DEPARTMENT: Planning  BY: Duane Hall, Assoc. Planner  PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X  No ___)

(1) Adopt resolution as attached approving amendments to the General Plan Land Use Map and Mariposa TPA Specific Plan; (2) Waive first reading and introduce ordinance as attached to amend the Mariposa County Zoning Map and Mariposa TPA Specific Plan Map; and (3) Waive first reading and introduce ordinance as attached to amend Title 17 of County Code (Zoning Ordinance). This recommendation is based on the action of the Board of Supervisors on the matter at the October 5, 1993 meeting.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On September 7, 1993 the Board held a public hearing on the amendment applications and received public input. The Board began deliberations on the approval or denial of the amendments and acted to continue the public hearing to September 28th and October 5th. On October 5th the Board tentatively approved amendments to the General Plan, Zoning Ordinance, and Specific Plan; continued the deliberation phase of the public hearing; and directed the Planning Department to formalize the Board’s motion into a draft resolution and ordinance for their consideration.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: (1) Continue matter; (2) Modify one or more of the amendments; (3) Deny one or more of the amendments.

NEGATIVE ACTION (i.e. denial of all amendments) would result in no changes to the General Plan, Zoning Ordinance, and Mariposa TPA Specific Plan.

COSTS:  (X) Not Applicable
A. Budgeted current F
t $________
B. Total anticipated costs $________
C. Required additional funding $________
D. Internal transfers $________

SOURCE:  ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
B. Reserve for contingencies $________
C. Source description: Balance in Reserve for Contingencies, if approved: $

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

1. Draft resolution
2. Draft ordinance (map)
3. Draft ordinance (text)

CLERK'S USE ONLY:
Res. No.: 13-352  Ord. No. ________
Vote - Ayes: ________  Absent: ________
Approved: ________  Abstained: ________
Denied: ________  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:  ___________
ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: Deputy

ADMINISTRATIVE OFFICER’S RECOMMENDATION:
This item on agenda as:

☑ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted with Comment
☐ Returned for Further Action

Comment: __________________________________________

A.O. Initials: ______

Action Form Revised 5/92
TO:       TONY LASHBROOK, PLANNING DIRECTOR
FROM:     MARGIE WILLIAMS, CLERK OF THE BOARD
SUBJECT:  GP/ZA NO. 93-3, SPA NO. 93-1, COUNTY OF MARIPOSA;
          APPLICANT

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,
ADOPTED THIS Order on October 26, 1993

ACTION AND VOTE:

10:49 a.m.  Tony Lashbrook, Planning Director;
            A) Continued PUBLIC HEARING (Deliberation Phase) to
Consider the Approval or Denial of General Plan/Zoning
Amendment Application No. 93-3 and Specific Plan Amendment
Application No. 93-1; County of Mariposa, Applicant
BOARD ACTION:  Tony reviewed the draft resolution and
ordinances. Hearing was continued at 11:01 a.m. for LAFCo
to convene and continue its meeting to after Planning items,
with the concurrence of the LAFCo Chairman. Board continued
with deliberations. (M)Baggett, (S)Parker, Res. 93-552
adopted approving amendments to General Plan Land Use Map
and Mariposa TPA Specific Plan; first reading was waived and
an ordinance introduced amending the County Zoning Map and
Mariposa TPA Specific Plan Map; and first reading was waived
and an ordinance introduced amending Title 17 of County Code
(Zoning Ordinance); with changes as discussed to the grading
section and utility lines/services. Motion was amended,
agreeable with maker and second, to include change in site
development to reflect "within the TPA", and to provide
direction to staff to send a letter to affected property
owners of the SR-5 zone explaining the options available to
them should they choose to develop/Ayes:  Baggett, Erickson,
Parker; Abstained:  Balmain; Excused:  Taber.

cc:  File
MARIPosa COUNTY RESOLUTION NO. 93-552

A RESOLUTION AMENDING THE MARIPosa COUNTY GENERAL PLAN LAND USE MAP AND THE MARIPosa TPA SPECIFIC PLAN

WHEREAS, Government Code Sections 65450 through 65457 provide for the development, adoption, and implementation of Specific Plans as a means of implementing the General Plan; and

WHEREAS, the Mariposa County Board of Supervisors has previously adopted a Specific Plan for the Mariposa Town Planning Area (TPA); and

WHEREAS, the Board of Supervisors adopted Resolution No. 93-201 thereby initiating the public review and hearing process to amend the Mariposa County General Plan Land Use Map and Mariposa TPA Specific Plan; and

WHEREAS, the Mariposa County Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments in accordance with State law and County Code and considered all public input received on the amendments; and

WHEREAS, the Planning Commission has reviewed the amendments and recommended approval of the Specific Plan and associated general plan amendments with modifications; and

WHEREAS, the Board of Supervisors has determined that consideration of requiring mailbox cluster units in the Mariposa TPA is premature at this time and removed Amendment 12 from further consideration.

NOW, THEREFORE, the Mariposa County Board of Supervisors, a political subdivision of the State of California, does hereby approve the following:
1) Amendments to the General Plan Land Use Map and Mariposa TPA Specific Plan Map as shown in Exhibit "A" attached hereto and incorporated herein with those properties designated "Scenic Resource" now hereby designated "Scenic Resource-20 Acre"; and

2) Amendments to the Mariposa TPA Specific Plan as described in Exhibit "B" attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Board of Supervisors does hereby certify an addendum to the Mariposa TPA Specific Plan Environmental Impact Report as set forth in Exhibit "C" (Report for the Mariposa Town Planning Area Specific Plan Amendments) attached hereto and incorporated herein with the modifications contained in Exhibit "D" attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, these actions are based on the findings contained in Chapters 3 and 6 of the Report for the Mariposa Town Planning Area Specific Plan Amendments as set forth in Exhibit "C".

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 26th day of October, 1993 by the following vote:

AYES: BAGGETT, ERICKSON, PARKER
NOES: NONE
ABSTAINED: BALMAIN
EXCUSED: TABER
NOT VOTING: NONE

ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN,
County Counsel
EXHIBIT "B"

Additions are shown in italic type. Deletions are shown in strikethru type.

1) The following added to end of Section 2.61(A):

Substantial improvements consisting of a continuous left-turn lane, widened shoulders, and a pathway are proposed for Highway 49 North from Highway 140 to Mariposa Creek. The Board of Supervisors has adopted this project as the County’s No. 1 priority for State Highway projects. The project has been placed in the State Transportation Improvement Program, and funding for the project has been secured. Completion of the project is estimated for the summer of 1997. The right-of-way necessary for the project has been determined by the California Department of Transportation and a map of the proposed right-of-way is on file in the Mariposa County Planning Department.

In addition to many other factors, costs for the project are based on the property and development improvements which presently exist along the highway. These costs include acquiring the necessary right-of-way from private property owners who will be compensated for their property and improvements within the right-of-way, and the removal or replacement of any improvements within the right-of-way. Further encroachments of improvements into the proposed right-of-way will increase the costs of the project in excess of the funds budgeted by the State for completion of the project. These increased costs may have to be borne by the County or the project will have to be reduced in size or scope. For these reasons, the proposed right-of-way should be protected from further encroachments of buildings, structures, and other improvements. In addition, to prevent the creation of non-conforming buildings and structures in respect to setback standards upon completion of the project, new buildings and structures should be setback from the proposed right-of-way boundary.

To protect the proposed right-of-way, development standards should be established prohibiting the placement of buildings, structures, and other improvements within the proposed right-of-way. Buildings, structures, and other improvements should be allowed within the proposed right-of-way if improvements such as retaining walls are constructed or drainage and maintenance agreements are executed which reduce the width of the right-of-way necessary to construct the left-turn lane project. Such improvements or agreements should be at the request and expense of the property owner and acceptable to the California Department of Transportation. Development standards should also be established to require a minimum setback of buildings and structures from the proposed right-of-way boundary.
2) Section 3.13(B) amended as follows:

B. Scenic Resource-20 Acre District

Purpose

This land use classification identifies an area of land whose potential use for building sites is limited due to very steep slopes which offer adverse conditions for road building, surface drainage, septic systems, and especially road and site grading. This classification is applied to the steep hillside areas surrounding the community and generally outside of the service area for community water and sewer.

1. Permitted Uses:


b. Open space recreational uses including parks, recreational uses, hiking trails and similar non-intensive uses;

c. Limited agricultural including grazing and the raising of crops;

d. Timber harvesting conducted in accordance with the scenic highway overlay standards contained in Chapter 17.65 of this Title;

e. One (1) secondary residence per parcel on parcels-complying-with-the-minimum-parcel-size.

2. Conditional Uses:

None.

3. Prohibited Uses:

All uses not listed as permitted or conditional shall be prohibited.

4. Minimum Lot Size/Density:

Minimum lot area shall be twenty (20) acres. The maximum density shall be one (1) single family residence per parcel and a secondary residence as provided for in this section. The maximum density may be increased to one (1) residence per five (5) acres through the planned development process.
5. **Special Development Standards** for SR-20:

The special development standards for the SR-20 District shall be as specified for the SR-5 District listed in Section 3.13(C)(5).

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3) **Section 3.13(C) added as follows:**

C. **Scenic Resource-5 Acre District**

**Purpose**

This land use classification identifies an area of land whose potential use for building sites is limited to very steep slopes which offer adverse conditions for road building, surface drainage, septic systems, and especially road and site grading. This classification is applied to the steep hillside areas surrounding the community and generally outside of the service area for community water and sewer, and to parcels in existence at the time the zoning district is applied which are less than 20 acres in size.

1. **Permitted Uses:**

   a. One single family residence per parcel;
   b. Open space recreational uses including parks, recreational uses, hiking trails and similar non-intensive uses;
   c. Limited agricultural including grazing and the raising of crops;
   d. Timber harvesting conducted in accordance with the scenic highway overlay standards contained in Chapter 17.65 of this Title;
   e. One (1) secondary residence per parcel.

2. **Conditional uses:**

None.

3. **Prohibited uses:**

All uses not listed as permitted or conditional shall be prohibited.

4. **Minimum Lot Size/Density:**

Minimum lot area shall be five (5) acres. The maximum density shall be one (1) single family residence per parcel and a secondary residence as provided for in this section.
5. Special Development Standards for SR-5:

a. Grading:
   1. No grading plans shall be approved and no grading shall occur except in conjunction with approved development plans (including subdivisions) associated with construction for a permitted use.
   2. Grading shall be minimized by utilization of multiple parking areas and multiple or stepped buildings which conform to the natural topography; and by design of access and interior roads or routes which conform to the natural topography and contours.
   3. Natural features which contribute to the scenic quality of the hillsides, including vegetation, natural drainages, and existing topography or topographic features, shall be addressed in grading and development plans. These natural features shall be incorporated into the proposed grading and development where possible.
   4. All earthmoving activities which expose soil surfaces shall be followed by application of soil stabilization and revegetation measures to prevent erosion and to revegetate exposed surfaces. Revegetation and soil stabilization methods in accordance with the recommendations or standards of the Soil Conservation Service or the Mariposa County Resource Conservation District shall be required.

b. Site Development:
   1. Buildings and structures shall be designed so as to minimize their visual impact from State Highways 49 and 140 within the Mariposa TPA. The exterior of all buildings and structures shall be constructed of non-reflective, earth tone color materials.
   2. A visual buffer area shall be required between State Highways 49 and 140 within the Mariposa TPA and all new buildings and structures to minimize the views of the buildings or structures from the highways. Use of natural topography, existing vegetation, and landscaping which is equally effective at all times of the year are appropriate to achieve this standard.

c. Exceptions: These special development standards shall not apply if the Planning
Director determines the grading and/or structure is not visible from State Highways 49 and 140 within the Mariposa TPA.

4) Section 3.14(A)(2)(a) amended as follows:

   a. Approval of the Plan.

   Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a PUD must include a development plan as described herein. Applications for a subdivision or use permit may be submitted with a PUD application and may be processed, considered, and approved in conjunction with a PUD application. Subdivision and use permit applications considered in conjunction with a PUD application shall be approved by the Board of Supervisors following review and recommendation by the Planning Commission. The PUD approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the Planning Department prior to submission for review by the Planning Commission. The Planning Department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the planned development proposal and environmental review consistent with adopted county policy. The Planning Commission may approve, disapprove, modify, or attach conditions to a development plan.

5) Section 3.21 amended as follows:

3.21 Building Setbacks from Property Lines and Streets

   A. Unless otherwise prescribed, the following setback standards shall apply to all buildings, structures except as permitted by Subsection 3, and uses set forth in Subsection 4. These setback standards shall also apply to additions to existing buildings, structures, or uses set forth in Subsection 4.

1A. Residential Uses

   a. Street and Front Yard: The front yard setback of all structures shall be a minimum of 50 feet from the centerline and 20 feet from the right-
ef-way-boundary of a local street or State Highway and a minimum of 20 feet from the nearest point on a front property line or edge of any right-of-way boundary of a local street or State Highway. The front yard setback is established parallel or concentric to the front property line. Fences, three (3) feet or less in height, shall be allowed within the front yard setback.

b. Side Yard: The side yard setback All structures shall be a minimum of five (5) feet from a side property line. Fences, six (6) feet or less in height, shall be allowed within the side yard setback.

c. Rear Yard: The rear yard setback All-buildings shall be a minimum of 20 feet from a rear property line. For parcels with two or more front yards, the rear yard setback shall be a minimum of five (5) feet from a rear property line. Fences, six (6) feet or less in height, shall be allowed within the rear yard setback.

d. Subdivisions: Setbacks which vary from the setback standards contained herein may be established for parcels created through the subdivision process. The setbacks shall be established by the Planning Commission through the subdivision review process and shall be shown on the final/parcel map.

