RECOMMENDED ACTION AND JUSTIFICATION: Adopt resolution initiating a series of zoning amendments establishing Scenic Highway and other standards. These additions and revisions are necessary to complete the scenic highway designation for Highway 140, create non-conforming sign regulations, streamline the hearing process, etc.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board has previously directed a number of these revisions (see attached memo).

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
1. Initiate amendments as proposed; consideration at public hearings would occur.
2. Initiate amendments with changes; consideration at public hearings would occur.
3. Take no action. Consideration of these changes would not occur.

COSTS: (x) Not Applicable
A. Budgeted current FY $____
B. Total anticipated costs $____
C. Required Add'l funding $____
D. Source: ________

SPECIAL INSTRUCTIONS: List the attachments and number the pages consecutively:
1. Memo
2. Proposed zoning text amendments

SOURCE: ( ) 4/5ths Vote Required
A. Internal transfers $____
B. Unanticipated revenues $____
C. Reserve for contingency $____
D. Description: __________

Balance in Reserve for Contingencies, if approved: $____

CLERK'S USE ONLY:
Res. No.: 11-13
Ord. No.: ______
Vote - Ayes: 5 Noes: 0
Absent: 0 Abstained: 0
Approved ( ) Denied ( ) Minute Order Attached

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
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: __________
MEMORANDUM

TO: Board of Supervisors
FROM: Tony Lashbrook
SUBJECT: Zoning Text Amendment Package

Attached for your review is a package of proposed text additions and revisions to the Zoning Code. The purpose of these proposed changes are varied and are outlined briefly as follows:

1. Establish Scenic Highway Overlay Zone as previously initiated by the Board of Supervisors.

2. Establish sign standards, including basic sign allotments, nonconforming and illegal sign provisions. This section was drafted in response to Board direction and to address environmental concerns and mitigation measures applied to commercial re-zonings.

3. Establish general lighting standards for CN-1 and CN-2 zones to address environmental concerns and mitigation measures applied to CN-1 and CN-2 re-zonings.

4. Modify minimum parcel size standards to address parcels created for utility purposes. This amendment is proposed in response to concerns raised by Sierra Telephone and other utilities.

5. Modify public hearing chapter to eliminate requirement for 2 published notices and other minor clean-up. This proposal is recommended to reduce costs and to streamline the hearing process and was discussed with the Board at budget hearings.

2. A plot plan drawn to the scale specified by the Planning Director and other such maps, plans, photographs, drawings and sketches necessary to illustrate the information specified in section 17.08.150 of this Title and the following information:
   a. Site vegetation, including trees and shrubs - their approximate location, species, proposed treatment (to be removed or retained), and size (tree measurement to be given as diameter at four feet above ground level, and shrub measurement to be given as overall height);
   b. Rock outcroppings and boulders larger than twenty-four (24) square feet - approximate location, proposed treatment (to be removed or retained) and size (measurement to be calculated by multiplying approximate width by length);
   c. Existing topography of scenic highway if scenic highway is immediately adjacent to site;
   d. Signs - materials, colors, and lighting;
   e. Location of all utilities (including existing and proposed electric and communication lines and facilities, and propane tanks), mechanical equipment, dumpsters, and exterior work areas.

3. Elevations of all sides of the proposed building or structures visible from the scenic highway showing:
   a. Dimensions;
   b. Proposed architectural treatment, building and roofing materials and colors;
   c. Signs;
   d. Lighting;
   e. Mechanical equipment and utilities.

4. Preliminary grading plan indicating grading necessary for all proposed site development.

5. The applicant may submit a narrative description of the proposed development to assist in the Scenic Highway Review process. This narrative may describe how the development was designed to be harmonious with the scenic quality of the corridor, and to comply with the design guidelines.

An application for Scenic Highway Review Plan for Single Family Residential development (including Home Enterprises entirely operated within a residential structure) shall include the following:

1. A completed Single Family Dwelling Building Permit Application.

2. A plot plan drawn to the scale specified by the Planning Director which illustrates the information specified in section 17.08.140 of this Title, and the location of existing and proposed electric and communication lines and facilities.
Principal Zone and/or the additional standards contained within this Chapter.

