RESOLUTION - ACTION REQUESTED 2016-102

MEETING: March 1, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Countywide Amendments to Policies and Regulations for Residential Transient Occupancy Facilities

RECOMMENDATION AND JUSTIFICATION:

CONTINUED PUBLIC HEARING to Consider Adoption of a Resolution with Findings Approving General Plan/County Code Amendment No. 2015-112 to Amend Countywide Policies and Regulations for Residential Transient Occupancy Facilities and directing staff to file a Notice of Exemption for the project.

This project includes text amendments to Volumes I and II of the Mariposa County General Plan, including the Mariposa, Coulterville, Fish Camp and Wawona Area Plans, and text amendments to Titles 3 and 17 of Mariposa County Code.

The impetus for the proposed amendments is from concern on the part of the County Building Department relating to its authority to review and approve the use of single family residential structures for commercial bed and breakfast, and vacation rental purposes. The Building Department’s goal is to ensure that approvals of such uses in single family residential structures reflect the intent of the State Building and Residential codes as much as possible under this program, and that county liability is reduced to the maximum extent feasible. The amendments update, standardize and make consistent all text relating to bed and breakfast, and vacation rental facilities contained in the General Plan and County Code; current zoning code is from 1988. The amendments seek to eliminate redundancy of text in the standards for planning areas by referring to generally applicable standards in Title 17. The amendments accurately reflect the current permitting and approval processes.

The recommended action is based on Planning Commission’s recommendation and Board of Supervisors’ direction on February 9, 2016, following the conclusion of the public input portion of the public hearing.

Please see the memorandum and attachments for detailed information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution No. 2015-344 on July 7, 2015, initiating the amendments. The proposed amendments are a result of a cooperative effort involving
the Planning Department, the Building Department, the Health Department and the Tax Collector.

The Board conducted a noticed public hearing to consider General Plan/County Code Amendment No. 2015-112 on February 9, 2016. The Board considered the staff presentation, asked questions to staff, opened the public input portion of the hearing, took public input, closed the public input portion of the hearing, deliberated, directed staff to make changes to the project, and continued the public hearing to the 1st day of March 2016 at 2 p.m.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternatives: Make further modifications to the text in the amendment package.

Negative action: Do not approve amendments. Policies and regulations for Residential Transient Occupancy Facilities will not change.

FINANCIAL IMPACT:
None

ATTACHMENTS:
160301 Memorandum to BOS-Continued Public Hearing (DOC)
160301 BOS Resolution TOT Facilities (DOC)
160301 Notice of Exemption (DOC)

CAO RECOMMENDATION
Requested Action Recommended

Mary Hodson, CAO 2/4/2016

RESULT: ADOPTED [3 TO 2]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Rosemarie Smallcombe, Merlin Jones, John Carrier
NAYS: Marshall Long, Kevin Cann
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2016-102 A resolution approving General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities; amendments to the Mariposa County General Plan, the Wawona and Fish Camp Specific Plans, the Mariposa and Coulterville Town Planning Area Town Plans, and Mariposa County Code Titles 3 and 17

WHEREAS, the Mariposa County Building Department raised concerns relating to its authority to review and approve the use of single family residential structures for commercial bed and breakfast and vacation rental uses; and

WHEREAS, this concern is driven by a desire on the part of the Building Department to ensure that approvals of such uses in single family residential structures are consistent with State Building and Residential codes and County liability is reduced to the maximum extent feasible; and

WHEREAS, the Planning Department believes the process of addressing Building Department concerns provides an opportunity to update, standardize and make consistent all text relating to bed and breakfast and vacation rental facilities contained in the General Plan (including affected Area Plans contained in Volume II) and County Code titles addressing bed and breakfast and vacation rental facilities, and additionally provides an opportunity for additional affected agencies to update code to reflect their permitting and approval processes; and

WHEREAS, this consistency effort extends to addressing standards contained in adopted area plans throughout the County; and

WHEREAS, the Planning, Building, and Health departments, as well as the Tax Collector, have worked together to propose text amendments for initiation and public review; and

WHEREAS, the Board of Supervisors initiated the amendment process on July 7, 2015 to amend Volumes I and II of the General Plan (including affected Area Plans) and County Code Titles 3 and 17, and

WHEREAS, the amendments apply countywide including the zoning text within the Mariposa and Coulterville Town Planning Area Town Plans, and the Wawona and Fish Camp Specific Plans, and

WHEREAS, operating Planning Advisory Committees (PACs) for local Area Plan areas and members of their respective communities were afforded the opportunity to consider and provide comment on the proposed amendments on the following dates:

Wawona: June 6, 2015
Fish Camp: July 18, 2015 and November 7, 2015
WHEREAS, comments provided at community meetings that were consistent with the intent and purpose of the amendments were incorporated into the proposed text, and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 18th day of December 2015; and

WHEREAS, a Staff Report and draft Notice of Exemption were prepared for the Planning Commission public hearing on General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities in accordance with the California Environmental Quality Act, California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission considered the Staff Report and draft Notice of Exemption; and

WHEREAS, the Planning Commission did hold a public hearing on the 18th day of December 2015 and considered the Staff Report and draft Notice of Exemption, and all input from the public; and

WHEREAS, the Planning Commission adopted Resolution No. 15-019 recommending Board approval of General Plan/County Code Amendment No. 2015-112; and

WHEREAS, to facilitate understanding of the amendments and to provide an opportunity for business owners to ask questions to staff in an informal setting, staff from the Planning, Building and Health departments and the Tax Collector met with the Tourism Bureau Board of Directors on the 20th day of January 2016 and with transient occupancy owners/operators on the 21st day of January 2016; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 9th day of February 2016; and

WHEREAS, a Staff Report was prepared for the Board of Supervisors public hearing on General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities in accordance with California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the 9th day of February 2016 and considered the Staff Report packet, the draft Notice of Exemption, the Planning Advisory Committees’ recommendations, the Planning Commission’s recommendation and all input from the public. Following deliberations and direction to staff to modify text in the amendment package, the Board of Supervisors continued the public hearing to 2 p.m. on the 1st day of March, 2016; and
WHEREAS, a modified resolution and ordinance were prepared, in accordance with direction from the Board of Supervisors, for the continued public hearing on the 1st day of March 2016.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Mariposa does hereby adopt this Resolution, approving General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities with findings and directing staff to file a Notice of Exemption for the project.

BE IT FURTHER RESOLVED THAT, these amendments to the Mariposa County General Plan and Mariposa County Code are shown in the attachments to this resolution.

BE IT FURTHER RESOLVED THAT, the findings adopted by the Board of Supervisors to support this action are as follows:

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 codes (Titles 3 and Title 17) consistent with respect to bed and breakfast and vacation rental uses. The amendments enhance the review, permitting and continued oversight of such facilities in the County. The amendments enhance public health, safety, peace and welfare for visitors to the County and in neighborhoods where such facilities are located.

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 enhances the process by which bed and breakfast and vacation rental facilities are reviewed and approved for the general public as well as review and permitting agencies. The County’s planning documents are made consistent by this amendment. The planning documents included in the General Plan are made consistent with each other and with County Code.

3. **Finding:** That 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. This amendment conforms to the requirements of State law and county policy by aligning the zoning ordinance, Title 3 and the General Plan where they address bed and breakfast and vacation rental facilities, and by ensuring text consistency between policy and regulatory documents.

The prohibition of transient occupancy permits to any mobile home unit within a mobile home park is appropriate based on adopted General Plan Housing Element policies that support use of mobile homes for affordable housing, including housing
for the elderly. The Housing Element specifically identifies mobile home parks as a housing option for the elderly given their lower housing costs and smaller size.