2B. Commercial, Institutional, and Industrial Uses

a1. Street and Front Yard: The front yard setback All-structures shall be a minimum of 30 feet from the centerline of a local street or ten (10) feet from the nearest point on the edge of a right-of-way boundary of a State Highway. The front yard setback is established parallel or concentric to the front property line. Off-street parking spaces and parking aisles shall not be allowed within the front yard setback.

b2. Side and Rear Yard: There shall be no mandatory side and rear yard setbacks. Appropriate setbacks shall be determined based upon design review considerations, circulation, and loading/unloading needs.

3. Uses Permitted in Setback Areas - The following uses shall be permitted in setback areas:

a. Septic systems.

b. Wells.
c. Residential propane storage tanks except in the front yard setback.
d. Mail boxes.
e. Retaining walls not part of a building or structure.
f. Underground utilities and appurtenant above-ground structures.
g. Uncovered walkways.
h. Driveways.

4. Uses Prohibited in Setback Areas - The following uses shall be prohibited in setback areas:

a. Free-standing and monument signs.
b. Above ground fuel storage tanks or non-residential propane storage tanks.
c. Refuse storage areas, outdoor storage areas, and outdoor work areas for commercial, institutional, or industrial uses.
d. Decks and porches.
e. Pools.

5. Projections in Setback Areas - Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building shall not project more than three (3) feet into a required setback area.

B. Building Setbacks from Drainage Ways - Unless otherwise prescribed, the following setback standards shall apply to all buildings, fill placements, and uses set forth in Subsections 3 and 4. These setback standards shall also apply to additions to existing buildings, fill placements, and uses.

1. Major Drainages - The setback from major drainages shall be have a minimum setback of 50 feet from the apparent centerline of Mariposa and Stockton Creeks and in no case shall buildings, fill placements, and uses set forth in Subsections D be placed within the 100-year floodway as established by the Flood Insurance Rate Maps (Exhibit 7). The uses set forth in Subsection C may be approved by the Planning Director in the setback area when it is determined that the use will not result in any increase to flood levels and will not alter the flow of floodwaters on upstream and downstream properties during the occurrence of the 100-year base flood discharge. The Planning Director may require any information, including an engineered study, necessary to determine the impact on the flow of floodwaters.
2. **Minor Drainages** - The setback from minor drainages All-building-and-fill-placements shall be have a minimum setback of 25 feet from the apparent centerline of minor drainages as identified in Exhibit 7 of the Mariposa Town Planning Area Specific Plan. Lesser setbacks may-be-approved from minor drainages, the uses set forth in Subsection C, and replacement of natural drainages with stormwater drainage facilities may be approved by the Planning Director when it is determined, based-upon-an-engineered-study, that the drainage will not be adversely affected-by-a-lesser-setback. The Planning Director may require any information, including an engineered study, necessary to determine the impact on the flow of floodwaters. Such-engineered studies shall analyze the entire watershed of the minor drainage based upon planned buildout.

3. **Uses Permitted in Setback Areas Subject to Special Standards**

   a. Bridges and other types of creek crossings, pedestrian and vehicular, and appurtenant fill materials. Fill materials shall be protected from scouring and erosion. An engineered study shall be required.

   b. Pedestrian and vehicular access improvements and appurtenant fill materials. Fill materials shall be protected from scouring and erosion.

   c. Underground utilities, appurtenant above-ground structures, and appurtenant fill materials. Fill materials shall be protected from scouring and erosion.

4. **Uses Prohibited in Setback Areas** - The following uses shall be prohibited in the setback area except as permitted by Subsection 3:

   b. Fill placements.
   c. Above ground fuel storage tanks.
   d. Residential or commercial propane storage tanks.

C. **Highway 49 North Right-of-Way:** Unless otherwise prescribed, the following standards shall apply to all buildings, structures except as permitted by Subsection C, and uses set forth in Section 3.21(A)(4). These standards shall also apply to additions to existing buildings, structures, or uses set forth in Section 3.21(A)(4).
Resolution No. 93-552

1. Setbacks - The setback from the proposed right-of-way boundary for Highway 49 North as determined by CalTrans shall be a minimum of ten (10) feet. Commercial and multi-family residential parking areas required to meet the requirements of this Title shall not be permitted in the setback area.

2. Uses Allowed Within Proposed Right-of-Way

   a. Buildings, structures except as permitted by Subsection C, and uses set forth in Section 3.21(A)(4) shall not be permitted in the proposed right-of-way for Highway 49 North unless the following standards are met:

      1. The right-of-way necessary to construct the Highway 49 North improvement project is reduced by utilization of retaining walls or other similar improvements and/or execution of drainage and maintenance agreements and such improvements and/or agreements are approved by the Planning Director upon consultation with the California Department of Transportation.

      2. The building, structure, use, or parking area is setback a minimum of ten (10) feet from the reduced right-of-way boundary.

      3. A cooperative agreement between the property owners, the County, and the California Department of Transportation if necessary is executed whereby any improvements will be constructed prior to or concurrently with the Highway 49 North improvement project.

   b. The property owner shall be responsible for initiating this process; preparing all necessary studies, plans (including engineering), and agreements; and all associated costs including the costs of the improvements.

3. Uses Permitted in Proposed Right-of-Way and Setback Areas - The following uses shall be permitted in the proposed right-of-way and setback areas:

   a. Mail boxes.
   b. Retaining Walls not part of a building or structure.
   c. Underground utilities and appurtenant above-ground structures.
   d. Uncovered walkways.
   e. Driveways.
f. Parking areas not required to meet the requirements of this Title.

4. Proposed Right-of-Way Boundaries - The boundaries of the proposed right-of-way boundary for Highway 49 North shall be as determined by the California Department of Transportation and as shown on the right-of-way map on file in the Mariposa County Planning Department.

6) Section 3.23(C)(4) amended as follows:

4. Parking Lot and Access Surface

   a. Except as provided for by Subsection b, all areas used for parking and access to such parking areas shall be completely paved with asphalt or concrete surfacing, or such other alternative materials as approved by the Planning Director. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the Planning Director. Any portion of the parking area not paved shall be landscaped.

   b. All areas used for parking and access to such parking areas for single family residences constructed on parcels greater than one (1) acre (net) may be surfaced with a minimum of two (2) inches of aggregate road base or equivalent with adequate drainage as approved by Planning Director.

7) Section 3.24(A) and (B) amended as follows:

3.24 Hillside Development Standards

These standards shall regulate all new en-tet construction, including residential construction, on parcels or construction areas with an average slope in excess of 20% as determined by the Planning Director.

A. Building Design

All structures shall be designed and constructed using stepped foundations to reduce required cut and fill. Conventional monolithic slabs shall be prohibited on such slopes. This requirement may be waived where it can be shown to the satisfaction of the Planning Director that the proposed building site has a natural grade of less than 10%.
B. Grading and Foundation Standards

1. All on-site grading shall be based upon engineered plans prepared in accordance with the standards in the Grading Ordinance and based upon a specific building design. The grading plans shall include soil stabilization and revegetation measures based upon Soil Conservation Service or comparable standards. The grading plan shall include gutter and down spout locations.

2. All building footings shall have a minimum depth of 18 inches below undisturbed native ground and a minimum width of 12 inches unless a reduction to the depth and/or width of the footings is allowed by specific geotechnical analysis. All footings shall be inspected by a soils engineer prior to concrete placement unless inspection is waived by the Building Official.

3. Cut slopes less than 5 feet high shall not be steeper than 1 to 1. Cut slopes higher than 5 feet shall not be steeper than 1 1/2 to 1. Cut slopes greater than 10 vertical feet (aggregate total) shall be prohibited. If retaining walls are utilized, the height of cut banks shall be measured from the top of the retaining wall. Cut slopes within building areas shall not exceed 2 to 1 unless specifically engineered. Fill placements banks greater than 10 vertical feet (aggregate total) shall be prohibited. Fill slopes shall not be steeper than 2 to 1. All cut and fill slopes shall be restabilized and revegetated.

4. No grading plans shall be approved and no on-site grading shall occur except in conjunction with approved building plans for residential construction or approved road plans based on an approved tentative map.

---

8) Section 3.27(A)(9) added as follows:

9. Notwithstanding the setback standards as contained in Section 3.21(A), awnings, canopies, covered walkways, and other similar structures may be permitted in the front yard setback if reviewed and approved as part of the overall design plan of the building.
Resolution No. 93-352

9) Section 3.28 added as follows:


A. Application

These standards shall apply to all exterior modifications and demolitions of buildings and structures designated as historic as shown in Appendix C of the Mariposa Town Planning Area Specific Plan.

B. Development Standards and Plan Review Requirements

The development standards, plan review requirements, plan processing procedures, and demolition permit and review standards for this section shall be as set forth in Chapter 17.332 (Historic Design Review Overlay Zone) of the County Zoning Ordinance and Section 3.27 (Architectural Theme and Development Guidelines for HDRO).

10) Appendix F added as follows:

Appurtenant Use or Structure:
A use of land or structure subordinate to the primary use or structure of the land and customarily incidental to the primary use or structure occurring on that land.

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.

Building:
Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing, and/or enclosure of any person, animal or personal property or equipment; example: residence, mobile home, garage, barn. Any structure which is appurtenant to and attached to the building shall be considered part of the building; example: deck, staircase, balcony, awning, porch.

Building Envelope: The area of a lot covered by a building or structure, including allowed projecting eaves, balconies, and similar features.
Resolution No. 93-552

Easement:
The right of a person, the public at-large, a government agency, or a public utility company to use public or private land owned by another for a specific purpose.

Easement, Access or Road:
An easement which grants access to the public, an entity, or a person(s) over property owned by another and allows for the improvement of that property for access or road purposes. For the purposes of Subtitle 17.300, an access or road easement need only encompass those improvements for travel lanes, parking lanes, curbs, gutters, and adjacent pedestrian pathways.

Easement, Drainage:
An easement, the purpose of which is to limit development in order to retain natural drainage channels predominantly in their natural condition, to maintain the water-carrying capacity of natural drainage channels, and to ensure safe and unobstructed flows of stormwater runoff.

Easement, Slope:
An easement, the purpose of which is to encompass cuts and fills associated with grading for road construction and to allow for maintenance of such cuts and fills.

Local Street:
A local street shall mean a public street as defined by this Title, an unimproved County street right-of-way, a dedicated public right of way as defined by this Title, or a private road or access easement which serves five (5) or more parcels.

Lot Coverage:
The area of a lot or parcel covered by buildings or structures, excluding allowed projecting eaves, balconies, and similar features.

Parcel, Flag-shaped:
A parcel with access provided to the bulk of the parcel by means of a narrow corridor from a local street or State Highway and which is shaped and designed so that the main building site area is setback from the local street or State Highway on which it fronts.

Parcel, Interior:
A parcel which does not have parallel frontage along a local street or State Highway.

Service Station:
Any premises where gasoline and/or other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include convenience stores or mini-marts where gasoline is sold. Service stations shall not include premises where heavy automobile maintenance activities
such as engine overhauls, automobile painting, and body fender work are conducted.

**Setback:**
The required minimum horizontal distance between a property line, edge of access easement, and street centerline and the nearest vertical structural support or wall of a building or structure or the nearest edge of a use.

**Structure:**
That which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Yard, Front:**
A yard or open area extending across the full width of the parcel between a front property line or edge of access right-of-way or easement and the vertical structural support or wall of a building or structure. The front yard is established parallel or concentric to the front property line. A front property line is a property line abutting a local street or State Highway. For flag-shaped parcels, a front property line is the interior property line most parallel to and nearest the street or easement from which access is obtained. For interior parcels, a front property line is the property line which abuts the easement or driveway from which access is obtained.

**Yard, Rear:**
A yard or open space opposite to and most distant from a front yard. A parcel which has only three (3) property lines (e.g. a triangular shaped parcel) will not have a rear yard.

**Yard, Side:**
Any yard or open space other than a front yard or rear yard.
SETBACK EXAMPLE:
SETBACKS (TYPICAL)
(NOT TO SCALE)

SETBACK EXAMPLE:
CORNER PARCEL
(NOT TO SCALE)
SETBACK EXAMPLE:
FLAG-SHAPED PARCEL
(NOT TO SCALE)

SETBACK EXAMPLE:
INTERIOR PARCEL
(NOT TO SCALE)
SETBACK EXAMPLE:
NO REAR YARD SETBACK
(NOT TO SCALE)
EXHIBIT "C"

REPORT FOR THE

MARIPOSA TOWN PLANNING AREA

SPECIFIC PLAN AMENDMENTS

APPLICATIONS:
General Plan / Zoning Amendment No. 93-3
Specific Plan Amendment No. 93-1

Prepared by:
Mariposa County Planning Department
5101 Jones Street
P.O. Box 2039
Mariposa, CA 95338
(209) 966-5151

JULY, 1993
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Chapter 1

INTRODUCTION

On January 14, 1992 the Mariposa County Board of Supervisors adopted Resolution No. 92-38 thereby approving an update to the Mariposa TPA Specific Plan which was originally adopted in 1981. The Board subsequently adopted Ordinances No. 822 and 823 to implement the development and subdivision standards of the Specific Plan. In drafting the Specific Plan update, the Planning Department, Planning Commission, and Board of Supervisors recognized that implementation of the Specific Plan needed to be monitored to ensure that the goals, objectives, and policies of the plan are achieved. Such monitoring would identify changing characteristics and circumstances of the TPA; unforeseen situations which were not and could not have been known at the time the Plan was updated; and ambiguous, conflicting, or poorly worded development standards.