5. In the instance that a permitted use and/or development standard of the Principal Zone conflicts with a standard of the Scenic Highway Overlay Zone, the more restrictive standard shall apply.

E. Special Development Standards for Multi-family Residential, Commercial and Industrial Uses within the SHO

All Multi-family Residential, Commercial and Industrial development (including Home Enterprises not entirely operated within a residential structure) in the SHO District shall comply with the following standards:

1. Site Development Standards
   a. Minimize grading 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.
   b. All earthmoving activities which expose soil surfaces shall be followed by application of soil stabilization and revegetation measures to prevent erosion and revegetate exposed surfaces. Revegetation and soil stabilization methods as recommended by the Soil Conservation Service or the Mariposa County Resource Conservation District shall be required.
   c. Preserve significant natural features which contribute to the corridor's scenic quality including vegetation, boulders and rock outcroppings, natural waterways and drainages, and existing topography or topographic features. Incorporation of these natural features into the proposed site grading and development is encouraged.
   d. The minimum open space required per parcel shall be determined by parcel size and topography as follows:

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Open Space Required if average slopes on project parcel are less than 30%</th>
<th>Open Space Required if average slopes on project parcel are 30% or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - .99 acres</td>
<td>20%</td>
<td>40%</td>
</tr>
<tr>
<td>1.0 - 1.99 acres</td>
<td>30%</td>
<td>50%</td>
</tr>
<tr>
<td>2.0 acres or more</td>
<td>40%</td>
<td>60%</td>
</tr>
</tbody>
</table>

   e. Location and grouping of buildings, structures, and site development shall have an appropriate scale which is harmonious with the scenic quality of the corridor and the area immediately surrounding the parcel.
   f. Location of structures shall not unnecessarily obstruct scenic views from the designated highway, including all views of rivers and streams.
3. Landscaping
   a. Landscaping shall include existing and planned vegetation, berms, and irrigation systems.
   b. Landscaping shall screen views of site development from the scenic highway and shall be used to revegetate soils exposed by grading activities. Vegetation utilized for screening shall be equally effective at all times of the year.
   c. Utilization of indigenous and/or water conserving plants shall be strongly encouraged. Utilization of plants which are susceptible to insects and disease shall be prohibited.
   d. Landscaping shall be required for all new parking lots where the aggregate size of all new parking lots on the parcel is greater than 2,000 square feet, or expansion of existing parking lots which exceed fifty percent (50%) of the original parking lot size.
   e. A differentiation between requirements for parking lot perimeter landscaping and interior landscaping is made in these standards. The purpose of perimeter landscaping is to screen parking areas and vehicles utilizing parking areas from the designated highway. The purpose of interior landscaping is to break up the expanse of paved or gravelled surfaces. Where the applicant can demonstrate that the proposed parking area and vehicles utilizing the proposed parking area are not visible from the designated highway, no perimeter or interior landscaping shall be required.
   f. Planting areas for perimeter landscaping shall be designed so as to maximize the effectiveness of the landscaping as a screen. Plant species and spacing shall be chosen such that full screening from the road is achieved within five (5) years of project completion. Planting areas for perimeter landscaping shall be a minimum of three (3) feet wide.
   g. Planting areas for interior landscaping shall be designed to break up the surface of parking areas. The minimum area for interior landscaping shall be ten percent (10%) of the total parking area, including drive aisles, curbs and gutters.
   h. Shrub materials shall be a minimum of five (5) gallons in size at the time of planting. Trees shall be selected from the Planning Department's approved tree list, and shall be a minimum of fifteen (15) gallons in size at the time of planting. Landscaping plans shall consider the full growth of vegetation.
   i. Landscaping shall be designed so that it will not obstruct sightlines necessary for safe vehicular and pedestrian circulation, and will not interfere with public utilities.
   j. Planting areas subject to damage from pedestrian or vehicular traffic shall be protected by curbing, fencing or walls.
   k. Provisions for irrigation shall be provided within all landscaped areas where necessary. Drip irrigation systems shall be encouraged as a water conservation measure.
F. Special Development Standards for Single Family Residential Uses within the SHO

All Single Family Residential development in the SHO District (including Home Enterprises entirely operated within a residential structure) shall comply with the following standards:

1. Site Development Standards
   a. Site development standards 1.a., 1.b., 1.c., and 1.k. as listed in Subsection E. of Section 17.65.010 of this Chapter shall apply to all Single Family Residential development within the SHO District.

