

**MARIPOSA COUNTY BOARD OF SUPERVISORS
ORDINANCE NO. 959**

**AN ORDINANCE AMENDING THE TEXT OF THE MARIPOSA COUNTY
ZONING ORDINANCE PURSUANT TO GENERAL PLAN/ZONING AMENDMENT 2000-6**

WHEREAS, an application to amend text of the Mariposa County General Plan and Mariposa County Zoning Ordinance has been submitted to the County; and

WHEREAS, this amendment amends the Business District Overlay designation, Chapter 17.82, Mariposa County Zoning Ordinance; and

WHEREAS, the Planning Commission held a duly noticed public hearing in accordance with State Law and County Code, and recommends approval of the project to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors is responsible for reviewing the proposed amendment and the approval or denial of the proposed amendment.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors hereby modifies the Mariposa County Zoning Ordinance as shown in Exhibit A of this ordinance.

BE IT FURTHER ORDAINED, this action is based on the findings mandated by Section 17.128.050.C of Mariposa County Code as stated and discussed in Exhibit B.

BE IT FINALLY ORDAINED, the Board of Supervisors adopts a Mitigated Negative Declaration for the project in accordance with the California Environmental Quality Act as shown in Exhibit C.

PASSED AND ADOPTED on this 19th day of December, 2000 by the following vote:

AYES: BALMAIN, STEWART, PICKARD

NOES: NONE

ABSTAINED: REILLY

Ordinance No. 959

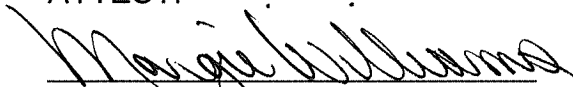
EXCUSED: NONE

NOT VOTING: PARKER



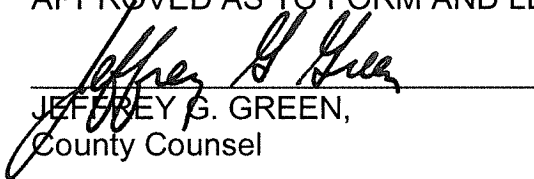
Garry R. Parker, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN,
County Counsel

ORDINANCE EXHIBIT A

ZONING ORDINANCE AMENDMENT

(Additions to zoning text shown in italics and double underline)

Chapter 17.82

Greeley Hill

Business District Overlay (BDO-GH)

Sections:

- 17.82.010 Purpose and intent.
- 17.82.020 Development standards for BDO-GH.
- 17.82.030 Minimum setback standards.

17.82.010 Purpose and intent.

The Greeley Hill Business District Overlay (BDO-GH), hereinafter referred to as BDO, is an overlay district which is intended to be combined with the Town Planning Area (TPA) district to provide a location for a commercial and light industrial core within the Greeley Hill Town Planning Areas. Development standards are established to ensure that structures and site development are compatible with surrounding properties and areas.

17.82.020 Development standards for BDO-GH.

Development standards for the BDO shall be as follows:

A. **Uses:**

All uses shall be as established by the principal zone.

1. The following use will be considered subject to the use permit determination process contained in Chapter 17.116:

a. Indoor self-service storage facilities.

2. Conditional Uses:

a. Service Stations, which may include car washes and auto repair

b. Bulk propane storage facilities for satellite delivery

B. **Minimum parcel or lot size:** As established by the principal zone.

C. **Density:** As established by the principal zone.

D. **Signs:** As established by the principal zone.

E. **Lighting:** As established by the principal zone.

F. **Self-service Storage Facility development standards.**

1. **Landscaping:** The purpose of the required landscaping is to break up views of storage buildings from adjoining properties and roadways. Landscaping shall be provided around the perimeter of all Self-service storage facilities. Along property lines abutting residentially zoned property a minimum of 1 tree and 2 shrubs shall be provided for every 30 lineal feet of property line. Along all property lines abutting a roadway a minimum of 1 tree and 2 shrubs shall be provided for every 30 lineal feet of frontage. Trees and shrubs may be grouped to avoid access driveways and for aesthetic purposes. For property lines abutting commercially or industrially zoned properties a minimum of 1 tree and 2 shrubs shall be provided for every 50 lineal feet of property line. All trees used in perimeter landscaping shall be a minimum of 15 gallons in size. All shrubs used in perimeter landscaping shall be a minimum of 5 gallons in size. All landscaped areas shall be provided with permanent irrigation systems. Utilization of indigenous and/or water conserving plants shall be encouraged. Existing vegetation, which is maintained by the project, may be considered to meet the landscaping requirements established by this section.

2. **Hours of Operation:** Hours of operation of Self-service storage facilities shall be limited to 6 a.m. to 10 p.m.

3. **Driveway surfacing:** All two-way driveways shall be a minimum of 26 feet wide. All one-way driveways shall be a minimum of 14 feet wide. All driveways and parking areas for Self-service storage facilities which contain 25 or less units shall be surfaced with a minimum of 2 inches of crushed rock. All driveways and parking areas for Self-service storage facilities which contain 26 or more units shall be surfaced with A.C. paving, concrete, or similar material.