Consequently, the Board of Supervisors established a monitoring program in the Specific Plan for subsequent review of the goals, objectives, policies, and standards of the Specific Plan. Section 2.2(C)(3) of the Specific Plan directs the Planning Commission to review the Specific Plan every two years to address any ambiguities, conflicts, or unforeseen situations which may arise upon implementation of the Plan. Although it had been less than two years since the Plan was adopted, the Planning Commission conducted its first review of the Plan in March 1993 and forwarded a report to the Board of Supervisors recommending a number of amendments to the General Plan, Zoning Ordinance, and Specific Plan. The Planning Commission’s review was narrowed to the Specific Plan, the Planning Commission determined amendments were also necessary to the General Plan and Zoning Ordinance to adjust the town planning area boundary and improve consistency between the county-wide and Specific Plan setback standards. The Board of Supervisors considered the Planning Commission’s report and adopted Resolution No. 93-201 on April 6, 1993 initiating amendments to the General Plan, Zoning Ordinance, and Specific Plan. The Board also determined a supplement or addendum to the Environmental Impact Report previously certified for the Specific Plan Update was required because of the widespread scope of the amendments.

The formal applications for these amendments are General Plan/Zoning Amendment Application No. 93-2 and Specific Plan Amendment Application No. 93-1. The project title for these amendments is the Mariposa TPA Specific Plan Amendments which also incorporate the necessary amendments to the General Plan and Zoning Ordinance.

A number of text and map amendments to the General Plan, Zoning Ordinance, and Specific Plan are recommended by this report. The
purpose of these amendments is threefold: (1) To implement provisions of the Specific Plan which were contemplated by the Board when they adopted the Specific Plan Update; (2) To address administration and enforcement difficulties identified upon implementation of the Plan; and (3) To address minor policy issues not addressed in the Specific Plan Update which have arisen within the last year. Such standards as setbacks, hillside development, historic buildings, and definitions will be affected by the recommended text amendments, while the map amendments recommend an adjustment of the town planning area boundary to more closely follow the surrounding ridgelines as originally envisioned by the Specific Plan Update and "downzoning" the Mueller Tract Subdivision as requested by a majority of the property owners. Because the town planning area boundary is recommended to be adjusted, amendments to the General Plan Land Use Map and County Zoning Map are necessary. Amendments to the setback policies and standards of the General Plan and Zoning Ordinance are also recommended so that administration of county-wide setbacks is consistent with Specific Plan setbacks.

Chapter 2 identifies each of the recommended amendments to the General Plan, Zoning Ordinance, and Mariposa TPA Specific Plan. With the recommended amendment, each section discusses the reasons why the amendment is recommended and how the amendment relates to the goals, policies, and standards of the General Plan and Specific Plan. Before the Board of Supervisors may approve an amendment to the General Plan or Specific Plan, the Board must make the following findings:

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

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

3. The amendment conforms with the requirements of State law and County policy.

4. The amendment is consistent with the guiding goals, policies, and standards of the Mariposa County General Plan and Mariposa TPA Specific Plan.

Chapter 3 includes a discussion of the findings recommended by the Planning Department for approval of the amendments. Chapter 4 introduces the addendum to the Final Environmental Impact Report originally certified for the Mariposa TPA Specific Plan Update. The addendum is necessary to comply with the provisions of the California Environmental Quality Act and continues into Chapters 5 and 6.
Chapter 2
RECOMMENDED AMENDMENTS

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AMENDMENT 1

TOPIC: Definitions for specific plan and zoning terms.

SUMMARY OF AMENDMENT:

Definitions
Appurtenant Use or Structure
Bed and Breakfast/Transient Rental
Building
Building Envelope
Easement, Access or Road
Easement, Drainage
Easement, Slope
Local Street
Lot Coverage
Parcel, Flag-Shaped
Parcel, Interior
Service Station
Structure
Yard, Front
Yard, Rear
Yard, Side

Graphic Drawings
Setbacks for Parcel
Setbacks for Corner Parcel
Flag-Shaped Parcel
Interior Parcel
Parcel with no Rear Yard
Setback and Encroachment Line

DISCUSSION: The Planning Department recommends that several definitions be added to the Specific Plan and Zoning Ordinance to clarify terms used in the Plan and Zoning Ordinance. Difficulties with the application of zoning standards have arisen when terms with several definitions or general definitions do not properly implement the zoning purpose of the term or are ambiguous. For example, the term "structure" may be interpreted several ways by different people and a definition of "structure" is necessary to ensure that setback requirements are properly applied to structures for which setbacks are intended. In addition, definitions by themselves may not adequately describe the terms, and consequently, the Planning Department also recommends graphic drawings to visually describe several definitions. It should be noted that the recommended definitions will apply throughout the County in addition to the Mariposa TPA.

FINDINGS: The recommended amendment defines and exemplifies terms presently used in the Zoning Ordinance and Specific Plan. The definitions and drawings do not establish or modify existing policy or standards and only clarify how the terms and their respective standard are presently administered. Since the amendments do not establish new policy or standards or modify existing policy or standards, they will not have an adverse effect on the goals, policies, and standards of the General Plan and Specific Plan. The amendments will improve the administrative short-term decision making basis of the General Plan and Specific Plan and is in the general public interest.
RECOMMENDED AMENDMENT:

Specific Plan—Appendix F to be added as follows
Zoning Ordinance—Chapter 17.148 to be amended or definitions to be added as follows

DEFINITIONS

Appurtenant Use or Structure:
A use of land or structure subordinate to the primary use or structure of the land and customarily incidental to the primary use or structure occurring on that land.

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.

Building:
Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing, and/or enclosure of any person, animal or personal property or equipment; example: residence, mobile home, garage, barn. Any structure which is appurtenant to and attached to the building shall be considered part of the building; example: deck, staircase, balcony, awning, porch.

Building Envelope: The area of a lot covered by a building or structure, including allowed projecting eaves, balconies, and similar features.

Easement:
The right of a person, the public at-large, a government agency, or a public utility company to use public or private land owned by another for a specific purpose.

Easement, Access or Road:
An easement which grants access to the public, an entity, or a person(s) over property owned by another and allows for the improvement of that property for access or road purposes. For the purposes of Subtitle 17.300, an access or road easement need only encompass those improvements for travel lanes, parking lanes, curbs, gutters, and adjacent pedestrian pathways.

Easement, Drainage:
An easement, the purpose of which is to limit development in order to retain natural drainage channels predominantly in their natural condition, to maintain the water-carrying capacity of natural drainage channels, and to ensure safe and unobstructed flows of stormwater runoff.
**Easement, Slope:**
An easement, the purpose of which is to encompass cuts and fills associated with grading for road construction and to allow for maintenance of such cuts and fills.

**Encroachment Line:**
The outermost vertical line which encompasses all portions of a building, structure, or use, including eaves, awnings, and canopies.

**Local Street:**
A local street shall mean a public street as defined by this Title, an unimproved County street right-of-way, a dedicated public right of way as defined by this Title, or a private road or access easement which serves five (5) or more parcels.

**Lot Coverage:**
The area of a lot or parcel covered by buildings or structures, excluding allowed projecting eaves, balconies, and similar features.

**Parcel, Flag-shaped:**
A parcel with access provided to the bulk of the parcel by means of a narrow corridor from a local street or State Highway and which is shaped and designed so that the main building site area is setback from the local street or State Highway on which it fronts.

**Parcel, Interior:**
A parcel which does not have parallel frontage along a local street or State Highway.

**Service Station:**
Any premises where gasoline and/or other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include convenience stores or mini-marts where gasoline is sold. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Setback:**
The required minimum horizontal distance between a property line, edge of access easement, and street centerline and the encroachment line of a building, structure, or use.

**Structure:**
That which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
SETBACK EXAMPLE:
SETBACKS (TYPICAL)
(NOT TO SCALE)

SETBACK EXAMPLE:
CORNER PARCEL
(NOT TO SCALE)
SETBACK EXAMPLE:
FLAG-SHAPED PARCEL
(NOT TO SCALE)

SETBACK EXAMPLE:
INTERIOR PARCEL
(NOT TO SCALE)
SETBACK EXAMPLE:
NO REAR YARD SETBACK
(NOT TO SCALE)

ACCESS EASEMENT BOUNDARY OR
PROPERTY LINE
SETBACK
ENCROACHMENT LINE
BUILDING

SETBACK AND ENCROACHMENT LINE
Yard, Front:
A yard or open space extending across the full width of the parcel between a front property line or edge of access right-of-way or easement and the building line of a building or structure. The front yard is established parallel or concentric to the front property line. A front property line is a property line abutting a local street or State Highway. For flag-shaped parcels, a front property line is the interior property line most parallel to and nearest the street or easement from which access is obtained. For interior parcels, a front property line is the property line which abuts the easement or driveway from which access is obtained.

Yard, Rear:
A yard or open space opposite to and most distant from a front yard. A parcel which has only three (3) property lines (e.g. a triangular shaped parcel) will not have a rear yard.

Yard, Side:
Any yard or open space other than a front yard or rear yard.
AMENDMENT 2

TOPIC: Historic buildings and structures outside Historic Design Review Overlay.

SUMMARY OF AMENDMENT: Development standards, plan review and processing requirements, and demolition permit and review standards of the Historic Design Review Overlay to be applied to exterior modifications and demolitions of historic buildings and structures.

DISCUSSION: Finding I(1) of the Specific Plan EIR states that development, as permitted by the Plan, may have potentially significant impacts on historic buildings and structures located outside the Historic Design Review Overlay, but the impacts will be substantially lessened to a non-significant level through implementation of a mitigation measure. These historic buildings and structures include the Sudreau, Maguire, and Pratt homes constructed in the early part of this century and the Mariposa Mine. The mitigation measure requires that all exterior modifications and demolitions of these historic buildings and structures comply with the standards of the Historic Design Review Overlay. However, the mitigation measure has not been implemented and has not been incorporated into the Specific Plan, and these historic buildings and structures located outside the Historic Design Review Overlay are presently unprotected. To correct this oversight, the Planning Department recommends the mitigation measure be added as a special development standard to the Specific Plan and Zoning Ordinance.

FINDINGS: The amendment directly supports the Specific Plan goals of (1) preserving and protecting the historical sites and structures of the community for the benefit of future generations, and (2) preserving and protecting the rural small town flavor of the community. The amendment is not inconsistent and will not have an adverse effect on the other goals, policies, and standards of the General Plan and Specific Plan.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.28 to be added as follows
Zoning Ordinance--Section 17.336.075 to be added as follows

A. Application: These standards shall apply to all exterior modifications and demolitions of buildings and structures designated as historic as shown in Appendix C of the Mariposa Town Planning Area Specific Plan.
B. Development Standards and Plan Review Requirements: The development standards, plan review requirements, plan processing procedures, and demolition permit and review standards for this section shall be as set forth in Chapter 17.332
(Historic Design Review Overlay Zone) and Section 17.336.070
(Architectural Theme and Development Guidelines for HDRO) of this
Title.
AMENDMENT 3

TOPIC: Hillside development standards.

SUMMARY OF AMENDMENT: All references to "on-lot" to be eliminated.

DISCUSSION: The hillside development standards includes language that states the standards apply to "on-lot" construction, and there is no further clarification of the term "on-lot". The hillside development standards were intended to be applied to all grading and construction on slopes greater than 20% in the Mariposa TPA including off-site driveways and road improvements which is supported by the discussion and mitigation measures for grading and development impacts on moderate to steep slopes in the TPA as contained in the Specific Plan EIR. The Planning Department has been applying the hillside development standards to off-lot grading on slopes greater than 20% within the TPA. The Planning Department recommends the amendment to the hillside development standards as outlined in the summary below.

FINDINGS: The amendment clarifies the intent of the hillside development standards as expressed in the Specific Plan EIR. It is consistent with the Specific Plan goals of (1) preserving and protecting the fragile ecology of the community specifically with respect to the hillsides of the townsite, (2) insuring a safe and healthful environment for residents and visitors alike, and (3) preserving and protecting the rural small town flavor of the community.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.24(A) and (B) to be amended to read as follows
Zoning Ordinance--Section 17.336.040(A) and (B) to be amended to read as follows

17.336.040 Hillside Development.
These standards shall regulate all new on-lot construction, including residential construction, on parcels or construction areas with an average slope in excess of 20% as determined by the Planning Director.
A. Building Design: All structures shall be designed and constructed using stepped foundations to reduce required cut and fill. Conventional monolithic slabs shall be prohibited on such slopes. This requirement may be waived where it can be shown to the satisfaction of the Planning Director that the proposed building site has a natural grade of less than 10%.

B. Grading and Foundation Standards:
1. All on-lot grading shall be based upon engineered plans prepared in accordance with the standards in the Grading Ordinance and based upon a specific building design. The grading plans shall include soil stabilization and revegetation measures
based upon Soil Conservation Service or comparable standards. The grading plan shall include gutter and down spout locations.

