County Code Title 17 to implement General Plan provisions for processing mining permits and to make text in County Code Title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02; and

WHEREAS, this project is known as County Code Amendment No. 2014-078; and

WHEREAS, following initiation action, County Code Amendment No. 2014-078 was routed to the Agricultural Advisory Committee for review at a publicly noticed meeting; and

WHEREAS, on July 31, 2014 the Agricultural Advisory Committee recommended approval of County Code Amendment No. 2014-078; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 5th day of September 2014; 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 packet, the proposed environmental determination and testimony presented by the public; and

WHEREAS, the Planning Commission of the County of Mariposa did adopt Planning Commission Resolution No. 2014-009, recommending to the Mariposa County Board of Supervisors that they approve County Code Amendment No. 2014-078; and

WHEREAS, Planning Staff did identify an omission in the ordinance text as reviewed and approved by the Planning Commission on September 5, 2014; and

WHEREAS, Government Code Section 65857 requires the Planning Commission to review the amended text; and

WHEREAS, a duly noticed Planning Commission public hearing to consider the amended text was scheduled for the 17th day of October 2014; and
WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all the information in the public record, including a staff memorandum, a draft resolution with amended text, an amended environmental determination and testimony presented by the public; and

WHEREAS, the Planning Commission of the County of Mariposa did adopt Planning Commission Resolution No. 2014-014, recommending to the Mariposa County Board of Supervisors that they approve amended County Code Amendment No. 2014-078; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 25th of November, 2014; 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 was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public.

NOW BE IT THEREFORE RESOLVED THAT, the Mariposa County Board of Supervisors finds this project exempt from the provisions of the California Environmental Quality Act and approves amendments to County Code pursuant to County Code Amendment 2014-078, including amendments to Chapter 17.20 Mountain Home Zone, Chapter 17.24 Mountain Transition Zone, Chapter 17.28 Mountain General Zone, Chapter 17.32 General Forest Zone, Chapter 17.36 Mountain Preserve Zone, Chapter 17.40 Agriculture Exclusive Zone, and Chapter 17.148 Definitions as shown in Exhibit B, Attachments 1 through 7.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors approves this project based upon the findings set in Exhibit A.

BE IT FURTHER RESOLVED THAT, the recommended amendments are included as Exhibit B, Amendments 1 through 7 to this resolution; amended text is shown by italicized underlined font for the new text and double-strike-through font for deleted text.

BE IT FURTHER RESOLVED THAT, all other text in Title 17 of County Code shall remain unchanged.
BE IT FINALLY RESOLVED THAT, the effective date of this resolution shall be the effective date of the ordinance adopted to amend Title 17.

ON MOTION BY Supervisor Jones, seconded by Supervisor Stetson. This resolution duly passed and adopted this 25th day of November 2014, by the following vote:

AYES: STETSON, JONES, CANN

NOES: BIBBY, CARRIER

EXCUSED: NONE

ABSTAIN: NONE

Kevin Cann, Chair
Mariposa County Board of Supervisors

ATTEST:

René LaRoche
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel
EXHIBIT “A”

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

**Evidence:** The public will benefit by having the text in the General Plan and County Code Title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02. The amendments are administrative in nature and will have no effect on the general public health, safety, peace, and welfare.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

**Evidence:** This amendment will improve the Mariposa County General Plan by ensuring that county policy implements specific policies of the plan and does not conflict with it. It is important for county codes to be internally consistent.

3. **Finding:** That such an amendment conforms to the requirements of state law and county policy.

**Evidence:** This project has been processed in accordance with State Law. According to state law, General Plans take precedence over zoning ordinances and one of the functions of the zoning ordinance is to implement the General Plan. The legal authority for the County to process mining permits, as well as the requirements for processing mining permits is established by the Surface Mining and Reclamation Act (SMARA). This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance and the General Plan and by ensure text consistency between policy and regulatory documents.
EXHIBIT “B”

New Text shown in *italicized, underlined font*. Deleted text shown as *struckthrough font*.

ATTACHMENT 1

Amendments to Chapter 17.20

Chapter 17.20

MOUNTAIN HOME ZONE (MHZ)

Sections:

17.20.010 Mountain home zone (MHZ).

17.20.010 Mountain home zone (MHZ).

The MHZ, as designated on the Mariposa County land use map, is applied to land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.

A. Development standards for MHZ. Development standards for the MHZ shall be as follows:

1. Uses:

   a. Permitted uses: Residential and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

   b. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.030;I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code mineral or construction material processing, quarrying or aggregate processing shall be allowed by use permit issued for one (1) year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the Surface Mining Act, Mariposa County Code and Water Quality Control Board Standards and renewal of the use permit does not significantly interfere with residential uses. Processed, stockpiled material can be removed after permit to process has expired provided that terms of the reclamation plan are met. (Ord. 816 Sec.V, 1991).

   c. 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. (Ord. 1086 Sec.1, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance, where any one (1) of the parcels so created will be less than five (5) acres in gross area.
3. **Density**: One (1) single family residence per five (5) acres. (Ord. 704 Sec.1, 1988).