Establishing an occupancy limit of 10 persons for a vacation rental use is appropriate pursuant to a General Plan Guiding Principle, which establishes that the requirements imposed on a project shall relate to and be proportional to its impacts, a General Plan goal and policy to maintain the rural character of the county, and General Plan administrative provision the Mariposa County complies with federal and state laws and regulations.

Establishing an occupancy limit of 10 persons for a vacation rental use is appropriate considering Section 310.5 - Residential Group R-3 of the California Building Code which defines boarding houses for transients under this residential occupancy grouping construction standard providing they are limited to 10 or fewer persons. Boarding houses are defined in Section 202 of the California Building Code as a building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. (Section 1.1.3.1.1 of the California Residential Code describes R-3 as residential occupancies where the occupants are primarily permanent in nature and not classified within other grouping standards.) This 10-person limitation is also supported by the definition of “Lodging House” in Section R202 of the California Residential Code which describes such use as having not more than five guest rooms where rent is paid in money, goods, labor or otherwise. There is no other building or residential code “occupancy” which describes a vacation rental.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

The amendment implements the General Plan by making definitions and standards within County Code titles consistent with those contained in the General Plan. The amendment is consistent with the guiding policies, goals, policies, standards and implementation measures of the General Plan.

The prohibition of transient occupancy permits to any mobile home unit within a mobile home park is appropriate based on adopted General Plan Housing Element policies that support use of (and the continued ability to develop) mobile homes for affordable housing, including housing for the elderly. The Housing Element specifically identifies mobile home parks as a housing option for the elderly given their lower housing costs and smaller size.

Establishing an occupancy limit of 10 persons for a transient rental use is appropriate pursuant to a General Plan Guiding Principle, which establishes that the requirements imposed on a project shall relate to and be proportional to its impacts. The limit is also appropriate based on a General Plan administrative provision that states that Mariposa County complies with federal and state laws and regulations.

Establishing an occupancy limit of 10 persons for a vacation rental use (in a single family dwelling unit) is appropriate based on a General Plan goal and policy to maintain the rural character of the County. According to State Department of
Finance, the average number of persons per household in the County will decrease from 2.26 in 2014 to 2.21 in 2020. This decrease represents a steady decline from 2.375 in 2000, and is representative of the County’s aging population. Vacation rental facilities with no occupancy limit have the potential to create significant impacts to the character of residential neighborhoods in Mariposa County.

Establishing a limit of 2 transient rentals per parcel is appropriate based on a General Plan goal and policy to maintain the rural character of the county. There is concern that residential areas could become too intensively commercialized with the issuance of unlimited number of TOT certificate on individual parcels.

5. **Finding:** General Plan/County Code Amendment No. 2015-112 is exempt from environmental review pursuant to the General Rule Exemption, Section 15061, of CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This amendment only addresses concerns relating to the County's permitting of commercial bed and breakfast and vacation rental uses in single-family residential structures, brings County codes and planning documents into consistency as they relate to such uses, and enhances standards, review and oversight for such uses. Enhanced review includes establishing occupancy limits based on sewage disposal capacity. The amendments are text changes to County codes, General Plan and additional planning documents which do not have the potential to cause a significant effect on the environment.

6. **Finding:** The amendments (amended text) made to this project by the Board of Supervisors do not necessitate further Planning Commission review pursuant to California Government Code §65857, because the Planning Commission did, during their public hearing on this project on the 18th day of December 2015, consider all of the issues and text which were modified by the Board of Supervisors.

**BE IT FURTHER RESOLVED THAT,** this action on General Plan/County Code Amendment No. 2015-112 is based upon all of the information contained in the Staff Report packets provided to the Board of Supervisors for this project, and the adopted resolution of the Planning Commission, all of which are hereby incorporated into this resolution by reference.

**BE IT FINALLY RESOLVED THAT,** if any section, subsection, sentence, clause, word, phrase or finding of this resolution is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this resolution. The Board of Supervisors hereby declares each section, subsection, sentence, clause, word, phrase or finding is severable.

**ON MOTION BY** Supervisor , seconded by Supervisor , this resolution is duly passed and adopted this 1st day of March 2016 by the following vote:

**AYES:** SMALLCOMBE, JONES, CARRIER

**NOES:** LONG, CANN

**EXCUSED:** NONE
ABSTAIN: NONE

John Carrier, Chair
Mariposa County Board of Supervisors

Attest:

René LaRoche, Clerk
Mariposa County Board of Supervisors

Approved as to Form:

Steven W. Dahlem
County Counsel
ATTACHMENT 1

Changes to Mariposa County Code, Zoning Section 17.108.180

Chapter 17.108

SUPPLEMENTARY STANDARDS

17.108.180 Bed and breakfast and vacation residential transient rentals.

For purposes of this chapter, residential transient rental and vacation rental have the same meaning.

Bed and breakfast and vacation transient—rental establishments (residential transient occupancy facilities) shall be considered a permitted home enterprise in all principal zones, except the AE M-1 and M-2 zones. Such uses in the AE zone are also subject to the standards contained in Section 17.40.010.A.1 of this Title. These provisions shall also be applicable in planning areas with adopted area plans unless otherwise specifically regulated or prohibited. An agricultural homestay is a permitted use in the AE zone, subject to compliance with development standards established by the zone and as contained herein. A vacation rental application may be processed for individual condominium units as shown on the Condominium Plan of Yosemite West, Condominium Project Phase No. 1 (Record of Survey No. 1835, Units A101-A112, A201-A212, B101-B112 and B201-B212), based on a September 21, 2001 Planning Director determination that found that the use of the condominium structures for vacation rental purposes is a legally existing non-conforming use.

These uses shall not be detrimental to the district or to adjoining areas, including residential areas, by reason of appearance, traffic, noise, dust, smoke, or odor. Excludes any use the normal operation of which causes objectionable traffic, noise, dust, smoke or odor to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located. Bed and breakfast establishments and vacation rentals are defined in Chapter 17.148 and are located in a residence owned by the applicant, as a single family structure in which there is a full-time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department. Residential transient establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for purposes of this chapter. Agricultural homestays are defined in Chapter 17.148 and are located in the residence of the property owner or accessory dwelling or other existing dwelling. Bed and breakfasts, agricultural homestays, and vacation residential transient rentals
shall meet the following requirements: (Ord. 1074 Sec.III, 2010; Ord. 1059 Sec.I, 2009).

A. No more than three (3) bedrooms are available for occupancy by transients for vacation residential transient rentals.

B. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments and agricultural homestays. (Ord. 1074 Sec.III, 2010; Ord. 1059 Sec.II, 2009).

C. Occupancy in a vacation rental approved on or after April 14, 2016 shall be limited to ten (10) or fewer occupants. This limit shall apply to new vacation rental facilities, as well as vacation rental facilities which are being permitted following a property ownership change. Vacation rentals must post a minimum 8-1/2 x 11 inch NOTICE over or next to the facility’s primary exit door stating “Maximum Occupancy 10 Persons”, or such lesser occupancy as desired by the owner or as required pursuant to Section D below. Lettering shall be clearly visible through contrast from the background and a minimum of 1-1/2 inches in height and width.

D. Private on-site sewage disposal systems or small, private community systems that serve a bed and breakfast or vacation rental facility shall have sufficient capacity to serve 10 occupants within the facility. If such a system does not meet this design standard, the facility shall be limited to an occupancy of two (2) persons per approved bedroom. Should the “maximum occupancy” allowed be less than 10 persons, the occupancy notice as described in Section C. above shall reflect that number.

