

DEPARTMENT: PLANNING

BY: TONY LASHBROOK

PHONE: 966-5151

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

Adoption of a resolution amending the Wawona Town Planning Area Specific Plan establishing fencing and exterior lighting standards. The proposed standards are based upon a community survey conducted by the W.T.P.A.C. and are recommended by the Council. See attached staff report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board previously considered similar standards but tabled action based upon community controversy.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Take no action - no fencing or exterior lighting standards would be established.
2. Adopt modified standards.
3. Continue hearing for the purpose of obtaining additional information.

COSTS: (XX) 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. Staff Report
- _____
- _____
- _____

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.: 91-555

Ord. No.: _____

Vote - Ayes: 3 Noes: _____

Absent: Frank Abstained: _____

Frank Approved Frank Denied _____

() Minute Order Attached

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

A Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted with Comment

_____ Returned for Further Action

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

Comment: _____

A.O. Initials: [Signature]

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD *mw*
RE: WAWONA TPA FENCING AND LIGHTING STANDARDS

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on November 19, 1991

ACTION AND VOTE:

10:00 a.m. JOINT PUBLIC HEARING with the Planning Commission, to Consider Specific Plan Amendment No. 91-1 Establishing Fencing and Outside Lighting Standards within the Wawona Town Planning Area Specific Plan
BOARD ACTION: Hearing was opened and continued to after the following recess.

10:01 a.m. Recess

10:10 a.m. Continued JOINT PUBLIC HEARING with the Planning Commission, to Consider Specific Plan Amendment No. 91-1 Establishing Fencing and Outside Lighting Standards within the Wawona Town Planning Area Specific Plan
BOARD/COMMISSION ACTION: Commissioners Reilly, Balmain, Cromell and Fall were present. Commissioner Eskra was excused. Tony Lashbrook, Planning Director, provided staff report, advised of the hearing process, reviewed written input received, and advised of opinion received from County Counsel. Public input was received from the following concerning the proposed fencing standards: Marie Escola/Wawona TPA Chairperson; Larry Bourriague, Carol Jones, Elizabeth Fretz, Scoop Tullis, Lonnie Telaro, Edward Mee, Don Starchman/Starchman Law Offices, Charles Woessner, Ron Wood, Chuck Jones, Oly Olson/Wawona District Ranger-NPS; Pierce Loberg, and Diana Markham. Supervisor Baggett was excused for the balance of the morning session at 11:03 a.m. Public portion of hearing was closed.

Board recessed at 11:21 a.m. for Planning Commission to deliberate. Commissioners asked questions of staff concerning variance procedures, and defining fence measurements. County Counsel provided input concerning the variance procedures and permitted use for large animals on parcels of one acre and larger. (M)Cromell, (S)Balmain, Planning Commission Resolution No. 91-21 adopted

recommending to the Board of Supervisors approval of Specific Plan Amendment No. 91-1, and that the Board adopt a resolution amending the Specific Plan to incorporate the proposed fencing and lighting standards, with an addition in No. 1 under fencing standards to include language to allow fences of 4 1/2 feet in height on parcels of one acre or larger. Motion was amended, agreeable with maker and second, to include an addition to the definition that would provide a methodology of measuring fences from the natural grade to the highest point of the fence at any location/
Ayes: Reilly, Balmain, Cromell, Fall; Excused: Eskra.
Planning Commission adjourned at 11:46 a.m.

Board reconvened at 11:50 a.m. Tony presented the Commission's recommendation to the Board. Public portion of the hearing was reopened to allow for input on the Planning Commission's recommendations. The following provided input: Marie Escola, Carol Jones, and Chuck Jones. Public portion was closed and Board commenced deliberations. County Counsel provided input concerning the variance procedures and permitted use for large animals on parcels of one acre and larger. (M)Taber, (S)Punte, Res. 91-555 adopted approving Specific Plan Amendment No. 91-1, with amendments as recommended by the Planning Commission, and with the addition of language to require a forty foot setback from the property line for fences for large animals/Ayes: Punte, Radanovich, Taber; Excused: Baggett, Erickson. Hearing was closed.

cc: File

MARIPOSA COUNTY RESOLUTION
NO. 91-555

1
2 A RESOLUTION AMENDING THE WAWONA TOWN PLANNING AREA SPECIFIC
3 PLAN ESTABLISHING FENCING AND EXTERIOR LIGHTING STANDARDS.