New Text shown in *italicized, underlined font*. Deleted text shown as *strikethrough font*.

**ATTACHMENT 2**

**Amendments to Chapter 17.24**

**Chapter 17.24**

**MOUNTAIN TRANSITION ZONE (MTZ)**

**Sections:**

17.24.010 Mountain Transition Zone (MTZ).

**17.24.010 Mountain transition zone (MTZ).**

The Mountain Transition Zone (MTZ) as designated on the Mariposa County land use map, is applied to lands with limited development potential.

A. **Development standards for MTZ.** Development standards for the MTZ shall be as follows:

1. **Uses:**
   a. **Permitted uses:** Residential, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).
   b. **Conditional uses:** Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.050(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VI, 1991).
   c. **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. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property in the MTZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action, or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-quarter section in gross area.

3. **Density:** One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
New Text shown in italicized, underlined font. Deleted text shown as strikethrough font.

ATTACHMENT 3
Amendments to Chapter 17.28

Chapter 17.28

MOUNTAIN GENERAL ZONE (MGZ)

Sections:

17.28.010 Mountain general zone (MGZ).

17.28.010 Mountain general zone (MGZ).
The Mountain General Zone (MGZ) as designated on the Mariposa County land use map, is applied to lands characterized by terrain that is less suitable for moderate or high residential densities or intense use, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification.

A. Development standards for MGZ.
Development standards for the MGZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential; non-commercial recreation; mining, which may include mineral or construction material processing, for a parcel or contiguous parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code; mining and rock processing in conformance with Surface Mining Act, county code and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

   b. Conditional uses: Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails; and mining, which may include mineral or construction material processing, for parcels other than as identified herein, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VII, 1991).

   c. 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. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MGZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one
(1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 4
Amendments to Chapter 17.32

Chapter 17.32

GENERAL FOREST ZONE (GFZ)

Sections:

17.32.010 General forest zone (GFZ).

17.32.010 General forest zone (GFZ).
The General Forest Zone (GFZ) as designated on the Mariposa County land use map, is applied to lands under private ownership located primarily within the boundaries of national forest lands that are best suited for low density residential, timber management, agriculture and mining.

A. Development standards for GFZ.

1. Uses:

a. Permitted uses: Residential, sustained yield timber management; mining, which may include mineral or construction material processing, for a parcel or contiguous parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code, mining, rock and mineral processing in compliance with the Surface Mining Act and county code, non-commercial recreation, and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. Conditional uses: Employee housing; churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables, and riding trails; and mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VII, 1991).

c. 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. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the GFZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. Density: Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 5
Amendments to Chapter 17.36

Chapter 17.36

MOUNTAIN PRESERVE ZONE (MPZ)

Sections:

17.36.010 Mountain preserve zone (MPZ).

17.36.010 Mountain preserve zone (MPZ). The Mountain Preserve Zone (MPZ) as designated on the Mariposa County land use map, is applied to lands that are suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and some timber.

A. Development standards for the MPZ. Development standards for the MPZ shall be as follows:

1. Uses:
   a. Permitted uses: Residential, non-commercial recreation; mining, which may include mineral or construction material processing, for a parcel or contiguous parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code; and mining, milling or mineral processing when in conformance with the Surface Mining Act and county code, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).
   b. Conditional uses: Employee housing; private schools, except as permitted by section 17.108.050(I); and mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.IX, 1991).
   c. 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. (Ord. 1086 Sec.I, 201.; Ord. 912 Sec.II, 1997).

2. Minimum parcel or lot size: No parcel of real property in the MPZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than one hundred sixty (160) acres or a legal quarter section in gross area.

3. Density: Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section. (Ord. 704 Sec.1, 1988).
ATTACHMENT 6
Amendments to Chapter 17.40

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. Development standards for the AEZ. Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this context, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. Uses:
   a. Permitted uses: Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and/or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of section 17.108.180; collaborative agri-nature tourism events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, which may include mineral or construction material processing, for a parcel or contiguous parcels located in the General Plan Agriculture Working Landscape land use classification which are 160
acres (or legal quarter section) or greater in size, in conformance with the State Surface Mining and Reclamation Act and County Code mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted......

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.
ATTACHMENT 7
Amendments to Chapter 17.148
Chapter 17.36

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

Mineral or construction material processing:
The mechanized crushing, classifying, or processing of mined materials, ores, for the purpose of extracting and producing materials, earth or construction materials on a site or lot.

Mining:
The removal of minerals, earth or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, drifts, stopes, adits, winzes, cross-cuts, raises, overburden removal, mining by the auger method, dredging, etc., and all necessary appurtenances thereto, for the purpose of resource extraction where the operation involves either the removal of more than one thousand (1,000) cubic yards of mineral, ores, and overburden, or involves the disturbance of more than one (1) acre of surface area. Mining includes a surface exploration activity; a surface mining operation; a sub-surface mining operation; or a sand, gravel (aggregate), or cobble mining operation which exceeds the thresholds established herein. Mining includes surface work incidental to a surface or sub-surface mine, in-place distillation or retorting or leaching, and the production and disposal of mining waste.