E. The structure and facilities used shall be approved for such use by the Mariposa County Health Department and shall at a minimum comply with the following standards:

1. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements. Existing and newly constructed individual systems shall meet the current sizing requirements of the Health Department for new dwellings based on the number of bedrooms in the dwelling, or the system shall be designed to serve the planned number of occupants. Septic systems serving homes constructed in 1985 or before may be required to be upgraded when the home is being converted to bed and breakfast or vacation rental use.

2. Water supply shall be by an approved community system, or from an individual well or spring approved by the Health Department having quality and quantity satisfying current CCR, Title 22, code requirements for transient non-community water systems Health Department requirements.

F. The structure and facilities used must be inspected and found to be in conformance with the requirements contained in the current residential transient occupancy safety checklist, as developed and amended from time to time, by the Mariposa County Fire Department. The inspection and review shall be conducted used shall be approved by Mariposa County Fire Department staff or designee.

G. The structure and facilities used must shall be approved by all fire protection agencies necessary to comply with applicable
provisions of the Public Resources Code residential transient occupancy safety checklist.

DH. An on-site sign of not more than four (4) square feet shall be posted and clearly visible from the nearest road. The sign shall contain or require the street address and may contain the name of the owner or the establishment. Larger signs shall require planning commission approval through the variance process.

EI. At a minimum, an 8-1/2 x 11 inch written notice must be placed in each rental unit, which contains the following information:
1. Instructions in case of fire or other emergency, including the name and phone number of the property owner or rental manager.
2. Quiet hours are between 10:00 p.m. and 8:00 a.m., and shall be strictly enforced.
3. Water and energy conservation measures.
4. Proper use of wood burning stoves and fireplaces.
5. Parking and snow removal requirements if necessary. No parking on roadway is permitted during snow removal periods declared by the director of public works, pursuant to county code, Section 10.08.110.
6. An identification of the character or area in which the unit is located (i.e. rural, agricultural, residential).
7. A statement relative to respect for adjacent property owner's rights and trespassing concerns.
8. Proper trash disposal, and bear preventive/control measures if applicable.

FJ. Non-owner-occupied—Vacation Transient—Rental must place a minimum 5 x 7 inch weather-proof NOTICE that is easily and conspicuously visible at or near the main entrance to the vacation Transient—Rental which contains the name and phone number of the property owner or rental manager. The property owner or rental manager must be available by phone in case of an emergency.

GK. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the chief building inspector relative to the basic health, safety and welfare of the occupants and facilities used must be inspected and found in conformance with the requirements contained in the current residential transient occupancy safety checklist, as developed and amended from time to time by the Mariposa County Building Department. The inspection and review shall be conducted by the Mariposa County Building Director or designee.

L. The residential transient occupancy facility must have a valid "certificate of occupancy" issued by the Building Department or a "mobile home installation acceptance" issued by the California Department of Housing and Community Development (if required by the Building Department).

HM. The following on-site parking standards shall apply:
1. Bed and breakfast and agricultural homestay establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.
2. Vacation Residential—transient rental establishments shall have one (1) parking space for each bedroom to be rented.
3. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied. Parking spaces in garages may be used to meet minimum parking standards. Stacked parking spaces may be allowed for individual vacation rental facilities but are not appropriate for bed and breakfast facilities.

4. Parking spaces shall be on-site, except as follows. In the Yosemite West Subdivision, Unit 1 (Record of Survey No. 1511, Parcels 1 through 294), off-street parking spaces may be approved to achieve the minimum parking standards where it is determined by the planning and public works directors that on-site parking is not feasible. The use of off-street spaces within a right-of-way or access easement may only be allowed if the design of the parking spaces is approved by the Mariposa County Public Works Department through the encroachment permit process. If allowed and approved, off-street spaces shall be within and along the project site’s frontage.

EN. Prior to issuance of a transient occupancy registration certificate, the applicant shall apply to the Mariposa County Planning Department for site plan review and approval. The Planning Department shall forward the application to the Building Department, Health Department, and County Fire Department and CalFire protection agency for review. The site plan review and approval process shall not be required for a property which has a TOT Certificate and which is transferred into or within a trust; the TOT Certificate will simply require a name change to reflect the name of the trust. The site plan review and approval process shall also not be required for a property which has a TOT Certificate and which is purchased or transferred between parents and their children, as defined by California Revenue and Tax Code §63.1(c). The TOT Certificate will simply require a name change. Information specified in California Revenue and Tax Code §63.1(d)(1) may be required by the County. (Ord. 1074 Sec.III, 2010; Ord. 740 Sec.1, 1989).

JO. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County Tax Collector pursuant to Chapter 3.36 of Title 3, Mariposa County Code. The facility is not considered to be legally operating until the facility is issued a valid transient occupancy registration certificate.

KP. Residential transient occupancy establishments are specifically excluded from the definition of "hotel" as described in this Title. (Ord. 1074 Sec.III, 2010).

Q. On a yearly basis, by the 30th day of April, the owner or manager of a residential transient occupancy establishment shall provide to the Planning Department on a County-approved form confirmation that the establishment complies with the following:

1. Smoke alarms and CO detectors are in working condition with fresh batteries.
2. Fire extinguishers are adequately charged.
3. The structure and any improvements or modifications were constructed under appropriate building permits or permits from
4. The facility remains compliant with the residential transient occupancy safety checklist in effect at the time the transient occupancy registration certificate was issued.

This self-reporting requirement shall apply to all residential transient occupancy facilities, regardless of their approval date.

R. Failure of the landowner or manager to maintain the conditions and requirements of this section or failure to submit the annual facility compliance report would be deemed a violation and may result in the rescinding of the approval and Transient Occupancy Tax Certificate.

S. Mobile homes manufactured prior to January 1976 shall be prohibited from being approved for any transient occupancy within Mariposa County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.

T. Transient occupancy uses shall be prohibited in a mobile home located within a mobile home park.

U. Any alterations to a mobile home structure must be or must have been approved by the California Department of Housing and Community Development through a permitting process. A mobile home with unpermitted alterations may not be approved for use for transient occupancy. It shall be the responsibility of the applicant to submit evidence of permitted alterations.

V. Only two vacation rentals shall be allowed per parcel, irrespective of the number of single-family residences located on the parcel.

(all other sub-sections of this chapter remain unchanged)
ATTACHMENT 2
Changes to Mariposa County Code, Zoning Section 17.148.010

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

Agricultural homestay:
"Agricultural homestay use" means a business that provides overnight transient occupancy accommodations in five or fewer guest rooms with not more than ten (10) adult guests; (children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons); and serves meals at any time to only registered guests, who actively participate in the guest’s education and the on-site agricultural activities. Agricultural homestays are located in the residence of the property owner or accessory dwelling or other existing dwelling.

Bed and Breakfast or Transient Rental:
A single-family structure, a residential unit of a duplex, a residential condominium unit, or an apartment unit within a commercial structure with only one such unit, or a portion of such residential units, rented or leased for periods of 30 or less days and complying with the standards contained herein. (Ord. 862 Sec.1, 1993).

Bed and Breakfast:
A "bed and breakfast" means a single family structure, a single-family dwelling unit of a duplex, or a portion of such structure or dwelling unit, rented or leased for periods of thirty (30) or less consecutive days to an individual or any party, and complying with the standards contained herein. A bed and breakfast has a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast or similar early morning meal is prepared each day in a kitchen appropriately permitted by the Health Department. The price of food is included in the price of the accommodations.