4 WHEREAS, the Board of Supervisors has initiated an
5 amendment to the Wawona Town Planning Area Specific Plan for
6 the purpose of establishing exterior lighting and fencing
7 standards, and

8 WHEREAS, the Board of Supervisors has considered the
9 Planning Commission's recommendation at a duly noticed public
10 hearing in accordance with State and County Standards.

11 NOW THEREFORE BE IT RESOLVED, that the Board of
12 Supervisors amends the Wawona Specific Plan to incorporate
13 the language contained in Exhibit A attached hereto.

14 BE IT FURTHER RESOLVED that the adoption of this
15 resolution is subject to referendum and therefore is
16 effective 30 days from this date of adoption.

17 BE IT FINALLY RESOLVED that this action of the Board of
18 Supervisors is based upon the findings of the Planning
19 Commission as contained in their Resolution 91-21, and the
20 following additional finding:

- 21 1. The requirement for a 40 foot setback
22 for 4 1/2 foot fences on one (1) acre or
23 larger parcels is consistent with the small
24 animal enclosure setback contained in Section
25 V.J.1.a of the plan and is therefore logical and
26 desirable from the standpoint of maintaining
27 internal consistency within the Specific Plan.
28

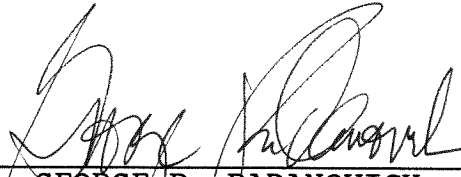
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PASSED AND ADOPTED this 19th day of November 1991 by the following vote:

AYES: Taber, Radanovich, Punte


NOES: None

EXCUSED: Erickson, Baggett



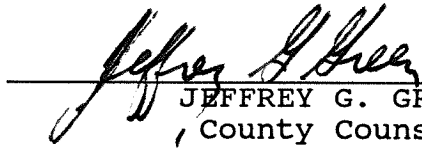
GEORGE P. RADANOVICH, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel

Fencing Standards - (New Section VIII E)

1. Except as specifically provided for in this section, no fence shall be erected in Wawona except for fences constructed of natural materials that allow for substantially unrestricted visibility from one side of the fence through to the other side of the fence. The maximum height of fences shall be three feet except for parcels of 1 acre or larger in size upon which a 4 1/2 foot high fence is allowed provided the fence is set back a minimum of 40 feet from all property lines.
2. Privacy fences - Solid privacy fences with a maximum height of 6 feet and constructed of natural materials are allowed subject to compliance with all of the following standards:
 - a. The fence shall enclose an area not exceeding 50% of the footprint of the residential structure except that a minimum enclosure size of 500 square feet shall be allowed in all cases.
 - b. The fence shall be attached to or within 25 feet of the residential structure and shall not extend farther into the front yard area than the residential structure. Privacy fences not attached to or within 25 feet of a residence shall also be allowed which enclose swimming pools, spas or other similar facilities. Such fences shall be the minimum size necessary to enclose the pool or spa and allow a 10 feet wide area between the edge of the pool or spa and the fence.
3. Temporary fences designed to protect a garden area or tree and not enclosing an area of greater than 400 sq. ft. and constructed of materials that allow for substantially unrestricted visibility from one side of the fence through to the other side of the fence may be constructed at any location on a lot and shall have a maximum height of 8 feet.

Lighting Standards - (New Section VIII F)

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 have a maximum output of 150 watts and 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.

Section IV Definitions -

This section would be amended to add the following definition of a fence.

Fence - An artificially constructed barrier of any material or combination of materials, erected to enclose or screen areas of land. Retaining walls which protect unsupported cut or fills of land shall not be considered fences. Fence height shall be measured vertically from natural grade to the highest point on the fence at any location.