2. All building footings shall have a minimum depth of 18 inches below undisturbed native ground and a minimum width of 12 inches unless a reduction to the depth and/or width of the footings is allowed by specific geotechnical analysis. All footings shall be inspected by a soils engineer prior to concrete placement unless inspection is waived by the Building Official.

3. Cut slopes less than 5 feet high shall not be steeper than 1 to 1. Cut slopes higher than 5 feet shall not be steeper than 1 1/2 to 1. Cut slopes greater than 10 vertical feet (aggregate total) shall be prohibited. If retaining walls are utilized, the height of cut banks shall be measured from the top of the retaining wall. Cut slopes within building areas shall not exceed 2 to 1 unless specifically engineered. Fill placements banks greater than 10 vertical feet (aggregate total) shall be prohibited. Fill slopes shall not be steeper than 2 to 1. All cut and fill slopes shall be restabilized and revegetated.

4. No grading plans shall be approved and no en-tete grading shall occur except in conjunction with approved building plans for residential construction or approved road plans based on an approved tentative map.
AMENDMENT 4

TOPIC: Parking lot and access surface for single family residences.

SUMMARY OF AMENDMENT: Parking areas and access for single family residences to be surfaced with a minimum of two (2) inches of aggregate base or equivalent as approved by the Planning Director.

DISCUSSION: The standard for parking lot and access surface presently requires that all parking spaces and driveways within the Mariposa TPA be paved including driveways and parking for single family residences. It is the Planning Department's recommendation that this standard is unnecessarily expensive for single family residences. Furthermore, the types and volume of traffic for single family residences do not necessitate paving of parking areas and driveways. Consequently, the Planning Department recommends this standard be amended to include specific requirements for parking areas and driveways for single family residences.

FINDINGS: The amendment is a minor change that only affects driveways and parking areas for single family residences. It will not have an adverse effect on the Specific Plan goal of promoting and providing an effective and safe circulation system within the community and is not inconsistent with the other goals of the Specific Plan.

RECOMMENDED AMENDMENT:

Specific Plan—Section 3.23(C)(4) to be amended to read as follows

Zoning Ordinance—Section 17.336.030(C)(4) to be amended to read as follows

4. Parking Lot and Access Surface: All areas used for commercial, industrial, and multi-family residential parking and access to such parking areas shall be completely paved with asphalt or concrete surfacing, or such other alternative materials as approved by the Planning Director. Further, all commercial, industrial, and multi-family residential parking areas and accesses shall be provided with adequate drainage as approved by the Planning Director. Any portion of the parking area not paved shall be landscaped.

All areas used for single-family residential parking and access to such parking areas shall be surfaced with a minimum of two (2) inches of aggregate road base or equivalent as approved by Planning Director and shall be provided with adequate drainage as approved by the Planning Director.
AMENDMENT 5

TOPIC: Scenic Resource District.

SUMMARY OF AMENDMENT: Grading and site development standards to be added to minimize grading, require grading to conform with natural topography, preserve significant natural features, stabilize and revegetate exposed soil surfaces, and minimize visual impacts from State Highways 49 and 140.

DISCUSSION: The Planning Department recommends that specific grading and site development standards for road and building construction be added to the Scenic Resource District. The existing standards require development in the Scenic Resource District to be done in accordance with the Scenic Highway Overlay standards, but these standards are not specifically tailored towards development on the hillsides surrounding the town of Mariposa. Specific standards are necessary to implement the mitigation measures identified in the EIR for impacts associated with development on the hillsides, especially the mitigation measure requiring visual screening of buildings and structures on the hillsides from town. Similar standards have been applied within the Highway 140 corridor with minimum implementation and administrative problems at the building permit stage.

FINDINGS: The amendment clarifies the intent of the Scenic Resource District as expressed in the Specific Plan EIR. It is consistent with the Specific Plan goals of (1) preserving and protecting the fragile ecology of the community specifically with respect to the hillsides of the townsite, (2) insuring a safe and healthful environment for residents and visitors alike, and (3) preserving and protecting the rural small town flavor of the community.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.13(B)(5) to be added and Section 3.13(B)(1) to be amended to read as follows
Zoning Ordinance--Section 17.326.020(C) to be added as follows and Section 17.326.020(A) to be amended to read as follows

A. Uses:
   1. Permitted Uses:

    C. Special Development Standards:
       1. Grading:
          a. No grading plans shall be approved and no grading shall occur except in conjunction with approved
development plans (including subdivisions) associated with construction for a permitted use.

b. Grading shall be minimized by utilization of multiple parking areas and multiple or stepped buildings which conform to the natural topography; and by design of access and interior roads or routes which conform to the natural topography and contours.

c. Significant natural features which contribute to the scenic quality of the hillsides, including vegetation, natural drainages, and existing topography or topographic features, shall be preserved. These natural features shall be incorporated into the proposed grading and development where possible.

d. All earthmoving activities which expose soil surfaces shall be followed by application of soil stabilization and revegetation measures to prevent erosion and to revegetate exposed surfaces. Revegetation and soil stabilization methods in accordance with the recommendations or standards of the Soil Conservation Service or the Mariposa County Resource Conservation District shall be required.

2. Site Development:

a. Buildings and structures shall be designed so as to minimize their visual impact from State Highways 49 and 140. The exterior of all buildings and structures shall be constructed of non-reflective, earth tone color materials.

b. A visual buffer area shall be required between State Highways 49 and 140 and all new buildings and structures to minimize the views of the buildings or structures from the highways. Use of natural topography, existing vegetation, and landscaping which is equally effective at all times of the year are appropriate to achieve this standard.
AMENDMENT 6

TOPIC: Specific Plan setbacks.

SUMMARY OF AMENDMENT: Uses, buildings, and structures which are permitted and prohibited in setback areas to be listed; front yard setback to be reduced from 50 feet from centerline of street to 40 feet; rear yard setback for parcels with two or more front yards to be reduced to five (5) feet; and setbacks to be established for subdivisions.

DISCUSSION: The Specific Plan setback standards presently require "all structures" to meet setbacks, but as discussed in Exhibit 1, there is no definition for the term "structure". This has created application difficulties for the Planning Department in determining what a structure is and if the setback should be applied. The Planning Department recommends amendments to the setback standards to clarify the types of uses, buildings, and structures subject to setback standards by listing the uses, buildings, and structures permitted and prohibited in setback areas. In addition, definitions for "building" and "structure" are recommended to further clarify those terms.

An amendment is also recommended to the rear yard setback standard. Presently a rear yard setback of 20 feet is required with rear yards typically defined as yards opposite front yards or streets. For parcels with two street frontages (e.g. a corner lot), the parcel will have two front yard setbacks and two rear yard setbacks. It is the Planning Department's opinion this creates an undue and unnecessary burden for constructing a residence on a corner parcel. The Planning Department recommends that the rear yard setback be reduced to five (5) feet for parcels with two or more front yards or street frontages.

Two primary purposes of setbacks are to allow for future widening of adjacent streets and roads and to create uniform yard areas. For subdivisions created under the present Specific Plan, the subdivision roads are constructed to their "ultimate" road class standard and future widening of the road will not be necessary. The application of the front yard setback standard of 50 feet from the centerline of streets will create difficulties for newly created subdivision parcels and is unnecessary and excessive. The setbacks for newly created subdivision parcels only need to establish a uniform front yard area and this could best be accomplished through the subdivision review process. Because the individual characteristics of subdivision parcels vary from one subdivision to another and from existing parcels in the community, staff recommends that setbacks for subdivisions in the Mariposa TPA be established through the subdivision review process thus allowing for variation from the Specific Plan standards on a case-by-case basis based on the individual characteristics and circumstances of the subdivision.
FINDINGS: The amendments are recommended to clarify existing setback standards or correct setback standards which are excessive. The setback standards after amendment will still ensure adequate area for future widening of streets and roads and establish uniform front, side, and rear yard areas. The amendments will not have an adverse effect on the Specific Plan goals of (1) preserving and protecting the rural small town flavor of the community, (2) promoting and providing an effective and safe circulation system within the community, (3) providing for and promoting planned residential development within the community, and (4) providing for the orderly urban expansion of the community. The amendment is also not inconsistent with the other goals of the Specific Plan. The amendment supports a General Plan policy which states the Planning Commission may issue a variance for all lots within a subdivision where the normal setback standards create an unusual hardship for many lots within the subdivision as a whole.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.21 to be amended to read as follows
Zoning Ordinance--Section 17.336.010 to be amended to read as follows

17.336.010 Building Setbacks from Property Lines and Streets.

Unless otherwise prescribed, the following setback standards shall apply to all buildings, structures except as permitted by Subsection C, and uses set forth in Subsection D. These setback standards shall also apply to additions to existing buildings, structures, or uses set forth in Subsection D.

A. Residential Uses:

1. Street and Front Yard: The front yard setback All-structures shall be a minimum of 50 feet from the centerline and 20-feet-from-the-right-of-way-boundary of a local street or State Highway and a minimum of 20 feet from the nearest point on a front property line or edge of any right-of-way boundary of a local street or State Highway. The front yard setback is established parallel or concentric to the front property line. Fences, three (3) feet or less in height, shall be allowed within the front yard setback.

2. Side Yard: The side yard setback All-structures shall be a minimum of five (5) feet from a side property line. Fences, six (6) feet or less in height, shall be allowed within the side yard setback.

3. Rear Yard: The rear yard setback All-buildings shall be a minimum of 20 feet from a rear property line. For parcels with two or more front yards, the rear yard setback shall be a minimum of five (5) feet from a rear property line. Fences, six (6) feet or less in height, shall be allowed within the rear yard setback.

4. Subdivisions: Setbacks which vary from the setback standards contained herein may be established for parcels created through the subdivision process. The setbacks shall be
established by the Planning Commission through the subdivision
review process and shall be shown on the final/parcel map.

B. Commercial, Institutional, and Industrial Uses:

1. Street and Front Yard: The front yard setback All
structures shall be a minimum of 30 feet from the centerline of a
local street or ten (10) feet from the nearest point on the edge
of a right-of-way boundary of a State Highway. The front yard
setback is established parallel or concentric to the front
property line. Off-street parking spaces and parking aisles
shall not be allowed within the front yard setback.

2. Side and Rear Yard: There shall be no mandatory
side and rear yard setbacks. Appropriate setbacks shall be
determined based upon design review considerations, circulation,
and loading/unloading needs.

C. Uses Permitted in Setback Areas:
The following uses shall be permitted in setback areas:

1. Septic systems.
2. Wells.
3. Residential propane storage tanks except in the
front yard setback.
4. Mail boxes.
5. Retaining walls not part of a building or
structure.
6. Utility lines.
7. Uncovered walkways.
8. Driveways.

D. Uses Prohibited in Setback Areas:
The following uses shall be prohibited in setback
areas:

1. Free-standing and monument signs.
2. Above ground fuel storage tanks or non-residential
propane storage tanks.
3. Signs attached to a building or structure which
extend more than one (1) foot from the face of the building or
structure.
4. Refuse storage areas, outdoor storage areas, and
outdoor work areas for commercial, institutional, or industrial
uses.
5. Decks and porches.
6. Awnings and canopies.
7. Pools.
AMENDMENT 7

TOPIC: Specific Plan setbacks from drainage ways.

SUMMARY OF AMENDMENT: Uses, buildings, and structures which are permitted and prohibited in drainage setback areas to be listed; replacement of minor drainages with stormwater drainage facilities to be allowed subject to engineered study.

DISCUSSION: Special standards were established by the Mariposa TPA Specific Plan for setbacks from Mariposa and Stockton Creeks and other significant drainage ways. These standards address buildings and fill placements, but non-building structures (e.g. fuel storage tanks, bridges, decks) are presently permitted within the drainage setback areas. These types of structures will have similar impacts to floodwaters and create similar hazards, and the drainage setbacks should be protected from intrusive structures. The Planning Department recommends amendments to clarify the types of uses, buildings, and structures which are permitted and prohibited in drainage setback areas, specifically allowing bridges and other types of creek crossings and prohibiting fuel storage tanks. The Planning Department also recommends that engineered studies be required before any structure may be permitted within the drainage setback areas for Mariposa and Stockton Creeks to ensure floodwaters are not significantly altered.

Encroachments into the setback areas for minor drainages are presently allowed if it is determined based on an engineered study that the drainage will not be adversely affected. The Planning Department believes it was also the intent of this standard to allow replacement of minor drainages with stormwater drainage facilities if the facilities can adequately accommodate the stormwater of the drainage. The Planning Department recommends that this standard be amended to state that replacement of minor drainages with stormwater drainage facilities may be allowed if it is determined based on an engineered study that the drainage and stormwaters will not be adversely affected.

FINDINGS: The amendment clarifies the types of non-building structures permitted within the drainage setbacks and under what conditions. The amendment will not allow any structure in the drainage setback which will alter the flow of floodwaters or impact downstream or upstream properties. The Specific Plan goals of (1) preserving and protecting the fragile ecology of the community specifically with respect to Mariposa Creek; (2) preserving and protecting the rural small town flavor of the community; and (3) insuring a safe and healthful environment for residents and visitors alike will not be adversely affected by the amendment.
RECOMMENDED AMENDMENT:

Specific Plan--Section 3.12(E) to be added as follows
Zoning Ordinance--Section 17.336.015 to be added as follows

17.336.015 E.-Building Setbacks from Drainage Ways:
Unless otherwise prescribed, the following setback standards shall apply to all buildings, fill placements, and uses set forth in Subsections C and D. These setback standards shall also apply to additions to existing buildings, fill placements, and uses.