Boardinghouse:
"Boardinghouse" means a dwelling other than a hotel where lodging is provided for compensation as defined in Chapter 2 of the California Building Code.

Dormitory:
"Dormitory" means a residence hall providing sleeping accommodations for individuals or for groups, usually without private baths.

Duplex:
"Duplex" means a building on a single parcel containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units, and except that common entry ways may be provided.

**Dwelling:**
"Dwelling" means any building or portion thereof designed or used as the residence of one or more persons. Dwelling does not include dormitory.

**Dwelling, multiple-family:**
"Multiple-family dwelling" means a building arranged or designed to be occupied by more than two families in individual dwelling units as governed by the California Building Code.

**Dwelling, single-family:**
"Single-family dwelling" means one dwelling unit.

**Dwelling unit:**
"Dwelling unit" means a room or group of rooms, including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household. Dwelling unit does not include a recreational vehicle.

**Family:**
"Family" means one or more persons living together as a single housekeeping unit in a dwelling, not including any group occupying a roominghouse or boardinghouse or dormitory or hotel or motel.

**Glamping:**
"Glamping" means a transient occupancy facility, regulated by uniform building code and uniform fire code, where guests occupy detached permanent upscale tent units or similar units but which are not conventional hotel, motel, or cabin facilities and are not an agricultural homestay or camping as defined within County Code. Payment for accommodations specifically includes overnight lodging and meals, and transient occupancy tax. Units exceeding 400 square feet in area are required to comply with applicable requirements of the California Fire Code and are required to obtain a permit and approval from the fire code official.

**Guesthouse:**
"Guesthouse" means a detached building occupied by guests without compensation of any kind as a condition of occupancy and used as sleeping quarters only, with sanitation facilities but without cooking or housekeeping facilities.

**Household:**
"Household" means all the persons, related or unrelated, who occupy a single dwelling unit. Persons not living in households are classified as living in group quarters.
Kitchen:
"Kitchen" means an area with appliances or other facilities for the preparation or preservation of food that includes a gas or electric range, oven or stovetop. A kitchen does not include wet bars or specialized home canning or preserving facilities.

Hotel:
"Hotel" means any structure, or any portion of any structure which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, or cabin mobile home or house trailer, at a fixed location, or other similar structure or portion thereof. A hotel does not include a bed and breakfast facility, a vacation rental facility, a guest ranch or dude ranch cabin, a glamping unit, an agricultural homestay, a boardinghouse, a dormitory or other similar structure. (Ord. 704 Sec.1, 1988).

Mobile home:
"Mobile home" means a manufactured dwelling unit, is a structure transportable on its own wheels, in one or more sections, measuring eight (8) feet or more in width and thirty two (32) feet or more in length, and which is built on a permanent chassis and designed and equipped to be used as a permanent dwelling, with or without a permanent foundation system, when connected to required utilities. Mobile home includes a manufactured home, as defined in section 18007 of the Health and Safety Code. Mobile home does not include a recreational vehicle, commercial coach, or factory-built housing, as defined in Section 19971 in the Health and Safety Code. (Ord. 704 Sec.1, 1988).

Residential use:
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 California Residential Code Uniform Building Code for residential structures.

Single room occupancy:
"Single room occupancy" means a dwelling within a hotel or motel that consists of one or two rooms and contains no sanitary facilities or food preparation facilities, or contains either, or contains both types of facilities. Single room occupancy could include an efficiency dwelling unit or a congregate residence as defined in the California Building Code.

Transient rental:
See definition for Vacation Rental.

Vacation Rental (previously known as Transient Rental):
A single family structure or a single-family dwelling unit of a duplex rented or leased for periods of 30 or less days and complying
with the standards contained herein. A vacation rental is a single family structure which is available for rental to a family or a group on a transient basis. Such structures meet the definition of "Boardinghouse" as shown in this chapter.

(all other definitions in 17.148.010 unchanged)
ATTACHMENT 3
Changes to Mariposa County General Plan, Appendix A

Mariposa County General Plan, Appendix A Glossary of Terms, Definitions

17. Bed and breakfast \textsuperscript{inn}. “Bed and breakfast \textsuperscript{inn}” means a single family structure, a single-family dwelling unit of a duplex, or a portion of such structure or dwelling unit, in which there is a full time, permanent resident family, and a limited number of guest bedrooms not exceeding five.\textsuperscript{1} These are rented as transient occupancies to different guests, and breakfast or similar early morning meal is prepared each day in a kitchen appropriately permitted by the Health Department. The price of food is included in the price of the accommodations.

163. Transient occupancy. “Transient occupancy” means residency in a hotel, bed and breakfast, vacation rental or similar facility\textsuperscript{dwellings} of for thirty or fewer calendar days at a time.


172. Vacation rental. “Vacation rental” means the commercial rental of an entire single family structure or a single-family dwelling unit of a duplex for short-term periods of less than thirty or fewer calendar days at a time.\textsuperscript{2}

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\textsuperscript{1} The number of bedrooms is limited by zoning regulations and policies within the General Plan or appropriate area plans. A bed and breakfast \textsuperscript{inn} with more than five guest rooms is considered a motel and shall be located on lands zoned for a motel.

\textsuperscript{2} “Vacation rental” replaces the term “transient rental.”
ATTACHMENT 4
Changes to Mariposa County Code, Zoning Chapter 17.334

CHAPTER 17.334
SUPPLEMENTARY USE STANDARDS

Sections:

17.334.010 Home based occupations.
17.334.020 Bed and breakfast and vacation residential-transient rentals.
17.334.030 Day care and small residential care facilities.
17.334.040 Agricultural uses.
17.334.050 Special use provisions for historic structures.
17.334.055 Uses prohibited in all zones.
17.334.060 Interpretation by the planning director.
17.334.070 Transitional and supportive housing.

17.334.020 Bed and breakfast and vacation residential-transient rentals.

For purposes of this section, residential transient rental and vacation rental have the same meaning. Bed and breakfast and vacation transient rental establishments (residential transient occupancy facilities) shall be considered a permitted use within all single family residential structures. Standards and requirements for bed and breakfast and vacation rentals are established by County Code, Zoning Section 17.108.180. Bed and breakfast and vacation rental establishments are defined in County Code, Zoning Section 17.148.010 as a single-family residential structure in which there is a full-time permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the health department. Residential transient establishments are defined as a single-family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single-family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single-family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single-family dwelling for the purpose of this chapter. The following requirements shall apply: (Ord. 1068 Sec. I, 2010).

A. No more than three (3) bedrooms are available for occupancy by transients for residential transient rentals.

A. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments. (Ord. 1068 Sec. I, 2010).

B. The structure and facilities used shall be approved for such use by the Mariposa County health department and shall at a minimum comply with the following standards:
1. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements;

2. Water supply shall be by an approved community system, or from an individual well having quality and quantity satisfying current code requirements.

C. The structure and facilities used shall be approved the applicable fire protection agency and comply with applicable provisions of the Public Resources Code.

D. A sign of not more than four (4) square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or the establishment. Larger signs shall require planning commission approval.