2. Sign Standards
   a. Signs for Home Enterprises shall have a maximum area of twenty-four (24) square feet. One sign for Home Enterprises shall be permitted per parcel.
   b. All other standards as listed in Subsection B. of Section 17.65.010 of this Chapter shall apply to signs for Home Enterprises.

G. SHO - Nonconforming Uses and Structures

Nonconforming uses and structures within the SHO District shall comply with the provisions of Section 17.08.020 of this Title, except as modified below:

1. A nonconforming use or structure may be expanded through approval of a site plan application processed in conformance with Sections 17.08.140, 17.08.150, and 17.08.160 of this Title, and through approval of a Scenic Highway Review Plan processed in conformance with this Chapter. All exterior modification of a nonconforming use or structure must comply with the provisions of the Scenic Highway Overlay.

2. If the use of a building or premises does not conform to the land use regulations of this District, and that use is discontinued for a period of twelve (12) consecutive months, any subsequent use of the building or premises for that nonconforming use shall conform to the regulations of this District, and the Principal Zone in which it is located.

3. When a building or other structure which does not conform to the provisions of this Title is damaged or destroyed, it may be reconstructed, repaired or rebuilt to accommodate its original use, including nonconforming uses. Such reconstruction, restoration, or rebuilding shall conform to the provisions of this Title, and all other existing applicable policies, and regulations, and shall require the submission and approval of a scenic highway review plan.
remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

C. Unless otherwise prohibited by this chapter, signs may be illuminated provided such illumination does not shine light upon a public street or on to an adjacent parcel or in any way create a public safety hazard. No sign shall be illuminated after 11:00 p.m. or close of business, whichever occurs last, or prior to 6:00 a.m.

D. The following exterior signs shall be prohibited: pole signs; moving or rotating signs; signs with flashing, moving, or animated illumination except signs which display time and temperature information; advertising signs that include the words "Stop, Look, Listen" or any other word, phrase, symbol, lights, motion, sound, fumes, mist, or other effluent that may interfere with, mislead, or confuse the driving public; portable signs except for temporary real estate signs which advertise the particular property; signs on inflatable advertising devices when the device is attached or secured to the ground or building and signs extending above the peak of the roof line.

E. Illegal signs, as defined by this title, shall be considered a zoning violation and a public nuisance and subject to the abatement procedures established in Section 17.144 of this title.
height and shall be subject to the aggregate sign area standard.

c. In addition to the maximum aggregate sign area, commercial centers having a common name and containing 3 or more business entities may contain a monument sign not exceeding 32 sq. ft. and 6 ft. in height. The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.

E. Lighting

1. All exterior lighting shall be designed and located so as to confine lighting directly on the premises and shall not shine light upon other properties in the vicinity. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.

2. A lighting plan showing the design and location of all exterior lights shall accompany all development permit applications and shall include all information deemed necessary by the Planning Director. The lighting plan shall be approved by the Planning Director prior to issuance of the development permit. All exterior lighting shall comply with the approved lighting plan, and non-compliance with the approved lighting plan or this section shall be
shall be 120 sq. ft.

2. The maximum size for a monument sign identifying a commercial center shall be 64 sq. ft.

9-13bc10/31/90
CHAPTER 17.132
PUBLIC HEARINGS

Sections:

17.132.010 Public hearing required.
17.132.020 Public notification
17.132.030 Notification contents.
17.132.040 Public hearing--Rules of conduct.
17.132.010 Public hearing required.

Public hearings before the Mariposa County board of supervisors and planning commission shall be conducted in a manner and in accordance with the procedures set forth in this Chapter, unless otherwise provided in this title. (Ord 704 Sec.1, 1988).

17.132.020 Public notification.

All public hearings shall be noticed in accordance with this chapter and Section 65090 et seq. of the Government Code. The standards established by this chapter are minimum standards and shall be expanded if required by State law.