A. **Major Drainages:** The setback from major drainages shall be 50 feet from the apparent centerline of Mariposa and Stockton Creeks and in no case shall buildings, fill placements, and uses set forth in Subsection D be placed within the 100-year floodway as established by the Flood Insurance Rate Maps on file in the Mariposa County Planning Department. The uses set forth in Subsection C may be allowed in the setback area provided, based upon an engineered study, that the use will not result in any increase to flood levels and will not alter the flow of floodwaters on upstream and downstream properties during the occurrence of the 100-year base flood discharge.

B. **Minor Drainages:** The setback from minor drainages shall be 25 feet from the apparent centerline of minor drainages as identified in Exhibit 7 of the Mariposa Town Planning Area Specific Plan. Lesser setbacks may be approved from minor drainages, the uses set forth in Subsection C, and replacement of natural drainages with stormwater drainage facilities may be approved by the Planning Director when it is determined, based upon an engineered study, that the drainage will not be adversely affected by a lesser setback. Such engineered studies shall analyze the entire watershed of the minor drainage based upon planned buildout.

C. **Uses Permitted in Setback Areas Subject to Special Standards:**

1. Bridges and other types of creek crossings, pedestrian and vehicular, and associated fill materials. Fill materials shall be protected from scouring and erosion.
2. Pedestrian and vehicular access improvements and associated fill materials. Fill materials shall be protected from scouring and erosion.

D. **Uses Prohibited in Setback Areas:**
The following uses shall be prohibited in the setback area:

2. Fill placements.
3. Above ground fuel storage tanks.
4. Residential or commercial propane storage tanks.
AMENDMENT 8

TOPIC: Setbacks from Highway 49 North in Mariposa TPA.

SUMMARY OF AMENDMENT: Policy section to be added to the Specific Plan to support recommended amendments; buildings and structures which will adversely affect future improvements to be prohibited within proposed right-of-way; minimum setback of buildings and structures from proposed right-of-way line to be established; map of proposed right-of-way to be added to the Specific Plan.

DISCUSSION: The Board of Supervisors has requested that CalTrans prepare a precise plan for Highway 49 North from Highway 140 to Mariposa Creek. The primary purpose of a precise plan is to plan and regulate development along highways proposed for substantial improvements to ensure that subsequent development will not adversely impact the future completion of the improvements. For the Highway 49 North project, the highway right-of-way will have to be widened in places to accommodate the improvements. Consequently, the most important aspect of the Highway 49 North precise plan will be to protect the proposed right-of-way from future encroachment and establish appropriate setbacks from the proposed right-of-way line. The Planning Department and Public Works Department recommend amendments to the Specific Plan and Zoning Ordinance to prohibit development within the proposed right-of-way as shown in Exhibit "5" which will adversely affect future improvements and to establish minimum setbacks from the proposed right-of-way line. For a further discussion of this issue, please refer to the recommended amendment for Section 2.61(A) of the Specific Plan.

Precise plans may also require such things as offers of dedication, development impact fees, and encroachment improvements for development projects along the highway. For example a person who wishes to develop a project along the highway that generates a sufficient amount of traffic may be required to offer a portion of their property for the future highway right-of-way and/or pay development impact fees thereby reducing the cost of the improvement project. CalTrans has stated the costs of the original Highway 49 North improvement project (continuous left-turn lane, 8' shoulders, path area) exceeds the funds budgeted for the project and that the project may have to be reduced in scope to eliminate the path area and reduce the shoulder widths from 8' to 4'. The Planning Commission and Board of Supervisors may wish to consider other policies and standards which may be supported and implemented by the precise plan (e.g. requirements for offers of dedication, development impact fees). However, the Planning Department recommends these issues be studied separately from this group of recommended amendments so that processing of these amendments is not postponed.
The Board of Supervisors has requested additional information from CalTrans regarding the necessity of the additional right-of-way for the project. CalTrans' response is provided in Exhibit "4" of this report. In general, CalTrans stated that widening of the road to the north is severely limited by the cut banks and proximity of improvements (e.g. buildings, driveways) and the alignment of the road. CalTrans stated the additional right-of-way is necessary to encompass the additional fill placements required for the widened road and for drainage and maintenance purposes. The right-of-way may be reduced if CalTrans obtains the necessary drainage and maintenance agreements from the adjacent property owner. This information is reflected in the recommended amendment.

FINDINGS: The amendment is recommended to protect the future right-of-way of Highway 49 North and to keep the costs of the project from increasing. The amendment directly supports the Specific Plan goals of (1) providing for an orderly urban expansion of the community, (2) promoting and providing an effective and safe circulation system within the community, and (3) promoting and providing adequate and cost effective public services. The amendment will not affect the other goals of the Specific Plan.

RECOMMENDED AMENDMENT:

Specific Plan--Section 2.61(A) to be added as follows

Substantial improvements consisting of a continuous left-turn lane, widened shoulders, and a pathway are proposed for Highway 49 North from Highway 140 to Mariposa Creek. The Board of Supervisors has adopted this project as the County's No. 1 priority for State Highway projects. The project has been placed in the State Transportation Improvement Program, and funding for the project has been secured. Completion of the project is estimated for the summer of 1997. The right-of-way necessary for the project has been determined by the California Department of Transportation and a map of the proposed right-of-way is on file in the Mariposa County Planning Department.

In addition to many other factors, costs for the project are based on the property and development improvements which presently exist along the highway. These costs include acquiring the necessary right-of-way from private property owners who will be compensated for their property and improvements within the right-of-way, and the removal or replacement of any improvements within the right-of-way. Further encroachments of improvements into the proposed right-of-way will increase the costs of the project in excess of the funds budgeted by the State for completion of the project. These increased costs may have to be borne by the County or the project will have to be reduced in size or scope. For these reasons, the proposed right-of-way should be protected from further encroachments of buildings, structures, and other improvements. In addition, to prevent the
creation of non-conforming buildings and structures in respect to setback standards upon completion of the project, new buildings and structures should be setback from the proposed right-of-way boundary.

To protect the proposed right-of-way, development standards should be established prohibiting the placement of buildings, structures, and other improvements within the proposed right-of-way. Buildings, structures, and other improvements should be allowed within the proposed right-of-way if improvements such as retaining walls are constructed or drainage and maintenance agreements are executed which reduce the width of the right-of-way necessary to construct the left-turn lane project. Such improvements or agreements should be at the request and expense of the property owner and acceptable to the California Department of Transportation. Development standards should also be established to require a minimum setback of buildings and structures from the proposed right-of-way boundary.

-----------------------------------------------------------------------------------------------

Specific Plan--Section 3.21(F) to be added as follows
Zoning Ordinance--Section 17.336.017 to be added as follows

17.336.017 Highway 49 North Right-of-Way.

Unless otherwise prescribed, the following standards shall apply to all buildings, structures except as permitted by Subsection C, and uses set forth in Section 17.336.010(D). These standards shall also apply to additions to existing buildings, structures, or uses set forth in Section 17.336.010(D).

A. Setbacks: The setback from the proposed right-of-way boundary for Highway 49 North as determined by CalTrans shall be a minimum of ten (10) feet. Commercial parking areas shall not be permitted in the setback area.

B. Uses Allowed Within Proposed Right-of-Way:

1. Buildings, structures except as permitted by Subsection C, uses set forth in Section 17.336.010(D), and parking areas shall not be permitted in the proposed right-of-way for Highway 49 North unless the following standards are met:

   a. The right-of-way necessary to construct the Highway 49 North improvement project is reduced by utilization of retaining walls or other similar improvements and/or execution of drainage and maintenance agreements and such improvements and/or agreements are approved by the Planning Director upon consultation with the California Department of Transportation.

   b. The building, structure, use, or parking area is setback a minimum of ten (10) feet from the reduced right-of-way boundary.

   c. A cooperative agreement between the property owners, the County, and the California Department of Transportation if necessary is executed whereby any improvements will be constructed prior to or concurrently with the Highway 49 North improvement project.
2. The property owner shall be responsible for initiating this process; preparing all necessary studies, plans (including engineering), and agreements; and all associated costs including the costs of the improvements.

C. Uses Permitted in Proposed Right-of-Way and Setback Areas:

The following uses shall be permitted in the proposed right-of-way and setback areas:

1. Mail boxes.
2. Retaining Walls not part of a building or structure.
3. Utility lines.
4. Uncovered walkways.
5. Driveways.

D. Proposed Right-of-Way Boundaries: The boundaries of the proposed right-of-way boundary for Highway 49 North shall be as determined by the California Department of Transportation and as shown on the right-of-way map on file in the Mariposa County Planning Department.
Exhibit "4"

May 18, 1993

10-Mpa-49-18.5/19.6
10202 - 402500

Mariposa County Planning Dept.

Mr. Duane Hall
Mariposa County
Planning and Building Department
5101 Jones Street
P. O. Box 2039
Mariposa, CA 95338

Dear Mr. Hall:

We are in receipt of your letter dated May 6, 1993 in which you requested right of way and design information regarding the two-way left-turn lane project on Route 49 from the Route 49/140 junction north to the Mariposa Creek Bridge.

At the January 28, 1993 Project Development Team meeting, it was decided that Caltrans would reduce the scope of the project by reducing shoulder widths from 8 to 4 feet and waiving the need for the 5 foot sidewalk pad along virtually the entire length of the project. This had the effect of significantly reducing the cost of the project as well as greatly reducing the impacts to properties fronting the highway.

Even with the downscoping, the project cannot be constructed entirely within the state’s 100-foot right of way, and some property must still be purchased to accommodate the widening. Caltrans has moved the highway centerline slightly to the south through the first curve near the junction to avoid substantial earthwork and costly acquisition of development on the north side of the highway, and subsequently right of way on the south side of the highway is required in this vicinity.

The right of way needs shown on the plans previously supplied to you are based on preliminary survey data and represent Caltrans’ worst case acquisition scenario. It is assumed during these preliminary studies that Caltrans will need an additional 20-25 feet beyond the toe of fill slope to allow for maintenance vehicles, drainage, slope rounding, and mapping error (common on aerial photographs). Caltrans is preparing precise mapping of the area (expected in October 1993), and more exact right of way will most likely be available by Spring 1994.
A detailed cost analysis of retaining walls vs. fill and right of way based on preliminary data would have little meaning at this stage of project development. In general, retaining walls tend to be much more expensive than right of way acquisition and fill on most projects statewide, and Caltrans assumes the same will hold true here as well. However, a thorough cost comparison will be undertaken next year when precise survey data is obtained.

It should be noted that the proposed right of way requirements could be significantly reduced if Caltrans and the adjacent property owners could work out maintenance and drainage agreements. If that can be done, it is possible that the State may have to purchase the property directly under the highway fill only, with no buffer zone needed. In fact, if any developer wishes to build a retaining wall, it's possible that no right of way will be needed for the highway at all. Caltrans encourages communication and cooperation on this issue in order to minimize property acquisition and project costs.

I hope this information has answered the questions you posed in your letter. If we can be of further assistance, feel free to contact me at the above-noted number, or Mike Hutchison, Project Engineer, at (209) 948-7785.

[Signature]

JAMES J. DELUCA, P.E., Chief
Project Development Branch "D"
Project Manager
AMENDMENT 9

TOPIC: Zoning Ordinance setback standards.

SUMMARY OF AMENDMENT: Definitions for building, setback, and encroachment line to be added; 10% setback rule for narrow or shallow parcels to be more specific as to where lot depth or width is measured; awning, canopies, and eaves to be prohibited in setback areas; graphic drawings to be added to visually describe definitions for setback and encroachment line.

DISCUSSION: The Planning Department recommends several minor amendments to define terms and standards which are ambiguous, unclear, or incomplete and which require administrative interpretations that may not further the original intent of the setback standards. No substantial modifications to the countywide setback standards are recommended. Although the recommended amendments are minor, some of the amendments may result in setback standards being applied differently than they have previously been applied through administrative interpretations. Since the definitions for setback and encroachment line may not adequately describe the setbacks, the Planning Department recommends graphic drawings be provided to visually describe these definitions.

FINDINGS: Only minor amendments are recommended to the countywide setback standards to clarify ambiguities and to maintain consistency with the Mariposa TPA Specific Plan setback standards. Because no substantive revisions are recommended, the amendment will not have an adverse effect on the goals, policies, and standards of the General Plan. The amendments will improve the administrative short-term decision-making basis of the General Plan and is in the general public interest.

RECOMMENDED AMENDMENT:

Zoning Ordinance—Section 17.108.130 to be amended to read as follows

17.108.130 Structure location.

Unless otherwise prescribed, the following setback standards shall apply to all new buildings with roof area exceeding one hundred twenty (120) square feet, shall-be-erected-within-a setback-area all structures except as permitted by Subsection D, and all uses set forth in Subsection E. Additions to existing buildings, or structures, or uses set forth in Subsection E, where such building, or structure, or use encroaches into a setback area, shall not be closer to the property boundary than one-half (1/2) the width of the set back requirement or closer to the property boundary than any part of the existing building, structure, or use, which ever constitutes the lesser encroachment.
A. Setback-standards—Unless-otherwise-prescribed—the following setback-standards-shall-apply-in-all-zones—

\[\text{Public street and frontage yard setback: The}
\]

There-shall-be-a front yard setback shall be a minimum of not less-than twenty-five (25) feet from the nearest point on the front property line or edge of any public street, public easement, or easement or right-of-way offered for dedication, and a minimum of in-no-case-less-than fifty-five (55) feet from the center line of said street, easement or right-of-way. The front setback-is-established-parallel-or-concentric-to-the-front property-line.