E. At a minimum, an 8 1/2 x 11-inch written notice must be placed in each rental unit which contains the following information:

1. Instructions in ease of fire or other emergency;

2. Quiet hours are between 10:00 p.m. and 8:00 a.m., and shall be strictly enforced;

3. Water and energy conservation measures;

4. Proper use of wood burning stoves and fireplaces;

5. Parking and snow removal requirements if necessary. No parking on roadway is permitted during snow removal periods declared by the director of public works, pursuant to County Code, Section 10.08.110;

6. An identification of the character of area in which the unit is located (i.e. rural, agricultural, residential);

7. A statement relative to respect for adjacent property owners’ rights and trespassing concerns.

F. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the chief building inspector relative to the basic health, safety and welfare of the occupants.

G. The following on-site parking standards shall apply:

1. Bed and breakfast establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.

2. Residential transient rental establishments shall have one (1) parking space for each bedroom to be rented.

3. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.

H. The applicant shall apply to the Mariposa County planning department for site plan review and approval. The planning department shall forward the application to the building department, health department, and a fire protection agency for review.

I. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County treasurer/tax collector’s office. (Ord. 822, Sec.1, 1992).

(all other sub-sections of this chapter remain unchanged)
ATTACHMENT 5
Changes to the Wawona Specific Plan Section 5 and Appendix 1, Section A1.1.1 (Mariposa County General Plan Volume II)

5 SPECIFIC PLAN GLOSSARY

5.2 Glossary Definitions

The following words shall have the meaning assigned for use within the Wawona Specific Plan.

B. "Bed and Breakfast" A single-family structure which is available for rental on transient basis and which is also occupied by a non-transient. Bed and breakfast establishments are defined in County Code, Zoning Section 17.148.010.

X. "Transient Vacation Rentals" A single-family structure which is available for rental to a family or a group on a transient basis. Vacation rentals are defined in County Code, Zoning Section 17.148.010.

(all other definitions in this chapter remain unchanged)
Appendix 1
Specific and General Site Use Regulations
And Standards

A1.1 Regulations Applicable to Specific Land Use Districts

A1.1.1 Mountain Residential District No. 1 (MR1)

Standards

G. Special Residential Use Standards: The general use regulations within the Mountain Residential District are modified as follows:

2. Home occupations:

a. Home based operations are permitted in residential areas. "Home Occupation" shall mean a use which is customarily carried on within a dwelling, accessory structure, or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling, accessory structure, or mobile home, and which use:

i. Is confined completely within the dwelling or mobile home and occupies not more than thirty-three (33%) percent of the gross area of one (1) floor thereof;

ii. Is operated only by the family occupying the dwelling or mobile home;

iii. Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises, or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;

iv. Does not generate pedestrian or vehicular traffic beyond that normal for the neighborhood in which use is located;

v. Meets the requirements of the Building Department and fire district of jurisdiction;

vi. Requires no additions or extensions to the dwelling or mobile home, unless approved under use permit provisions; and

vii. No signs allowed for advertising business.

b. Prior to the establishment of a home occupation, the following procedures shall be followed:

i. A notice of intent to establish a home occupation shall be filed with the Mariposa County Planning Department on a form approved by the Planning Department and a fee paid as established by ordinance by the Board of Supervisors;

ii. The Mariposa County Planning Department shall post a notice on the subject property, or residence in a conspicuous manner for a period of fifteen (15) consecutive days and notice to be
sent to the National Park Service and all property owners within three hundred (300) feet of the proposed home occupation:

iii. The notice shall briefly describe the intended home occupation;

iv. The filing of a petition signed by fifty percent (50%) of the residents or property owners residing within three hundred (300) feet of the proposed home occupation site, which protests the intended activity and filed with the Mariposa County Planning Department within twenty (20) calendar days of posting subject property, shall require such proposed home occupation to be permitted by conditional use permit only;

v. Absence of such a protest petition being filed as described above, the Planning Department shall issue a notice of approval to the applicant within ten (10) working days of the closing of a protest petition filing date.

3. **Transient Lodging:**

Standards for vacation rentals are as established by County Code, Zoning Section 17.108.180 with the following exceptions:

a. **Parking:**

   i. One (1) parking space on-site must be provided for each bedroom available for rent.

   ii. Number of vehicles may not exceed space provided on site. Parking on the traveled way of streets or roads shall be prohibited.

b. **Rental Limitations:** In addition to the requirements established by County Code, Zoning Section 17.108.180, each vacation rental unit shall comply with the following:

   i. Only one single family dwelling per legal parcel.

   ii. Have a certificate of transient occupancy in accordance with Mariposa County Code.

   iii. Conform with all Mariposa County rules and regulations.

   iv. Contain a minimum of one (1) fire extinguisher of ten (10) pound size per rental.

c. **Written Notices Which Must Be Placed In Each Rental Unit.**

   i. Instructions in case of fire:

   ii. Noise must be kept to a minimum so as not to annoy neighbors.

   iii. Noise must be eliminated by 10 p.m.

d. In addition to the requirements to establish a vacation rental pursuant to County Code, Zoning Section 17.108.180, prior to a landlord providing for transient lodging, the following procedures shall be followed:

   i. The National Park Service shall be sent notice of the application pursuant to other provisions contained herein.
notice of intent to provide transient lodging shall be filed with the Mariposa County Planning Department on a form approved by the Planning Department and a fee paid as established by ordinance of the Board of Supervisors.

ii. The Mariposa County Planning Department shall inspect premises for compliance with this section and shall issue a notice of approval to the applicant if all conditions of this section are met.

Failure of the landowner to maintain the conditions of this section could result in the rescinding of the notice of approval.

[These amended standards also apply to Mountain Residential District No. 2 (MR2) and Limited Commercial District (LC).]

(all other sub-sections of this chapter remain unchanged)
ATTACHMENT 6
Changes to the Mariposa Town Plan Section 3.15 (Mariposa County General Plan Volume II)

SECTION 3 LAND USE DEVELOPMENT STANDARDS AND REGULATIONS

3.1 ZONING DISTRICTS

... 

SECTION 3.15 SUPPLEMENTARY USE STANDARDS

... B. Bed and Breakfast and Vacation Residential Transient Rentals

For purposes of this chapter, residential transient rental and vacation rental have the same meaning. Bed and Breakfast and Vacation Transient Rental Establishments (residential transient occupancy facilities) shall be considered a permitted use within all single family residential structures. Standards and requirements for bed and breakfast and vacation rentals are established by County Code, Zoning Section 17.108.180. Bed and Breakfast and Vacation Rental Establishments are defined in County Code, Zoning Section 17.148.010 as a single family residential structure in which there is a full-time permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department. Residential Transient Establishments are defined as single family structures which are available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units where in title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for the purpose of this chapter. The following requirements shall apply:

1. No more than three (3) bedrooms are available for occupancy by transients for transient rentals.

2. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments.

The structure and facilities used shall be approved for such use by the Mariposa County Health Department and shall at a minimum comply with the following standards:

a. The residence shall be serviced by an approved community sewage disposal system, or have an
individual system satisfying current code requirements.

b. Water supply shall be by an approved community system, or from an individual well having quality and quantity satisfying current code requirements.

2. The structure and facilities used shall be approved by the applicable fire protection agency and comply with applicable provisions of the Public Resources Code.

5. A sign of not more than four square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or establishment. Larger signs shall require Planning Commission approval.

6. At a minimum, an 8 1/2 x 11 inch written notice must be placed in each rental unit which contains the following information:
   a. Instructions in case of fire or other emergency.
   b. Quiet hours are between 10:00 p.m. and 8:00 a.m. and shall be strictly enforced.
   c. Water and energy conservation measures.
   d. Proper use of wood-burning stoves and fireplaces.
   e. Parking and snow removal requirements if necessary. No parking on roadway is permitted during snow removal periods declared by the Director of Public Works, pursuant to County Code, Section 10.08.110.
   f. An identification of the character of area in which the unit is located (i.e. rural, agricultural, residential).
   g. A statement relative to respect for adjacent property owner’s rights and trespassing concerns.

7. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the Chief Building Inspector relative to the basic health, safety and welfare of the occupants.

8. The following on-site parking standards shall apply:
   a. Bed and breakfast establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.
b. Residential transient rental establishments shall have one (1) parking space for each bedroom to be rented.

c. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.

9. The applicant shall apply to the Mariposa County Planning Department for site plan review and approval. The Planning Department shall forward the application to the Building Department, Health Department, and a fire protection agency for review.

10. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County Treasurer/Tax Collector's Office.

(all other sub-sections remain unchanged)
ATTACHMENT 7
Changes to the Fish Camp Specific Plan, Section VI.H (Mariposa County General Plan Volume II)

H. Bed and Breakfast and Residential Transient Vacation Rentals.

For purposes of this section, residential transient rental and vacation rental have the same meaning.

1. Prior to the establishment of a Bed and Breakfast Inn—or Transient—Vacation Rental activity—use, a notice of intent to establish such a use—activity shall be filed with the Mariposa County Planning Department on an application form and a fee paid as established in accordance with County Resolution. Thereafter, the Planning Department shall post a notice of the proposed activity—use on the subject property in a conspicuous manner for a period of not less than fifteen (15) calendar days and copy of such notice shall be mailed to all property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity.

The filing of a petition with the Planning Department on a County approved form signed by fifty percent (50%) of the property owners within 300 feet of the exterior property lines of the parcel containing the proposed activity protesting such application within twenty (20) calendar days after such notice has been mailed shall require the proposed activity to obtain a conditional use permit. If a property owner owns more than one (1) parcel within the 300 foot notice area, that property and property owner shall not be counted more than one (1) time.

In the absence of such a petition (as described above), the Planning Department shall issue a notice of approval to the applicant providing that all requirements as set forth herein have been satisfied.

2. Land Use Provisions:

Bed and Breakfast establishments are defined as a single family structure which is occupied and operated by the resident who may provide or make available a morning meal on the premises defined in County Code, Zoning Section 17.148.010.

Residential—Transient—Vacation rental establishments are defined as a single family structure which is available for rental to an individual, or a family or a group on a transient basis for a period not to exceed twenty-nine (29)
days. These structures are also defined as single-family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single-family dwelling unit together with any common areas defined in County Code, Zoning Section 17.148.010.

Notwithstanding other Specific Plan provisions, a duplex shall be considered a single-family dwelling for the purpose of this section as defined in County Code, Zoning Section 17.148.010. Both Bed and Breakfast and Residential Transient vacation rentals shall meet the following requirements:

3. Use Requirements:

Prior to the issuance of a Bed and Breakfast or Transient Occupancy permit, the following requirements shall be met: Bed and breakfast and vacation rental establishments are subject to all applicable standards contained in County Code, Zoning Section 17.108.180 with the following exceptions:

a. No more than three (3) bedrooms are available for occupancy by transients.

b. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying building and health code requirements.

c. Water supply must be verified to be available from an approved community system, or from an individual well having quality and quantity satisfying health code requirements.

d. The structure and facilities used shall be approved by all agencies necessary to comply with applicable provisions Resources Code, and applicable County ordinance.

e. At the time the application for permit is approved, the structure must be found in conformance with building code requirements by the Chief Building Inspector relative to the basic health/safety and welfare of the occupants.

f. Signs shall comply with the provisions in Section VI B 6 g 3.

c. A bed and breakfast or residential transient vacation rental may include other uses which comply with the home occupation section of this Specific Plan.

h. At minimum an 8 1/2 x 11 inch written notice must be placed in each rental unit which contains the following information:

Instructions in case of fire or other emergency.
4. Quiet hours are between 10:00 p.m. and 8:00 a.m., and shall be strictly observed.

5. Water and energy conservation measures.

6. Proper use of wood-burning stoves and fireplaces.

7. A statement relative to respect for adjacent property owner's rights and trespassing concerns.

   i. The following minimum on-site parking standards shall apply:

   (1) Bed and breakfast establishment shall have two (2) parking spaces for the residence plus at least one (1) on-site space for each bedroom available for rent.

   (2) Transient rental establishments shall have one (1) on-site parking for each bedroom.

   (3) On-site parking spaces provided shall be maintained so they are accessible, and usable at all times during the year, when the residence is occupied.

A. Application Requirements:

3. The applicant shall apply to the Mariposa County Planning Department for a permit. The Planning Department shall also forward the application to the Building Department, Health Department, and appropriate fire protection agency for review.

4. Following approval by the appropriate agencies, and completion of notice period as described in Section VI.H.1., a valid transient occupancy registration certificate shall be issued by the Mariposa County Treasurer/Tax Collector's Office.

   i. At the time the application for a permit is approved, the structure must be found in conformance with building code requirements by the Chief Building Inspector relative to the basic health, safety and welfare of the occupants.

(all other sub-sections remain unchanged)
ATTACHMENT 8
Changes to the Coulterville Town Plan, Section VI.4 (Mariposa County General Plan Volume II)

VI. GOALS AND OBJECTIVES

4. Home Based Occupations:
   Home based occupations will be permitted in all residential areas subject to the following:
   a. Home occupation shall mean a use which, as determined by the Commission, is customarily carried on within a dwelling or mobile home by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling or mobile home, and which use:
      i. Is confined completely within the dwelling or mobile home and occupies not more than thirty three (33%) percent of the gross area of the floor thereof;
      ii. Is operated only by the members of the family occupying the dwelling or mobile home;
      iii. Produces no evidence of its existence in the external appearance of the dwelling, mobile home, or premises or in the creation of noise, odors, smoke or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;
      iv. Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which use is located;
      v. Meets the requirements of the County Building Department Chief Building Inspector and County Fire Department district of jurisdiction; and
      vi. Requires no additions or extensions to the dwelling or mobile home, unless approved under use-permit provisions.
   b. Prior to the establishment of a home occupation the following procedures shall be followed:
i. A notice of intent to establish a home occupation shall be filed with the Mariposa County Planning Department.

ii. The Mariposa County Planning Department shall post a notice on the subject property or residence in a conspicuous manner for a period of fifteen consecutive calendar days and notice to be sent to all property owners within 500 feet of the proposed home occupation.

iii. The notice shall briefly describe the intended home occupation proposed.

iv. The filing of a petition signed by 50% of the residents residing within 500 feet of the proposed home occupation site, which protests the intended activity and filed with the Mariposa County Planning Department within 20 calendar days of posting subject property, shall require such proposed home occupation to be permitted by conditional use permit only. If a property owner owns more than one (1) parcel within the 500 foot notice area, that property and property owner shall not be counted more than one (1) time.

v. Failure of such a protest petition being filed as described above, the Planning Department shall issue a notice of approval to the applicant within 10 working days of the closing of a protest petition filing date.

c. Bed and breakfast and vacation rental establishments are distinguishable from other home based occupations and are as defined in County Code, Zoning Section 17.148.010. Such establishments are allowed, subject to all applicable standards contained in County Code, Zoning Section 17.108.180 with the following exceptions:

i. Signs must comply with 4.a.vii. above.