A. The current assessment roll of Mariposa County shall be used to identify owners of property within one thousand (1,000) feet of the project site boundaries. Notice shall be mailed to those individuals as listed on the current assessment roll. Note: Noticing requirements for the CG-1, CG-2, CR, M-1, and M-2 zones shall be twenty-five hundred (2,500) feet of the project site boundaries. Mailed notice for variances shall be provided in
ADD DEFINITIONS TO, OR REVISE EXISTING DEFINITIONS IN, THE FOLLOWING CHAPTER:

CHAPTER 17.148
DEFINITIONS

SECTIONS:
17.148.010 Definitions of Terms and Phrases

17.148.010 Definition of Terms and Phrases. The following terms and phrases shall be used in this Title and are listed alphabetically:

Average Slope: Calculation of average slope from the information provided shall be the responsibility of the Planning Department staff. Average slope shall be calculated as follows:

Simple Slopes - (parcel has uniform slope and exposure)
Average Slope = rise/run X 100
where rise = elevation change from the lowest point to the highest point on the parcel, and run = distance between the highest and lowest elevations.

Complex Slopes - (parcel has varying slopes and/or more than one exposure)
Average Slope = I X L X (0.00229)
\[ \text{A} \]
where I = vertical distance of contour interval in feet, L = total length of all contour lines in scaled feet, and A = total number of acres in the parcel.

Note: Calculations for parcels below 2.5 acres shall be exclusive or road easements.

Building Frontage: The length in feet of the face of a building or business within a building, parallel to the fronting street, or parking area. The side of the building used for calculating building frontage shall contain an entrance into the business.

Commercial Timber Harvesting: Tree harvesting operation where the primary purpose is the production of raw materials for forest products industry or for silvicultural purposes. The removal of diseased or fire-damaged timber standards are exempt from the provisions of commercial harvesting requirements.
Open Space: An area that is designed or maintained for environmental, scenic, or recreational purposes. Open space may include, but is not limited to unimproved land, grazing land, landscaped areas, walkways or trails, improved outdoor recreational areas, areas of subsurface septic systems, and water courses. Any area that is developed or improved with parking areas, streets, driveways, or other surfaces designed or intended for vehicular travel, or areas developed with carports or any covered structure shall not be considered open space.

Outdoor Storage: The storage, outside of a building and associated with a rural home industrial, commercial, industrial, or multi-family residential use, of any goods, junk, material, merchandise, or inoperative vehicles in the same place for more than 24 hours.

Parking Lot or Parking Area: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle. Each parking space must have a means of access to a public or private roadway.

Preliminary Grading Plan: A preliminary grading plan shall consist of the following (other information submitted in conjunction with the preliminary grading plan, such as a plot plan, site plan, or development plan may also be used to fulfill these submittal requirements):
   A. General vicinity map;
   B. Parcel dimensions;
   C. Generalized existing contours and drainage channels including those areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations; Contour interval shall be: five (5) feet for projects of three (3) acres or less, ten (10) feet for projects greater than three (3) acres and less than ten (10) acres, and twenty-five (25) feet for projects of ten (10) acres or greater;
   D. Location of any buildings or structures that are within fifty (50) feet of the area which may be affected by the proposed grading operation;
   E. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction.

Roofline: The line or edge where the sides of a building and the roof of that same building meet or coincide.

Scenic Highway Corridor, or Corridor: The area of land which
Official to be a danger to the public health and safety from the standpoint of structural integrity.

5. Any sign determined by the Mariposa County Public Works Director to be a traffic hazard not created by the relocation of streets or highways or other acts of the County.

Sign, Nonconforming: A legally established sign which does not conform with the provisions of this title.

Sign, Off-site: A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign-On-site: Any sign used for the following purposes:

1. To designate, identify, or indicate the name or business of the owner or occupant of the parcel where the sign is located.

2. To advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the parcel where the sign is located.

Sign, Temporary: A display, information sign, banner or other advertising device which is displayed for a total of twenty-one (21) days or less, in a period of three (3) consecutive months.

Utilities: Services or facilities associated with development and use of an individual parcel or a number of parcels, including but not limited to, water, gas, electric power, telephone, cable t.v. conveyances, switching stations and substations.

** Revised definition

9-14bc12/14/90