B. Side yard Property-line setback: The side yard

There-shall-be-a setback shall be a minimum of net-less-than twenty-five (25) feet or ten percent (10%) of the lot width, whichever is less, from a side any property line or parcel boundary line. For the purposes of this section, the lot width shall be the average distance between the side property lines as measured through the building envelope.

C. Rear yard setback: The rear yard setback shall be a minimum of twenty-five (25) feet or ten percent (10%) of the lot depth, whichever is less, from a rear property line or parcel boundary line. For the purposes of this section, the lot depth shall be the average distance between the rear property line and the front property line as measured through the building envelope.

D. Uses permitted in setback areas: The following uses shall be permitted in all setback areas:

1a. Wells, highway and traffic signs, signs, rural mail boxes, fences, gates, propane tanks, uncovered walkways, driveways, and utility lines may-be-erected-or-installed-with-the-area-bounded-by-the-lot-lines-and-the-setback-line.

2. Livestock loading structures can be located within the front setback of a parcel of land in the AEZs, MPZs, IMZs and GFZs, and may be located in the front setback of other land use zones, subject to planning department review and approval.

3b. Garages, carports, sheltered parking, and covered walkways may be constructed in front yards areas providing:

\[(a\text{\dag}) \text{ The subject site is above four thousand (4,000) feet in elevation;}
\]
\[(b\text{\ddag}) \text{ Carports shall have no enclosing walls higher than three (3) feet above ground level;}
\]
\[(c\text{\ddag}) \text{ Garages may be considered providing sight distance standards are satisfied, and the location is approved by the road division of the public works department. A variance to these standards shall not be approved;}
\]
\[(d\text{\dag}) \text{ The structure is located no closer than five (5) feet from the property line or the edge of the street easement or right of way offered for dedication;}
\]
\[(e\text{\dag}) \text{ The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.}
\]
E. Uses prohibited in setback areas: The following uses shall be prohibited in the setback areas:

1a. Septic systems unless approved through the variance process.

2b. Stables or pens used for the raising or keeping of small animals.

3. Awnings, canopies, and eaves.

4. Covered walkways except as permitted by Section 17.108.130(D)(3).
AMENDMENT 10

TOPIC: Walter Farnsworth Cottage

SUMMARY OF AMENDMENT: Adding Farnsworth Cottage to Specific Plan Historic Sites and Structures Inventory Map and adding description of Farnsworth Cottage to Appendix C.

DISCUSSION: The Board of Supervisors recently added the Walter Farnsworth Cottage to the Mariposa County Historic Resources Inventory. The historic building was recently restored and relocated to 5125 Bullion Street which is outside the Historic Design Review district. In order to protect this historic building, the building should be listed as an historic building in the Specific Plan which will result in the Specific Plan's special demolition and design standards being applied to the building.

FINDINGS: The amendment directly supports the Specific Plan goals of (1) preserving and protecting the historical sites and structures of the community for the benefit of future generations, and (2) preserving and protecting the rural small town flavor of the community. The amendment is not inconsistent with the other goals, policies, and standards of the General Plan and Specific Plan.

RECOMMENDED AMENDMENT:

Specific Plan--Historic Sites and Structures Inventory Map to be amended to show the location of the Walter Farnsworth Cottage and Appendix C, No. 58 to be added as follows:

58. Walter Farnsworth Cottage--The house was constructed in the later 1930's and was originally located on the block immediately west of the Courthouse. Walter Farnsworth, who resided in the house when it was built, was a native Mariposan who served as constable, tax collector, sheriff, coroner, and public administrator for the County. The house reflects many architectural elements of the 1930's such as the bungalow style but also includes a number of features from earlier times. It was relocated to its present site in 1991 and has been restored to its original design and style.
AMENDMENT 11

TOPIC: Board approval of subdivision and use permit applications in conjunction with planned unit developments.

DISCUSSION: Under the present planned unit development (PUD) standards, a subdivision or use permit must be approved by the Planning Commission before development may commence under the PUD. Consequently, subdivision or use permit applications are submitted and processed in conjunction with the PUD application. However, the Planning Commission cannot consider and approve the subdivision or use permit until the PUD is approved by the Board of Supervisors, thus requiring an additional public hearing and step in the review process. This additional public hearing and review is unnecessary since all issues of the PUD and subsequent development have been addressed by the Board of Supervisors through the PUD review process. In order to eliminate the additional public hearing and to streamline the review process, the Planning Department recommends that the Board of Supervisors be the acting agency for all subdivision and use permit applications submitted and processed in conjunction with a PUD application.

FINDINGS: The amendment only changes the procedure by which subdivision and use permit applications are considered when submitted and processed in conjunction with a PUD application. It will have no effect on the goals, policies, and standards of the General Plan and Specific Plan. The amendment will improve the short-term decision-making basis of the General Plan by streamlining the review and approval process for PUD projects.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.14(A)(2)(a) to be amended to read as follows
Zoning Ordinance--Section 17.328.030(A) to be amended to read as follows

A. Approval of the plan: Applications shall be initiated by the owner or owners of the land. Applications for the establishment of a PUD must include a development plan as described herein. Applications for a subdivision or use permit may be submitted with a PUD application and may be processed, considered, and approved in conjunction with a PUD application. Subdivision and use permit applications considered in conjunction with a PUD application shall be approved by the Board of Supervisors following review and recommendation by the Planning Commission. The PUD approval shall be processed in the manner as provided for approval as described herein. Applications and development plans will be reviewed by the Planning Department prior to submission for review by the Planning Commission. The Planning Department's preliminary review shall consist of plan review with the applicant to gain a full understanding of the
planned development proposal and environmental review consistent with adopted county policy. The Planning Commission may approve, disapprove, modify, or attach conditions to a development plan.
AMENDMENT 12

TOPIC: Mailbox cluster units for major subdivisions and commercial buildings with multiple businesses.

DISCUSSION: There have been recent discussions between County personnel and the Mariposa Postmaster of possible in-town, centralized mail delivery by the United States Postal Service. Because of USPS regulations, most in-town mail delivery would have to be accomplished by use of neighborhood delivery cluster box units which are structures that contain mailboxes for eight (8) or more addresses for the adjacent area. For new commercial and residential subdivision development these mailbox cluster units should be installed at the time the subdivision is completed. This would reduce the costs and eliminate the need for several property or business owners to install the cluster units when in-town mail delivery becomes a reality. This would also ensure that new development does not further impact existing postal facilities.

FINDINGS: The amendment supports the Specific Plan goals for (1) providing for an orderly urban expansion of the community; (2) providing for and promoting planned commercial, industrial, and residential development within the community; (3) promoting and providing an effective and safe circulation system within the community; and (4) promoting and providing adequate and cost effective public services. The amendment is not inconsistent with the other goals of the Specific Plan.

RECOMMENDED AMENDMENT:

Specific Plan--Section 3.26(A), Subsection 9 to be added as follows
Zoning Ordinance--Section 17.336.060(A)(9) to be added as follows

9. Mailbox cluster units shall be installed for all commercial, industrial, and multi-family residential projects. The design and location of the cluster units shall be based on the number and location of commercial, industrial, and residential units and be incorporated into the building design and circulation pattern of the project.

Specific Plan--Section 3.38 to be amended to read as follows
Ordinance No. 823--Section 9 to be amended to read as follows

Section 9--Utilities

A. All subdivisions with parcels below 3.0 acres (gross) shall install underground utilities (phone, electric, cable t.v., etc.) prior to recordation of the final/parcel map.
B. Street lighting, in accordance with the Mariposa County Improvement standards, shall be required within subdivisions where it is found necessary for the public health, safety, and welfare.

C. Mailbox cluster units shall be installed for all major subdivisions prior to recordation of the final map.
AMENDMENT 13

TOPIC: General Plan, Specific Plan, and Zoning Ordinance map amendments for Von Der Ahe property.

DISCUSSION: The Mariposa Town Planning Area, as originally established by the County General Plan, encompassed the community of Mariposa up to the ridgelines of the hills which surround the community to the east and west. The boundaries of the town planning area were modified in January 1992 to follow legally definable lines as required by State law, and as a consequence, large portions of the surrounding hillsides were removed from the town planning area. This included property east of Old Highway and the high school which is owned by Mr. Wilfred Von Der Ahe. In response to a request from Mr. Von Der Ahe and recommendation by the Planning Commission, the Board of Supervisors stated they would place Mr. Von Der Ahe’s property in the town planning area as originally intended if Mr. Von Der Ahe provided legal descriptions for the necessary boundaries prior to final action. Mr. Von Der Ahe was not able to provide the legal descriptions before the Board took final action but he has since provided the legal descriptions.

These legal descriptions provide a town planning area boundary which approximately follows the eastern ridge line and also provides interior land use district boundaries for the less steep property. Since it was originally intended to include this property in the Mariposa Town Planning Area, and the Board has previously stated it would place such property in the TPA upon submittal of legally described boundaries by the property owner, the Planning Department recommends the amendments to the General Plan Land Use Map, Specific Plan Land Use and Zoning Map, and County Zoning Map as identified in Exhibit "8".

The proposed town planning area boundary encompasses the MPUD parcel for the water treatment facility, and this parcel should also be placed in the town planning area also as originally intended. The Planning Department recommends the MPUD parcel be placed in the Public/Quasi-Public land use district and zone.

FINDINGS: Placement of the property in the town planning area will result in the application of special development standards (e.g. hillside development standards) to future development on the property which does not presently exist. Although the density of the site will increase and Agricultural Exclusive (AE) lands will be reclassified, the subject property was in the TPA from 1981 to 1992 and the recommended land use districts were originally proposed in the Specific Plan Update process and the Specific Plan development standards will ensure future development is consistent with the goals of the Specific Plan. The steeper portions of the property will be placed in the Scenic Resource District for protection. The amendment will provide for an orderly urban expansion of the community, preserve and
protect the fragile ecology of the community specifically with respect to the hillsides of the community, and preserve and protect the rural small town flavor of the community. Reclassification of the property from AE to TPA will not be inconsistent with the agricultural policies of the General Plan (Section 6.402.1) for the following reasons:

*The land is determined to not have agricultural resource potential as it is not an economic production unit and is of not sufficient quality or size for commercial agricultural production;

*The open space, resource conservation, and other preservation constraints will be better addressed by the proposed land use and zoning districts; and

*The specific characteristics of the property which make it desirable to include in the Town Planning Area make it undesirable to be preserved for AE uses.

The amendment will not be inconsistent with the other goals of the Specific Plan.

RECOMMENDED AMENDMENT:

General Plan--Land Use Map
Specific Plan--Appendix A, Land Use and Zoning Map
Zoning Ordinance--County Zoning Map

The proposed General Plan, Specific Plan, and Zoning Ordinance map amendments are shown in Exhibit "8".
AMENDMENT 14

TOPIC: General Plan, Specific Plan, and Zoning Ordinance map amendments for property along western boundary of Mariposa TPA.

DISCUSSION: The Mariposa Town Planning Area, as originally established by the County General Plan, encompassed the community of Mariposa up to the ridgelines of the hills which surround the community to the east and west. The boundaries of the town planning area were modified in January 1992 to follow legally definable lines as required by State law, and as a consequence, large portions of the surrounding western hillside were removed from the town planning area. Problems which have arisen from removing this property from the Town Planning Area can be readily seen in the grading and building which has occurred on this hillside in the last year. Massive cut banks and fill placements and large building pads have been created for building sites. These building sites and the buildings themselves are highly visible from the Town Planning Area and the State highways. The Scenic Resource District and hillside development standards, if applied to this existing development, would have resulted in less visible development by reducing the heights of cuts and fills, reducing the size of building pads by requiring the use of stepped foundations, and requiring screening by use of landscaping.

In order to correct this problem, the Planning Department has developed legally definable lines based on existing property corners which more closely approximate the town planning area boundary as originally intended. The proposed TPA boundary is shown in Exhibit "8" and necessitates amending the General Plan, Specific Plan, and Zoning maps to place the subject property back into the town planning area. Since the subject property was originally intended to be included in the Mariposa Town Planning Area, the Planning Department recommends these amendments.

In the northwestern corner of the TPA, the County inadvertently placed approximately 20 acres in the Mountain Home land use and zone rather than the Mountain General land use and zone as originally intended. The adjacent property is in the Mountain General land use and zone, and the Planning Department recommends this problem also be corrected by the necessary amendments as identified in Exhibit "8".

FINDINGS: Placement of the property in the town planning area will result in the application of special development standards (e.g. hillside development standards) to future development on the property which does not presently exist. The recommended land use districts were originally proposed in the Specific Plan Update process, and the Specific Plan development standards will ensure future development on the property is consistent with the goals of the Specific Plan. The amendment will provide for an orderly urban expansion of the community, preserve and protect
the fragile ecology of the community specifically with respect to the hillsides of the community, and preserve and protect the rural small town flavor of the community. The amendment will not be inconsistent with the other goals of the Specific Plan.