(all other sub-sections remain unchanged)
ATTACHMENT 9
Changes to Mariposa County Code, Revenue & Finance Chapter 3.36

Chapter 3.36
TRANSIENT OCCUPANCY TAX

... 3.36.020 Definitions.
Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. “Due date” or “date due” shall mean the date designated by the tax collector wherein the tax is due to be paid. Should the “due date” or the “date due” fall on a Saturday, Sunday, or holiday where either the post office or county offices are closed, the “due date” or “date due” shall be the first working day following the Saturday, Sunday or holiday.

B. “Hotel” means any structure, or any portion of any structure, which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, inn, bed-and-breakfast establishment or transient rental as defined in section 17.108.180 of this code, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer, at a fixed location, or other similar structure or portion thereof. A hotel does not include a “bed and breakfast” facility, a “vacation rental” facility, a “guest ranch or dude ranch cabin”, a “glamping unit”, an “agricultural homestay” or other similar structure or portion thereof (collectively known as “other transient occupancy facility”), all of which are defined in Mariposa County Code, Zoning Section 17.148.010.

C. “Occupancy” means the use or possession, or the right to the use or possession, of any room or rooms or portion thereof, in any hotel or other transient occupancy facility, for dwelling, lodging, or sleeping purposes.

D. “Operator” means the person who is proprietor of the hotel or other transient occupancy facility, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter, and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be in compliance by both.

E. “Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
F. "Remit' as used in this chapter means that the taxes due under this chapter shall be received by the tax collector on the due date or the postage containing the taxes must be postmarked no later than the due date of the tax."

G. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel or other transient occupancy facility, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, and property, and services of any kind or nature, without any deduction therefrom whatsoever; provided, however, that "rent" shall not include lodging furnished in kind to any employee by an employer solely for the convenience of the employer.

H. "Transient" means any person who exercises occupancy, or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement, for a period of thirty (30) consecutive calendar days, or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel or other transient occupancy facility, shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered. This definition of "transient" shall also apply in cases where an individual or organization rents a premises for an excess of thirty (30) days as defined herein and that individual or organization allows use throughout the rental period by different individuals. (Ord. 953, Sec.1, 2000; Ord. 245 Sec.2, 1964).

3.36.030 Imposition of tax.

For the privilege of occupancy in any hotel or other transient occupancy facility, each transient is subject to and shall pay a tax in the amount of ten percent (10%) of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the county, which is extinguished only by payment to the operator, or to the county. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel or other transient occupancy facility. If for any reason the tax due is not paid to the operator of the hotel, the Tax Collector may require that such tax be paid directly to the Tax Collector. (Measure B, effective 3/27/96; Repealed Ord. 892 Sec.1, 1995; Ord. 780 Sec.1, 1990).

3.36.050 Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a
receipt for payment from the operator. No operator of a hotel, or other transient occupancy facility, shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded, except in the manner provided in sections 3.36.160 through 3.36.190. (Ord. 245 Sec.5, 1964).

3.36.060 Registration--Certificate.

Within thirty (30) days after the effective date of the ordinance codified in this chapter, or prior to establishing a transient occupancy business, or within thirty (30) days after commencing business, pursuant to other applicable provisions of county code (title 17), whichever is later, each operator of any hotel or other transient occupancy facility renting occupancy to transients shall register the hotel with a permit an application to the planning department and obtain a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. A separate certificate shall be issued for each and every separate hotel, or bed and breakfast, and for each and every individual rental unit in a vacation rental business. A separate certificate shall be issued for each and every transient occupancy facility. Existing certificates which have been issued to multiple facilities under one ownership shall be converted to separate certificates (per unit, as described above) within six (6) months of the effective date of this ordinance. The certificate shall, among other things, state the following:

A. The name of the operator;
B. The address of the hotel, bed and breakfast, vacation rental, or other transient occupancy facility business;
C. The date upon which the certificate was issued;
D. The number of guest rooms (if a hotel or similar operation) or bedrooms (if a residential transient occupancy facility) approved for rental. If in Wawona, the certificate shall list maximum occupancy by number of guests, if the certificate was issued prior January 17, 2012. If the vacation rental is approved on or after April 14, 2016, the certificate for a vacation rental shall list maximum occupancy of guests as ten (10) or such lesser occupancy as desired by the owner or as required pursuant to County Code Section 17.108.180.D;
E. This "transient occupancy registration certificate" signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax ordinance by registering with the Planning Department for the purpose of complying with zoning ordinance standards, collecting for transients the transient occupancy tax, and remitting said tax to the Collector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel or other transient occupancy facility, without strictly complying with all local applicable laws, including,
but not limited to, those requiring a permit from any board, commission, department, or office of this county. This certificate does not constitute a permit. (Ord. 953 Sec.I, 2000; Ord. 245 Sec.6, 1964).

3.36.070 Reporting rents and remitting tax.
Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax collector, make a return to the tax collector, on forms provided by the tax collector, and which may be obtained from the tax collector’s office, of the total rents charged and received, and the amount of tax collected for transient occupancies. It shall be the responsibility of the operator to obtain the forms as described herein. If an operator has been issued more than one transient occupancy registration certificate, the operator shall report the tax collected and due on each unit that has a transient occupancy registration certificate. The operator may remit payment in one check for multiple units, but the accounting for tax collected and due shall be itemized for each separate certificated rental unit. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax collector. The Tax Collector may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax, and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the county until payment thereof is made to the tax collector. (Ord. 953 Sec.I, 2000; Ord. 245 Sec.7, 1964).

3.36.080 Penalty--Original delinquency.
Any operator who fails to remit any tax imposed by this chapter within the time required (due date) shall pay a penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax. The board of supervisors shall have the authority to waive penalties imposed by section 3.36.080 and section 3.36.090 when the board of supervisors determines in a public meeting that good cause exists for waiving the penalties. (Ord. 977 Sec.1, 2002; Ord. 953 Sec.I, 2000; Ord. 245 Sec.8(a), 1964).

3.36.090 Penalty--Continued delinquency.
When taxes remain unpaid at 5 p.m., or the close of business whichever is later, on the last day of the second succeeding calendar month after delinquency, operator shall pay an additional penalty of one and one half percent (1-1/2%) per month together with any actual costs of collection incurred by the county up to the time the delinquency is paid [§2922(c), (d)]. In the event taxes are not received by the Tax Collector on the due date, the Tax Collector shall, within thirty (30) days of the delinquency notify the operator, in writing, of the delinquency and the addition of penalties for failure to pay on the due date and additional penalties to be added.
This additional penalty attaches on the first day of every month thereafter until payment is made or a court judgment is entered, whichever occurs first. (Ord. 953 Sec.I, 2000; Ord. 245 Sec. 8(b), 1964).

3.36.100 Penalty--Fraud.

If the Tax Collector determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in sections 3.36.080 and 3.36.090. (Ord. 245 Sec.8(c), 1964).

3.36.120 Failure to collect and report tax--Determination of tax by Tax Collector.

If any operator fails or refuses to collect the tax, and to make, within the time provided in this chapter (due date), any report and remittance of the tax or any portion thereof required by this chapter, the Tax Collector shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Tax Collector procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest, and penalties provided for by this chapter. In case such determination is made, the Tax Collector shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of business. Such operator may within ten (10) calendar days after the serving or postmark of such notice make application in writing to the Tax Collector for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the Tax Collector, shall become final and conclusive, and immediately due and payable. If such application is made, the Tax Collector shall give not less than five (5) calendar days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax, interest, and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest, and penalties should not be so fixed. After such hearing, the Tax Collector shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after fifteen (15) calendar days unless an appeal is taken as provided in section 3.36.130. (Ord. 953 Sec.I, 2000; Ord. 245 Sec.8(e), 1964).
3.36.130 Appeal to board for grievance with decision of \textit{Tax Collector}.

