MARIPOSA COUNTY RESOLUTION 88-94

A RESOLUTION AMENDING THE MARIPOSA COUNTY GENERAL PLAN

WHEREAS, Section 65300 et seq of the California Government Code establishes the authority and scope for County General Plans; and

WHEREAS, Section 65800 et seq of the California Government Code establishes the provisions for adoption of zoning regulations; and

WHEREAS, Section 65860 et seq of the California Government Code requires that a Zoning Ordinance be consistent with a General Plan; and

WHEREAS, the Board of Supervisors, following public hearings and based on a recommendation by the Planning Commission, has determined that certain changes in land use policies are desirable in the public interest and for the orderly development of the County; and

WHEREAS, the Board of Supervisors in response to this determination will adopt amendments to the Zoning Ordinance which reflect the new land use policies;

NOW THEREFORE, BE IT RESOLVED, the following amendments to the General Plan are approved in order to retain required consistency; and to become effective concurrent with the revisions to Title 17:

1. Section 3.403 A. and B. are amended to read as follows:

3.403 Rural Commercial, Industrial and Recreational Uses

A. Home Enterprises. Home enterprises on a parcel of land shall be considered as a permitted use in the RR, MH, MT, MG, GF, MP, and AE land use classifications, subject to the following:

1. On site sales shall be limited to the sale of products fabricated or produced on site or merchandise that is sold as a secondary enterprise and is related to the primary enterprise;

2. The on-site use has no more than one (1) employee
per acre up to twenty (20) employees and is operated by permanent residents;

3. The use and its principal activities are conducted primarily within structures or dwellings;
   a. No outdoor storage and no more than 10% of the total business activity is conducted outside;
   b. The exterior use and any supporting activities or facilities are located at least fifty feet from all external property lines, streets, roads, or other public right of ways;

B. Rural Home Industry is a permitted use in the same zones as listed in Home Enterprise above except RR. These are trades or industries of a limited character, which are not detrimental to the district or to the adjoining residential areas, by reason of appearance, noise, dust, smoke or odor. Excludes any use the normal operation of which causes objectionable noise, odor, dust, or smoke to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located. Rural Home Industries are subject to the same standards specified for a Home Enterprise, with the following exceptions and additional conditions:

1. If a parcel has both a Home Enterprise and a Rural Home Industry, an aggregate of no more than one (1) employee per acre up to twenty (20) employees is permitted.

2. Storage of supplies or materials may take place outside of a structure or dwelling provided such storage is not visible from external property lines, streets, roads or other
public right of way fronting on the property or site.

3. The use and all supporting activities or facilities
are located at least fifty feet from all external property lines,
streets, roads, or other public right of ways.

4. Junk yards, wrecking yards, or vehicle dismantling
facilities are excluded as permitted uses under the category of
rural home industry.

2. Section 3.603 D. is amended to read as follows:

D. A nonconforming use established prior to the effective
date of this Title, or prior to any subsequent amendment which creates such
nonconforming use, may be continued, expanded and maintained, including
necessary repairs, consistent with the following provisions:

1. Nonconforming uses may be expanded through approval of a
site plan application. However, under no circumstances shall the
expansion exceed a fifty (50) percent increase in square footage.
Notwithstanding anything to the contrary contained herein, if a
proposed expansion would result in increasing the number of units
which are available for occupancy, or increasing the density above
the maximum allowed by this plan, the expansion shall be denied. In
addition, an application shall not be approved if a determination
is made that the expansion will constitute a public or private
nuisance or will be objectionable by reason of noise, odor, smoke,
dust, light, vibrations, traffic, or drainage.

2. A nonconforming use may be changed to another
nonconforming use of a similar or less intensive use. Whenever a
nonconforming use has been changed to a less intensive use, or to a
conforming use, such use shall not thereafter, be changed to a more
intensive use.

3. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the previous line of business or other function is substantially unchanged.

4. If the use of a building or premises does not conform to the land use regulations of the zone in which it is located, and that use is discontinued for a period of thirty six (36) consecutive months, any subsequent use of the building or premises shall conform to the regulations of the zone in which it is located.

5. When a building or other structure, which does not conform to the provisions of this Title is damaged or destroyed, it may be restored or rebuilt to accommodate its original use. Such restoration or rebuilding shall conform to the existing building requirements.

3. Section 3.501 B. 1 (Rural Residential) is amended to read as follows:

B. Development Policy

1. Uses

   a. Permitted Uses

      Permitted uses include residential, home enterprises, agriculture, public schools, public parks, and other public facilities including volunteer fire department facilities, and Public Utility Transmission and distribution lines, towers, poles and substations, and those other uses as may be specified in Section 3.600, Land Use Implementation Program.

   b. Conditional Uses

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Churches

c. Prohibited Uses

All other uses are prohibited.

4. Section 3.502 B. 1 (Mountain Transition) is amended to read as follows:

B. Development Policy

1. Uses

   a. Permitted Uses

   Permitted uses include residential, home enterprises, rural home industry, agriculture, public schools, parks and other facilities including volunteer fire department facilities; Public Utility Transmission and distribution lines, towers, poles and substations; and those other uses as may be specified in Section 3.600, Land Use Implementation Program.

   b. Conditional Uses

   Churches

   c. Prohibited Uses

   All other uses are prohibited.

2. Minimum Parcel or Lot Size: No parcel of real property in the MTZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action, or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-quarter section in gross area.