4. **Parking:** 3 customer spaces plus one space per employee on maximum shift shall be provided. Parking spaces shall be a minimum of 9 feet by 19 feet in size and shall be provided with adequate area for backing and maneuvering.

5. **Building Design:** Self-service storage buildings shall be constructed of non-reflective materials which are of an earth tone color. Individual buildings shall not exceed one hundred (100) feet in length. Buildings shall not contain in excess of 1 story.

G. Site specific development standards for conditional uses shall be developed through the conditional use permit process.

17.82.030 Minimum setback standards.

The setback standards shall be as established by the principal zone.

ORDINANCE EXHIBIT B

FINDINGS FOR GENERAL PLAN/ZONING AMENDMENT 2000-6

1. ***“That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare”***

The county has undertaken the task of updating its general plan which will allow for considerable public input as to how the county in general and specific areas should be developed. This general plan/zoning amendment could be viewed as a piecemeal approach to planning in lieu of the comprehensive and systematic update of the general plan. Piecemeal amendments at this point have the potential to undermine the ability to implement the updated general plan. On the other hand, this amendment, as recommended by staff, will allow an expansion of uses that can be considered within the BDO under a conditional use permit. The BDO comprises the commercial core of the Greeley Hill TPA and, in this sense, allowing the potential for these uses in this area advances the general public interest by providing additional services to the members of this community. The confining of these uses to the business core, and processing individual projects under a conditional use permit, can limit the potential for land use conflicts with residential uses thereby promoting public health, safety, peace and welfare.

2. ***“That such an 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”***

The proposed text change would allow development and uses that have the potential to impact the aesthetics of a community and be inappropriate to the scale and design of the community. In the absence of a public consensus on how the county should develop, which will be an outcome of the general plan update process, it is difficult to determine if the type of uses proposed for the BDO under this amendment are desired by the public. However, the current Mariposa County General Plan identifies town planning areas as centers of commercial and industrial development and population density. This amendment will allow additional uses to be considered for the commercial core of the BDO within the Greeley Hill TPA which could improve the general plan by reducing the pressure for commercial development outside of the TPAs. This would support the plan as a long term guide for county development. This project supports short term day-to-day decision making by allowing additional commercial uses to be considered within the BDO.

3. ***“That such an amendment conforms to the requirements of state and county policy”***

The amendment was processed in accordance with state law and county code with respect to noticing, hearings, and findings.

4. *“That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan”*

The project is consistent with the Town Planning Area designation of the Mariposa County General Plan. Additionally, the project is consistent with Land Use Goals D and I of the general plan.

ORDINANCE EXHIBIT C

FILED

MARIPOSA COUNTY
NEGATIVE DECLARATION

DEC 08 2000
Don Z. Phillips
COUNTY CLERK
BY DEPUTY CLERK
Cindy A. Dale

(Pursuant to California Administrative Code, Section 15070)

APPLICANT/APPLICATION: General Plan/Zoning Amendment 2000-6
Thomas & Alice Deutsch, applicants

Cindy A. Dale

PROJECT DESCRIPTION: Amend the Mariposa County General Plan and Zoning Ordinance to allow car washes, service stations, auto repair shops and bulk propane storage facilities for satellite delivery to be considered in the Business District Overlay.

No significant effect is based on the following findings:

- (1) No unique or significant natural features including but not limited to animal life, fish life, or plant life, or its habitat or movement are to adversely affected; (2) No known archeological, cultural, historical, recreational, or scenic sites are to be adversely affected; (3) The project will not result in a significant dislocation of people; (4) The project will not result in a substantial detrimental effect on air or water quality or on ambient noise levels; (5) The project will not breach any published national, state or local standards relating to solid waste or litter control; (6) The project will not have a substantial and demonstrable negative aesthetic effect; (7) The project will not create hazards including but not limited to flooding, erosion, or siltation; (8) The project is not subject to major known geologic hazards; (9) The project will not result in the need for public services beyond those presently available or proposed in the near future; (10) The project will not have a significant growth-inducing impact; (11) The project does not appear to generate major environmental controversy.

No significant effect is based on review procedures of the following County Departments or Divisions:

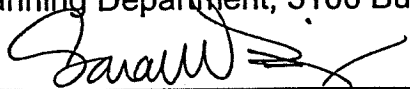
- Building Division County Health Department
- Planning Commission Public Works Department

Other: County Fire

No significant effect is based on additional condition as follows:

See attached Mitigation Measure

Initial Study was prepared by Skip Strathearn, Associate Planner and is on file at Mariposa County Planning Department, 5100 Bullion Street, Mariposa, California 95338


SARAH WILLIAMS, Planning Manager
Mariposa County Planning Department

12/7/00
Date

**GENERAL PLAN/ZONING AMENDMENT 2000-6
MITIGATION MEASURE**

1. Service stations, which may include car washes and auto repair, and bulk propane storage facilities for satellite delivery shall be considered for the Greeley Hill Business District Overlay subject to the Conditional Use Permit process.