This section shall apply only to section 3.36.120 above. There is no appeal for late payment of taxes. Any operator aggrieved by any decision of the \textit{Tax Collector} with respect to the amount of such tax, interest, and penalties, if any, may appeal to the \textit{Board of Supervisors} by filing a notice of appeal with the \textit{Clerk of the Board of Supervisors} within twenty (20) calendar days of the personal service or postmark of the determination of tax due by the tax collector. The \textit{Board of Supervisors} shall fix a time and place for hearing such appeal, and the \textit{Clerk of the Board} shall give notice in writing to such operator at his last known place of address. The findings of the \textit{Board of Supervisors} shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. As a condition precedent to the appeal rights contained herein the operator must pay the taxes determined by the tax collector. Should the operator prevail in the appeal the taxes determined not to be due shall be refunded. \textit{Ord. 953 Sec.I, 2000; Ord. 245 Sec.9, 1964)}.

3.36.140 Records to be kept by operators.

It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the \textit{Tax Collector} shall have the right to inspect at all reasonable times. \textit{Ord. 245 Sec.10, 1964)}.

3.36.150 Refund--Procedure.

Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the county under this chapter, it may be refunded only upon a verified claim filed by the person who paid the tax, his guardian, executor or administrator, provided a claim in writing therefore, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the \textit{Tax Collector} within three (3) years of the date of payment. The claim shall be on forms furnished by the \textit{Tax Collector}. \textit{Ord. 953 Sec.I, 2000; Ord. 245 Sec.11, 1964)}.

3.36.160 Refund--Claim by operator.

An operator may claim a refund or take as credit against taxes to be collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received, when it is established in a manner prescribed by the \textit{Tax Collector} that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the
transient or credited to rent subsequently payable by the transient to
the operator. (Ord. 953 Sec.1, 2000; Ord. 245 Sec.12(a), 1964).

3.36.170 Refund--Claim by transient.
A transient may obtain a refund of taxes overpaid, or paid more
than once, or erroneously or illegally collected or received by the
county by filing a claim in the manner provided in section 3.36.160,
but only when the tax was paid by the transient directly to the tax
collector, or when the transient, having paid the tax to the operator,
establishes to the satisfaction of the Tax Collector that the
transient has been unable to obtain a refund from the operator who
collected the tax. (Ord. 953 Sec.1, 2000; Ord. 245 Sec.12(b),
1964).

3.36.210 Failure to obtain certificate and pay taxes-- Penalty.
Should an operator fail to obtain a certificate as required in
section 3.36.060 above, and fail to pay taxes as due hereunder, the
operator shall be subject to a penalty equal to twice the amount of
taxes due as determined by the Tax Collector pursuant to the method
as described in section 3.36.120 above. (Ord. 953 Sec.1, 2000;
Ord. 245 Sec.14, 1964).

(all other sub-sections of this chapter remain unchanged)
TO: County Clerk, County of Mariposa           FROM: Mariposa County Planning Department
P.O. Box 247                                      P.O. Box 2039
Mariposa, CA  95338                                Mariposa, CA  95338

Project Title: General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities

Project Address: Applies countywide

Project Parcels: N/A

Description: Amendments to Volumes I and II of the Mariposa County General Plan, including the Mariposa, Coulterville, Fish Camp, and Wawona Town Planning Area Town Plans, and amendments to Titles 3 and 17 Mariposa County Code. The amendments bring County codes, the General Plan, and additional planning documents relating to standards and definitions for bed and breakfast and vacation rental facilities into consistency. The amendments address issues relating to the County’s permitting of commercial bed and breakfast and vacation rental uses within single family residential structures.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: General Rule Exemption; Section 15061, CEQA Guidelines

Reason Why Project Is Exempt: General Plan/County Code Amendment No. 2015-112 is exempt from environmental review pursuant to the General Rule Exemption, Section 15061, of CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This amendment addresses concerns relating to the County’s permitting of commercial bed and breakfast and vacation rental uses in single-family residential structures, brings County codes and planning documents into consistency as they relate to such uses, and enhances standards, review and oversight for such uses. Enhanced review includes establishing occupancy limits based on sewage disposal capacity. The amendments are text changes to County codes, General Plan and additional planning documents which do not have the potential to cause a significant effect on the environment.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 742-1215

Mariposa County Board of Supervisors by

Sarah Williams
Planning Director

Date: 3/2/2016
## 2016 ENVIRONMENTAL FILING FEE CASH RECEIPT

**State of California - Department of Fish and Wildlife**

DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

### See Instructions on Reverse. Type or Print Clearly.

<table>
<thead>
<tr>
<th>LEAD AGENCY</th>
<th>LEAD AGENCY EMAIL</th>
<th>DATE</th>
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</thead>
<tbody>
<tr>
<td>Mariposa County Board of Supervisors</td>
<td><a href="mailto:swilliams@mariposacounty.org">swilliams@mariposacounty.org</a></td>
<td>3/02/2016</td>
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### PROJECT TITLE

General Plan/County Code Amendment No. 2015-112 for Transient Occupancy Facilities

### PROJECT APPLICANT NAME

<table>
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<th>PHONE NUMBER</th>
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<td>Mariposa County Board of Supervisors</td>
<td><a href="mailto:swilliams@mariposacounty.org">swilliams@mariposacounty.org</a></td>
<td>(209) 966-5151</td>
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<th>STATE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2039</td>
<td>Mariposa</td>
<td>CA</td>
<td>95338</td>
</tr>
</tbody>
</table>

### CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR) $3,070.00
- Mitigated/Negative Declaration (MND)/(ND) $2,210.25
- Certified Regulatory Program document (CRP) $1,043.75

- Exempt from fee
  - Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)

- Fee previously paid (attach previously issued cash receipt copy)

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<th>Water Right Application or Petition Fee (State Water Resources Control Board only)</th>
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<tr>
<td>County documentary handling fee</td>
<td>$</td>
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<tr>
<td>Other</td>
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### PAYMENT METHOD:

- Cash
- Credit
- Check
- Other

**TOTAL RECEIVED** $0.00

### SIGNATURE

[Handwritten Signature]

Karen M. Herman, Deputy County Clerk, Mariposa County

---

**ORIGINAL - PROJECT APPLICANT**

**COPY - CDFWASB**

**COPY - LEAD AGENCY**

**COPY - COUNTY CLERK**

DFW 753.5a (Rev. 2015/12/15)
NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars ($50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

☐ Collect environmental filing fee or copy of previously issued cash receipt. (Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)

☐ Issue cash receipt to project applicant.

☐ Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.

If the project applicant presents a No Effect Determination signed by CDFW, also:

☐ Attach No Effect Determination to NOD (no environmental filing fee is due).

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

☐ Issue cash receipt to project applicant.

☐ Attach copy of cash receipt to NOE (no environmental filing fee is due).

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as “Environmental Document Filing Fees” per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

✓ A photocopy of the monthly State of California Form No. CA25 (TC31);

✓ CDFW/ASB copies of all cash receipts (including all voided receipts);

✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment;

✓ A copy of all NODs filed with the county during the preceding month; and

✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

# The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.

# The next eight digits automatically populate with the current month, day, and year.

# The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies save a local copy of this form. Each time the form is opened on the same computer, the last three digits will automatically populate in sequence. However, CDFW recommends that counties track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:
California Department of Fish and Wildlife
Accounting Services Branch
1416 9th Street, 12th Floor, Suite 1266
Sacramento, California 95817