RECOMMENDED AMENDMENT:

General Plan--Land Use Map
Specific Plan--Appendix A, Land Use and Zoning Map
Zoning Ordinance--County Zoning Map

The proposed General Plan, Specific Plan, and Zoning Ordinance map amendments are shown in Exhibit "8".
AMENDMENT 15

TOPIC: Specific Plan and Zoning Ordinance map amendments for Mueller Tract Subdivision.

DISCUSSION: A majority of the property owners of the Mueller Tract Subdivision have submitted a petition to the Planning Department requesting that the land use district and zoning for the Mueller Tract properties be changed from Single Family Residential (9,000 sq. ft. minimum parcel size) to Single Family Residential (1/2 acre minimum). The property owners who signed the petition and other information on the properties are shown in Exhibits "6" and "7". All properties located between Mueller Road and/or have frontage along Mueller Road are shown. The subdivision potential of these parcels under the 9,000 square foot minimum parcel size is low, and the amendment will more accurately reflect the existing, probable, and desirable land use of the area. Based on these reasons and the majority support of the property owners, the Planning Department recommends modifying the land use and zoning district on those properties identified in Exhibit "8" from SFR-9K to SFR-1/2 ac.

FINDINGS: Although the amendment will reduce the planned density of the area, the amendment will only result in a loss of a few potential parcels. Since the future residential growth of the area is limited and the proposed land use and zoning is more desirable for the area based on its existing characteristics and circumstances, the amendment will not have an adverse effect on the Specific Plan goal of promoting the provision of a diversity of housing types and costs to meet the varied needs of present and future residents of the community or the goals and policies of the General Plan Housing Element.

RECOMMENDED AMENDMENT:

Specific Plan--Appendix A, Land Use and Zoning Map
Zoning Ordinance--County Zoning Map

The proposed Specific Plan and Zoning Ordinance map amendments are shown in Exhibit "8".
<table>
<thead>
<tr>
<th>Parcel APN</th>
<th>Address</th>
<th>Owner</th>
<th>Petition</th>
<th>House</th>
<th>Parcel Size</th>
<th>Subdivision Potential</th>
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<tbody>
<tr>
<td>13-041-10</td>
<td>5165 Mueller</td>
<td>McKnight</td>
<td>Yes</td>
<td>Yes</td>
<td>42,700 s.f.</td>
<td>YES</td>
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<tr>
<td>13-041-11</td>
<td>5155 Mueller</td>
<td>Nichols</td>
<td>Yes</td>
<td>Yes</td>
<td>91,400 s.f.</td>
<td>YES (2 Existing Lots, 1 Lot Subdividable)</td>
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<tr>
<td>13-041-13</td>
<td>5149 Mueller</td>
<td>Anthony</td>
<td>No</td>
<td>Yes</td>
<td>149,800 s.f.</td>
<td>YES--Approved LDA for 7 parcels</td>
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<tr>
<td>13-041-14</td>
<td>5131 Mueller</td>
<td>Hahn</td>
<td>No</td>
<td>Yes</td>
<td>47,900 s.f.</td>
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<tr>
<td>13-041-15</td>
<td>5127 Mueller</td>
<td>Apcar</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>13-040-16</td>
<td>5123 Mueller</td>
<td>Gilbertson</td>
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<td>Yes</td>
<td>38,300 s.f.</td>
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<td>13-040-17</td>
<td>5119 Mueller</td>
<td>Finney</td>
<td>Yes</td>
<td>Yes</td>
<td>41,800 s.f.</td>
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<tr>
<td>13-042-01</td>
<td>5166 Mueller</td>
<td>Yandell</td>
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<td>Yes</td>
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<tr>
<td>13-042-02</td>
<td>5158 Mueller</td>
<td>Clark</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>13-042-03</td>
<td>5154 Mueller</td>
<td>Barendse</td>
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<td>Yes</td>
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<td>13-042-04</td>
<td>5146 Mueller</td>
<td>Hanning</td>
<td>Yes</td>
<td>Yes</td>
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<td>13-042-05</td>
<td>5092 Mueller</td>
<td>Lewallen</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>13-042-06</td>
<td>5130 Mueller</td>
<td>Gimblin</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>13-042-07</td>
<td>5126 Mueller</td>
<td>Bondshu</td>
<td>Yes</td>
<td>No</td>
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<td>NO</td>
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<tr>
<td>13-042-08</td>
<td>5116 Mueller</td>
<td>Bondshu</td>
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<td>Yes</td>
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<tr>
<td>13-042-09</td>
<td>5112 Mueller</td>
<td>Rader</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>13-042-10</td>
<td>No Address</td>
<td>Williams</td>
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<td>13-042-11</td>
<td>5102 Mueller</td>
<td>Williams</td>
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<td>13-042-12</td>
<td>5088 Mueller</td>
<td>Sinclair</td>
<td>Yes</td>
<td>Yes</td>
<td>17,400 s.f.</td>
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<td>13-142-13</td>
<td>5084 Mueller</td>
<td>Slagle</td>
<td>No(1)</td>
<td>Yes</td>
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<td>13-042-14</td>
<td>5078 Mueller</td>
<td>Mils</td>
<td>Yes</td>
<td>Yes</td>
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<td>13-042-15</td>
<td>5074 Mueller</td>
<td>Reagan</td>
<td>Yes</td>
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<td>13-042-17</td>
<td>5060 Smith</td>
<td>Lewis</td>
<td>Yes</td>
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<td>13-042-18</td>
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<td>13-042-19</td>
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<td>13-042-20</td>
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<td>Christensen</td>
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<td>13-042-21</td>
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<td>Coci</td>
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<td>Yes</td>
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<td>13-043-01</td>
<td>5115 Mueller</td>
<td>Radanovich, D.</td>
<td>Yes</td>
<td>Yes</td>
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<td>NO</td>
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<td>13-043-02</td>
<td>5111 Mueller</td>
<td>Saye</td>
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<td>Yes</td>
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<td>13-043-03</td>
<td>5107 Mueller</td>
<td>Burke</td>
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<td>13-043-04</td>
<td>5101 Mueller</td>
<td>Gibbons</td>
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<td>13-043-05</td>
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<td>13-043-06</td>
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<td>13-043-07</td>
<td>5079 Mueller</td>
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<td>Yes</td>
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<td>13-043-08</td>
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<td>13-043-09</td>
<td>5063 Mueller</td>
<td>Schatz</td>
<td>Yes</td>
<td>Yes</td>
<td>33,500 s.f.</td>
<td>NO</td>
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</tbody>
</table>

(1) Petition signed by someone other than property owner.
Chapter 3
RECOMMENDED FINDINGS FOR APPROVAL

The Board of Supervisors is required by Section 2.504 of the Mariposa County General Plan to make the findings discussed in Chapter 1 prior to approval of any amendment to the General Plan or Mariposa TPA Specific Plan. This report contains evidence and information in support of approval of the amendments with specific discussion of the relationship of the amendments to the goals, policies, and standards of the General Plan and Mariposa TPA Specific Plan. It is the Planning Department’s opinion the mandatory findings can be made for approval of the amendments based on this report and the following findings:

1. The amendments are in the general public interest as they will support the original intent of the Specific Plan Update, clarify terms used in the Zoning Ordinance and Specific Plan, remove identified ambiguities, and streamline the development review process. The amendments will not have significant adverse effects on the general public health, safety, peace, and welfare as discussed in the Addendum EIR.

2. The amendments will improve the short-term basis for day-to-day decision making by providing definitions, removing identified ambiguities, and streamlining the development review process. These areas of improvements are identified and discussed in Chapter 2 of this report.

3. The amendments have been reviewed for consistency with State law and County ordinances and policies, including the Mariposa County General Plan and Mariposa TPA Specific Plan. An addendum to the EIR originally certified for the Mariposa TPA Specific Plan Update has been adopted to comply with the requirements of the California Environmental Quality Act. Consistency or the lack of adverse effect the amendments may have on County ordinances and policies is discussed in Chapter 2 of this report and supported by the conclusions stated therein. This report is referenced and incorporated herein as part of these findings.
Chapter 4
INTRODUCTION TO ADDENDUM EIR

Pursuant to the California Environmental Quality Act (Sections 21000 et seq., Public Resources Code) and CEQA Guidelines (Sections 15000 et seq., California Administrative Code), the Mariposa County Board of Supervisors as lead agency for the project has determined that an addendum Environmental Impact Report (EIR) is required for the proposed Mariposa TPA Specific Plan Clean-Up Amendments. This addendum EIR has been prepared according to CEQA and the CEQA Guidelines and the Mariposa County Environmental Review Policies and Procedures.

The original EIR for the Mariposa TPA Specific Plan Update project was certified by the Board of Supervisors on January 14, 1992. The project consisted of an update and revision to the goals, objectives, policies, development standards, and land use/zoning map of the Mariposa TPA Specific Plan and amendments to the General Plan Land Use Map. The original EIR as certified, consisting of a draft and final document, is incorporated into this addendum EIR by reference.

The amendments which comprise the project are proposed to clarify terms used in the Specific Plan and Zoning Ordinance, remove any identified ambiguities, streamline the application review process, and address issues which were not known at the time the Specific Plan Update was considered. The amendments reflect the original intent of the policy and standards adopted as part of the Specific Plan update and do not propose any major or substantive revisions to the goals, policies, and standards of the Specific Plan. This statement is supported by the discussion provided for each individual amendment in Chapter 5. Although no major or substantive revisions are proposed, an addendum to the certified EIR is necessary to explain why the amendments will not have significant adverse environmental effects and to support the Board's action. This is consistent with the purpose and requirements of the California Environmental Quality Act.

Section 15164 of the CEQA Guidelines state that an addendum to a certified EIR is appropriate where:

1. Subsequent changes proposed in the project will not require important revisions of the previous EIR and do not involve or raise new significant environmental impacts not considered in the previous EIR.

2. Substantial changes have not occur with respect to the circumstances under which the project is undertaken, which will require important revisions in the previous EIR, and which will involve new significant environmental impacts not covered in the previous EIR.
3. New information of substantial importance as it relates to the previous EIR is not available.

4. Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA.

5. The changes to the EIR made by the addendum do not raise important new issues about the significant effects on the environment.

If the recommended amendments require important revisions to the previous EIR, may result in new significant environmental impacts, or do not meet the other criteria for an addendum EIR, a supplemental or subsequent EIR will be necessary. A supplemental or subsequent EIR requires a public review period of a minimum of 45 days, consideration of the previous EIR, and adoption of findings for each significant environmental impact identified in the supplement and the previous EIR.

It is the Planning Department's determination the recommended amendments meet the requirements for an addendum EIR, and the Planning Department recommends adoption of an addendum EIR for the project with the findings contained in Chapter 6.
Chapter 5
ENVIRONMENTAL ISSUES

This chapter summarizes each of the amendments and discusses the potential environmental impacts, if any, which may arise from the amendment and how the previous EIR addressed the issues associated with the amendment. Findings recommended by the Planning Department are included for each amendment to support the use of an addendum to the previous EIR and to identify any amendments to the EIR.

AMENDMENT 1

SUMMARY OF AMENDMENT: Definitions and graphic drawings for terms used in the Specific Plan and Zoning Ordinance.

DISCUSSION: The definitions and drawings which comprise the amendment do not establish or modify existing policy or standards and only clarify how the terms and their respective policy and standard are presently administered. Application of the definitions and drawings to land use decisions will not result in new or modified environmental impacts not previously addressed by the EIR for the respective policy and standard.

FINDING: The amendment will not create any significant adverse environmental impacts and will not require revisions to the previous EIR.

AMENDMENT 2

SUMMARY OF AMENDMENT: Development standards, plan review and processing requirements, and demolition permit and review standards of the Historic Design Review Overlay to be applied to exterior modifications and demolitions of historic buildings and structures.

DISCUSSION: The amendment is a mitigation measure of the previous EIR which was not implemented by or incorporated into the Specific Plan. The EIR addressed any potential environmental impacts which may have resulted from implementation of the mitigation measure.

FINDING: All potential environmental impacts which may result from the amendment were addressed in the EIR. The amendment will not require revisions to the EIR.
AMENDMENT 3

SUMMARY OF AMENDMENT: All references to "on-lot" to be eliminated in the Hillside Development standards.

DISCUSSION: The amendment is a clarification of the intent of the mitigation measures identified in the EIR for development on hillsides and moderate to steep slopes. The amendment will clarify that these special environmental protection standards apply to all grading and development on slopes greater than 20% and will not create environmental impacts but rather mitigate potential environmental impacts already identified in the EIR.

FINDING: All potential environmental impacts which may result from the amendment were addressed in the EIR. The amendment will not require revisions to the EIR.

AMENDMENT 4

SUMMARY OF AMENDMENT: Parking areas and access for single family residences to be surfaced with a minimum of two (2) inches of aggregate base or equivalent as approved by the Planning Director.

DISCUSSION: The road surface for driveways and parking areas of single family residences will be reduced from pavement to 2" of aggregate based, and this will alter access to the single family residences from the access street. An aggregate base road surface is suitable for the type and amount of traffic for single family residences and will not result in traffic impacts or hazards. An aggregate base is also adequate for emergency vehicle access. The encroachment of an aggregate base driveway with a paved County street or State highway has the potential to create traffic hazards, but the County and CalTrans encroachment standards will ensure all potential encroachment hazards which may result from aggregate base driveways will be reduced to a non-significant level.

FINDING: The amendment will not result in any potentially significant environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or significant.