3. Density: One single family residence per twenty (20) acres or one-half of a legal quarter-quarter section.

5. Section 3.503 B. 1 (Mountain Home) is amended to read as
follows:

B. **Development Policy**

1. **Uses**
   
a. **Permitted Uses**

   Permitted uses include residential, home enterprises, agriculture, rural home industry, public schools, public parks, and other public facilities including volunteer fire department facilities, and Public Utility Transmission and distribution lines, towers, poles and substations, and those other uses specified by Section 3.600, Land Use Implementation Program.

   b. **Conditional Uses**

   Churches; and Mineral or construction material processing, quarrying or aggregate processing shall be allowed by Use Permit issued for one year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the Surface Mining Act, Mariposa County Code and Water Quality Control Board standards and renewal of the Use Permit does not significantly interfere with residential uses. Processed, stock-piled material can be removed after Permit to Process has expired provided that terms of the reclamation plan are met.

   c. **Prohibited Uses**

   All other uses are prohibited.

6. Section 3.504 B. (Mountain General) is amended to read as follows:

   B. **Development Policy**

   1. **Uses**

   a. **Permitted Uses**

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Permitted uses include residential, home enterprise and rural home industry, agricultural uses, public and private schools, public parks and other facilities including volunteer fire department facilities; non commercial recreation; mining and mineral processing in accordance with surface mining regulations; Public Utility Transmission and distribution lines, towers, poles and substations; and those other uses as may be specified in Section 3.600, Land Use Implementation Program.

b. Conditional Uses

Churches, membership or public parks and camps which require no permanent facilities, guest ranches, hunting clubs, public stables and riding trails.

c. Prohibited Uses

All other uses are prohibited.

2. Minimum Parcel or Lot Size

No parcel of real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one of the parcels so created will be less than forty acres or one legal quarter quarter section in gross area.

3. Density

Two single family residences per forty acres or a legal quarter quarter section.

7. Section 3.505 B (General Forest) is amended to read as follows:

B. Development Policy

1. Uses

   a. Permitted Uses
Permitted uses include residential, home enterprise, rural home industry, unlimited agricultural uses, private schools, public parks and other public facilities including volunteer fire department facilities; sustained yield timber management, mining and mineral processing in accordance with surface mining regulations; non-commercial recreation; Public Utility Transmission and distribution lines, towers, poles and substations; and those other uses as may be specified in Section 3.600, Land Use Implementation Program.

b. Conditional Uses

Churches, employee housing; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails.

c. Prohibited Uses

All other uses are prohibited.

2. Minimum Parcel or Lot Size

No parcel of real property shall be divided or split into two more parcels by voluntary transfer, court action or other conveyance where any one parcel so created will be less than forty acres or a legal quarter quarter section in gross area.

3. Density

Two single family residences per forty acres or a legal quarter quarter section.

8. Section 3.508 B (Industrial Mining) is amended to read as follows:

B. Development Policy

1. Uses
a. Permitted Uses

Permitted uses include industrial mining subject to the California State Surface Mining and Reclamation Act and Health and Safety provision of state law and County Code; residential; grading; public utility transmission and distribution lines, towers, poles, and substations; and those other uses as may be specified in Section 3.600, Land Use Implementation Program.

b. Conditional Uses

Employee Housing

c. Prohibited Uses

All other uses are prohibited.

2. Minimum Parcel or Lot Size

No parcel of real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one parcel so created will be less than 20 acres or one half of a legal quarter quarter section in gross area.

3. Density

One single family residence per 20 acres or one-half of a legal quarter quarter section.

9. Section 3.603 E. (Use Standards) is amended to read as follows:

E. Other provisions of this element notwithstanding:

1. The harvesting and sales of firewood harvested on site is a permitted use activity in all land use classifications.

2. Agriculture and grazing may be permitted in all districts. Animal husbandry and the production of crops, plus the
sale of agricultural products. Notwithstanding anything to the contrary contained herein, it shall be a violation of this Title for any landowner, tenant, or person in possession or control of land in Mariposa County to conduct any agricultural use, horticultural use, viticultural use, silvicultural use, or agricultural enterprise, including but not limited to, grazing, animal husbandry, production of crops, or sale of agricultural products, on land in Mariposa County, in such a manner as to constitute either a private or public nuisance.

3. Utility transmission and distribution lines, towers, and poles are permitted in all districts. Substations may be considered subject to Planning Commission review.

4. Public schools, parks and other public facilities such as fire departments are permitted uses in the RR, MH, MT, MG, GF, MP, and AE Zones.

5. Portable sawmills and portable planing mills for the milling and planing of timber harvested on-site.

6. Accessory buildings or structures.

7. Loading and unloading facilities.

8. On-site parking.

9. Section 3.609, Secondary Residences is hereby amended to delete B.2.

BE IT ALSO RESOLVED, that the Board of Supervisors find the above amendments to be consistent with the overall guiding policies and goals and;

BE IT FURTHER RESOLVED that the Board of Supervisors determines based on the initial study and public review, that adoption of these amendments will not have a significant adverse impact on the environment, and
a Negative Declaration is approved.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 8th day of March, 1988 by the following vote:

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH, TABER

NOES: NONE

EXCUSED: NONE

ABSTAINED: NONE

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

DEPUTY GREEN, County Counsel

ERIC J. ERICKSON, Chairman
Board of Supervisors