AMENDMENT 5

SUMMARY OF AMENDMENT: Grading and site development standards to be added to Scenic Resource District to minimize grading, require grading to conform with natural topography, preserve significant natural features, stabilize and revegetate exposed soil surfaces, and minimize visual impacts from State Highways 49 and 140.
DISCUSSION: The amendment is a clarification of the intent of the mitigation measures identified in the EIR for development on the hillsides surrounding the community. The amendment will clarify that the special environmental protection standards include site design and grading standards to minimize visual impacts of development on the hillsides. The amendment will not create environmental impacts but rather mitigate potential environmental impacts already identified in the EIR.

FINDING: All potential environmental impacts which may result from the amendment were addressed in the EIR. The amendment will not require revisions to the EIR.

AMENDMENT 6

SUMMARY OF AMENDMENT: Uses, buildings, and structures which are permitted and prohibited in setback areas to be listed; front yard setback to be reduced from 50 feet from centerline of street to 40 feet; and rear yard setback for parcels with two or more front yards to be reduced to five (5) feet.

DISCUSSION: The amendment will to clarify existing setback standards or correct setback standards which are excessive. The setback standards after amendment will still ensure adequate area for future widening of streets and roads and establish uniform front, side, and rear yard areas. The new setback standards will not result in new or modified environmental impacts not previously addressed by the EIR for setback standards.

FINDING: The amendment will not create any significant adverse environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or substantive.

AMENDMENT 7

SUMMARY OF AMENDMENT: Uses, buildings, and structures which are permitted and prohibited in drainage setback areas to be listed; replacement of minor drainages with stormwater drainage facilities to be allowed subject to engineered study.

DISCUSSION: The amendment clarifies the types of non-building structures permitted within the drainage setbacks and under what conditions. The amendment will not allow any structure in the drainage setback which will alter the flow of floodwaters or impact downstream or upstream properties. The amendment furthers the restrictions of the mitigation measure protecting floodplains and drainage ways by imposing
additional conditions for placing non-building structures within the setback area. The amendment will not result in new or modified environmental impacts not previously addressed by the EIR for floodplains and drainages.

**FINDING:** The amendment will not create any significant adverse environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or substantive.

**AMENDMENT 8**

**SUMMARY OF AMENDMENT:** Policy section to be added to the Specific Plan to support recommended amendments; buildings and structures which will adversely affect future improvements to be prohibited within proposed right-of-way; minimum setback of buildings and structures from proposed right-of-way line to be established; map of proposed right-of-way to be added to the Specific Plan.

**DISCUSSION:** The amendment will protect the future right-of-way for Highway 49 North by prohibiting structures and other uses within the right-of-way. The amendment will not affect the development of parcels which are partially within the right-of-way except to require the project to remain outside the proposed right-of-way with an adequate setback. This will not result in development adjacent to the highway having any significant adverse environmental impacts not previously addressed by the EIR. The amendment will have beneficial environmental impacts by allowing for orderly and safe expansion of the highway. In addition, environmental impacts of the widening of the highway will be addressed in a Negative Declaration or Environmental Impact Report to be prepared for the project.

**FINDING:** The amendment will not create any significant adverse environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or substantive.

**AMENDMENT 9**

**SUMMARY OF AMENDMENT:** Definitions for building, setback, and encroachment line to be added; 10% setback rule for narrow or shallow parcels to be more specific as to where lot depth or width is measured; awning, canopies, and eaves to be prohibited in setback areas; graphic drawings to be added to visually describe definitions for setback and encroachment line.

**DISCUSSION:** The amendment will clarify existing setback standards. The setback standards after amendment will still
ensure adequate area for future widening of streets and roads and establish uniform standards. The setback standards after amendment will not result in new or modified environmental impacts.

FINDING: The amendment will not create any significant adverse environmental impacts.

AMENDMENT 10

SUMMARY OF AMENDMENT: Adding Farnsworth Cottage to Specific Plan Historic Sites and Structures Inventory Map and adding description of Farnsworth Cottage to Appendix C.

DISCUSSION: Information on this historic structure was not known at the time the Specific Plan Update and EIR were prepared. The amendment is consistent with the discussion and mitigation measures stated in the EIR to protect historic structures from unwarranted demolition and non-compatible exterior modifications. The amendment will not result in any significant adverse environmental impacts in that permitted uses of the house will not change by the amendment, the special use provisions for historic structures require a conditional use permit and environmental review which will ensure any non-residential use of the house is compatible with the surrounding area and environment, and the amendment will not prohibit or removal of the house if health and safety concerns warrant any such removal. The EIR addressed any potential environmental impacts which may have resulted from the application of special development standards to historic structures.

FINDING: All potential environmental impacts which may result from the amendment were addressed in the EIR. The amendment will not require revisions to the EIR.

AMENDMENT 11

SUMMARY OF AMENDMENT: Board approval of subdivision and use permit applications in conjunction with planned unit developments.

DISCUSSION: The amendment will result only in procedural changes to the review and approval of subdivisions and use permits processed in conjunction with planned unit developments. Consideration and environmental review of the project will remain the same, and consequently, the amendment will not result in environmental impacts.

FINDING: The amendment will not create any significant adverse environmental impacts.
AMENDMENT 12

SUMMARY OF AMENDMENT: Mailbox cluster units for major subdivisions and commercial buildings with multiple businesses.

DISCUSSION: The location of mailbox cluster units may create traffic hazards and impact traffic circulation if not properly sited. The location of these units and associated traffic impacts will be addressed through the commercial design review process and the subdivision review process. These review processes, in keeping with the requirements of the design review overlay district and the Subdivision Ordinance and policies, will ensure the mailbox cluster units will not have a significant adverse impact on traffic or create significant traffic hazards. The design of the units will also have to comply with the design review and historic design review standards which will ensure the units will not have a significant adverse visual or aesthetic impact. The mailbox cluster units will not result in any other significant adverse environmental impacts.

FINDING: The amendment will not create any significant adverse environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or substantive.

AMENDMENT 13

SUMMARY OF AMENDMENT: General Plan, Specific Plan, and Zoning Ordinance map amendments for Von Der Ahe property.

DISCUSSION: The potential environmental impacts of placing the subject property in the recommended land use and zoning districts were identified and discussed in the EIR. The mitigation measures necessary to eliminate or reduce the potentially significant adverse environmental impacts have already been incorporated into the Specific Plan and will be applied to development on the subject property through the development standards of the Specific Plan. The characteristics and circumstances of the community of Mariposa and the subject property have not substantially changed in the last 18 months since certification of the EIR.

FINDING: All potential environmental impacts which may result from the amendment are addressed in the EIR. The amendment will not require revisions to the EIR.
AMENDMENT 14

SUMMARY OF AMENDMENT: General Plan, Specific Plan, and Zoning Ordinance map amendments for property along western boundary of Mariposa TPA.

DISCUSSION: The potential environmental impacts of placing the subject property in the recommended land use and zoning districts were identified and discussed in the EIR. The mitigation measures necessary to eliminate or reduce the potentially significant adverse environmental impacts have already been incorporated into the Specific Plan and will be applied to development on the subject property through the development standards of the Specific Plan. The characteristics and circumstances of the community of Mariposa and the subject property have not substantially changed in the last 18 months since certification of the EIR.

FINDING: All potential environmental impacts which may result from the amendment are addressed in the EIR. The amendment will not require revisions to the EIR.

AMENDMENT 15

SUMMARY OF AMENDMENT: Specific Plan and Zoning Ordinance map amendments for Mueller Tract Subdivision.

DISCUSSION: The amendment will reduce the density and subdivision potential of the subject parcels and lessen environmental impacts associated with development. The reduction of potential parcels and residences on the subject parcels may have an impact on housing and population in the community of Mariposa, however, the area is substantially built-out and only a few potential parcels will be lost. This reduction of a few residential parcels is insignificant in relation to the total existing and projected residential units of the community.

FINDING: The amendment will not create any significant adverse environmental impacts. The necessary revisions to the EIR, as identified in the discussion, are not important or substantive.
Chapter 6
RECOMMENDED CEQA FINDINGS

This project is subject to the provisions of the California Environmental Quality Act (CEQA), and the Board of Supervisors must make an environmental determination for the project in accordance with CEQA. The Board has determined to adopt an addendum to the EIR certified for the Mariposa TPA Specific Plan Update. This report contains evidence and information in support of the use and adoption of an addendum EIR for the project. As part of the Board’s action to adopt this addendum EIR, the Planning Department recommends the Board adopt the following findings:

1. The amendments proposed in the project will not require important or substantive revisions of the previous EIR and do not involve or raise new significant environmental impacts not addressed in the previous EIR.

2. Substantial changes have not occur with respect to the characteristics and circumstances of the community of Mariposa since certification of the previous EIR which require important revisions in the previous EIR or which involve new significant environmental impacts not addressed in the previous EIR.

3. New information of substantial importance as it relates to the insufficiency of the previous EIR and the findings and mitigation measures contained therein has not been provided to the County nor is the County aware of any such information.

4. Only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA. These changes and additions made by the addendum to the EIR do not raise important new issues about significant adverse effects on the environment.

5. These findings are supported by the discussion and findings of Chapter 5, and this report is referenced and incorporated herein as part of these findings.
EXHIBIT "D"

MODIFICATIONS TO THE "REPORT FOR THE
MARIPOSA TOWN PLANNING AREA SPECIFIC PLAN AMENDMENTS"

Amendment 14a is added to Chapter 2 as follows:

"AMENDMENT 14

TOPIC:  SR-5 District; secondary residences in SR districts.

DISCUSSION:  This discussion is in addition to the discussion
for Amendment 14.  The Board of Supervisors has identified a need
to establish Scenic Resource districts with varying minimum
parcel sizes.  This is because of the differing characteristics
and constraints between large- and small-size parcels located on
the hillsides of the community and the purpose of the SR
district.  The SR-5 district is applied to parcels that are
presently less than 20 acres in size.  The SR-5 includes the same
development standards as the SR-20 district but has a 5 acre
minimum parcel size and allows two residences on each parcel
which is the parcel size and density of the Mountain Home Zone
which these properties were previously located.  Only two of the
14 parcels are greater than 10 acres in size for further
subdivision which must comply with all Specific Plan standards.
Any future development, including secondary residences, must be
constructed in accordance with the grading, building, and
aesthetic standards of the Scenic Resource district.

FINDING:  The placement of the property in the SR-5 district
will result in the application of special development standards
(e.g. hillside development standards) to future development on
property not presently subject to these standards or will result
in minor increases in development potential on property presently
in the TPA which will be subject to the special development
standards.  Consequently, this minor increase in development
potential will not result in grading or visual impacts.  The
recommendation for placing the properties in the TPA was
originally proposed in the Specific Plan Update process to ensure
development on the property is consistent with the goals of the
Specific Plan and more closely reflect the previous Mountain Home
zoning of the property.  The amendment will provide for an
orderly urban expansion of the community, preserve and protect
the fragile ecology of the community specifically with respect to
the hillsides of the community, and preserve and protect the
rural small town flavor of the community.  The amendment will not
be inconsistent with the other goals of the Specific Plan."
The addendum to the Mariposa TPA Specific Plan Environmental Impact Report, as contained in Chapter 5 of the "Report for the Mariposa Town Planning Area Specific Plan Amendments", is modified as follows:

A) The following is added to the discussion on Amendment #4:

"Requiring pavement of parking areas and driveways for single family residences on parcels less than one (1) acre does not alter the environmental analysis of this amendment. This requirement will reduce the associated non-significant impacts on traffic access and hazards to a lesser level."

B) The following is added to the discussion on Amendment #7:

"Allowing the Planning Director to lessen setbacks from minor drainages with no engineered study and also allowing underground utilities with appurtenant structures and fills is consistent with the intent of the present-wording of the standard, and the amendments will still ensure that any encroaching structure or fill placement will not affect the flow of floodwater in the drainage. The modified amendments will not create any significant adverse environmental impacts."

C) The following is added to the discussion on Amendment #8:

"The use of the proposed highway right-of-way for excess parking will not inhibit the future widening of the highway or increase costs for highway construction. These parking areas can be easily removed, and since this parking is not required to meet parking standards, parking for appurtenant uses will not be significantly affected."

D) Amendment #14 is replaced with the following:

"SUMMARY OF AMENDMENT: General Plan, Specific Plan, and Zoning Ordinance map amendments for property along western boundary of Mariposa. Specific Plan and Zoning Ordinance text amendments for Scenic Resource-5 acre district.

DISCUSSION: The potential environmental impacts of placing the subject property in the town planning area were identified and discussed in the EIR. The mitigation measures necessary to eliminate or reduce the potentially significant adverse environmental impacts have already been incorporated into the Specific Plan and will be applied to development on the subject property through the development standards of the Specific Plan. Application of the Scenic Resource-5 Acre District to those properties less than 20 acres may allow for further subdivision of the properties and
construction of a secondary residence which is presently not permitted by the Scenic Resource-20 Acres District. However, only two of the 14 parcels are greater than 10 acres in size for further subdivision which must comply with all Specific Plan standards. The allowance of an additional residence on the parcels will not create additional environmental impacts not previously discussed in the EIR as grading and visual standards will still apply. The characteristics and circumstances of the community of Mariposa and the subject property have not substantially changed in the last 18 months since certification of the EIR.

**FINDING:** All potential environmental impacts which may result from the amendments are addressed in the EIR. The amendment will not require revisions to the EIR."