



ADMINISTRATIVE USE PERMIT GENERAL INFORMATION & APPLICATION

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

General Information and Instructions:

The attached application package contains all the necessary information and materials needed to submit an application requesting an Administrative Use Permit. This package includes a list of materials and items that must be submitted by the applicant in order to meet the application filing requirements. In addition, general information is provided relating to costs and the processing of an Administrative Use Permit Application. This office strongly encourages the applicant to review all materials included in this application package.

Uses that may occur under an Administrative Use Permit are those that are more intensive and more frequent than permitted uses, yet less intensive and less frequent than those uses that require a Conditional Use Permit. Depending on the particular development request, it would be advisable to discuss any such proposal with Planning Department staff to determine which Use Permit (Administrative or Conditional) is best for your particular situation.

The Planning Director may approve, deny or conditionally approve an Administrative Use Permit Application and the Director may impose conditions necessary to secure compliance with zoning regulations, General Plan policies or other County regulations. The Director may impose requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the Administrative Use Permit and any other conditions as deemed necessary for the protection of the property owners and the public interest and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

When preparing the Administrative Use Permit Application, it is important to provide as much detail and information in the application as possible. Applications that are incomplete, confusing, missing information or inaccurate may cause delays in processing. By providing complete and accurate information, the applicant will lessen the chance for delays and requests for additional information. In order for the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted with the required application fees to the Planning Department. The Planning Department will not accept an application for processing that is incomplete or missing required items.

Applicants are strongly encouraged to have a pre-application meeting with Planning Department staff to discuss the application. Staff would review the application and discuss the application requirements, costs, and the processing of the application with the applicant. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa County Planning Department at (209) 966-5151 if you wish to schedule a meeting or if you have any questions regarding the application package.

Applicants may also wish to contact the following County Departments and state agencies with any questions relating to the project and an Administrative Use Permit Application:

Mariposa County Public Works Department (for road encroachments, road improvements, and engineering issues)	(209) 966-5356
--	----------------

Mariposa County Health Department (for water systems, septic systems, and food facility issues)	(209) 966-2220
--	----------------

Mariposa County Fire Chief (for local fire standards)	(209) 966-4330
--	----------------

200103

Mariposa County Building Department (209) 966-3934
(for Building Code compliance, and for inspections)

California Department of Forestry (209) 966-3622
(for state fire standards)

California Department of Transportation (CalTrans), District 10 (209) 576-6299
(for state highway encroachments)

Purpose:

The purpose of an Administrative Use Permit is to allow the development of a use that is not permitted as a matter of right within that zone. An Administrative Use is permitted within a particular zoning district only by approval of such use by the Planning Director. This would allow for the proper integration of the use or uses into the surrounding area. The Planning Director will review the proposed use to determine whether the establishment, maintenance, or operation of the administrative use as applied for is consistent with the general plan, zoning ordinance, area plan and any other applicable county codes and regulations and whether the project will have a significant adverse effect on environment and whether it will be detrimental to the public health safety and welfare. Any conditions of approval established by the Planning Director for an Administrative Use Permit are in effect for the life of the project. Violation of the conditions of the Administrative Use Permit or County Code may be sufficient grounds for revocation of the use permit.

Costs:

Application Fees must be paid before the application will be accepted for processing. See the fee schedule within this application for fee costs. Payment of applications fees as determined by Mariposa Planning.

Planning staff will review the application to determine which County departments are required to review the project. The Planning fees associated with an Administrative Use Permit request are a deposit based on the average amount of time that Mariposa Planning spend on such a request. If an application is more complex, additional fund will be required the process the Administrative Use Permit request. Conversely, if an Administrative Use Permit request is straight forward and there are few issues associated with the application, an applicant may receive a refund at the end of the permitting process. The fees for processing an Administrative Use Permit Application are subject to change and may not be the fees that are reflected on this sheet at the time the application is submitted. Planning staff will review the application and complete a fee estimate based on the County fees that are currently in effect at the time the application is submitted.

Please be advised that there may be other additional fees collected by other County departments or state agencies that are not collected by the Planning Department as part of the Administrative Use Permit Application process. Also, depending on the scope of the Administrative Use Permit request, compliance with the California Environmental Quality Act, or CEQA, may require additional staff hours to process the necessary paperwork for any and all environmental documentation. The project applicant shall be responsible for paying the costs of any special studies, including, but not limited to biological and cultural resource studies and for any permits, and any miscellaneous costs associated with the project.

Review and Approval Process:

Once a complete application has been submitted to the Planning Department, various federal, state, and local agencies involved in the review process are contacted. These agencies may include the County Health Department, County Public Works Department, County Fire Department, County Public Utility District, California Department of Transportation, California Department of Fish and Game, the Bureau of Land Management, etc. The Planning Department allows at least fourteen (14) days for these agencies to comment on the project. Based on the comments received from these agencies and preliminary review of the project by staff, additional information may be required by the Planning Department. Upon receipt of any application, the Planning Department has thirty (30) days to review the application in order to determine if the application is complete. If additional information or materials are required, the applicant is notified in writing as to what the deficiencies are, and what is needed to complete the application for processing.

Once the application is determined to be complete, the Planning Director will prepare a determination for the project. This determination will be noticed in the newspaper.

In order to for the Planning Director to approve an Administrative Use Permit Application the following findings must be made:

1. That the proposed use is consistent with polices and development standards of the general plan, the zoning ordinance, other county codes, any applicable area plan, and any other applicable code and regulations.
2. That there is no substantial evidence that the project as approved will have significant adverse effect on the environment, and will not be detrimental to the public, health, and safety welfare.
3. The Planning Director shall impose any conditions and /or requirements necessary to guarantee compliance with the findings.

An approved Administrative Use Permit would become null and void if the project is not completed within three (3) years from the date of approval, unless the Planning Director finds and stipulates in his original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless and extension of time has been approved. One time extension on an approved Administrative Use Permit may be granted by the Planning Director for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it is found that such extension is necessary and not detrimental to the public health, safety and welfare.

A project is considered completed when:

1. The Building Department has issued a Certificate of Occupancy verifying that all structures, site improvements and/or off-site work have been completed.
2. The Planning Director verifies that a use or activity, not involving a building or grading permit, is occurring on the subject site in accordance with the approved administrative use permit.

The Planning Director may revoke an Administrative Use Permit for one or more of the following grounds:

1. The conditions of the Administrative Use Permit are violated.
2. Activities held on the premises for which the Administrative Use Permit was granted are, or have been, in violation of state law and County ordinances.

Processing Time:

The time to process an Administrative Use Permit is generally six to twelve (6-12) weeks from the date a complete application is received. An incomplete application will delay the processing time.

Any action made by the Planning Director relating to the determination of the project application may be appealed to the Planning Commission. **The appeal period to appeal a Planning Director's determination on an Administrative Use Permit application is twenty (20) days from the date of the action.**

Appeals must be submitted on proper forms and further information regarding the appeal process appeal fees may be obtained from the Planning Department.

Any work or construction begun or completed by the applicant during the appeal period is at the applicant's risk. The County may issue a building or septic permit during the appeal period. However, if the Administrative Use Permit is appealed and overturned, any work started must be halted, and any work completed may be required to be totally removed.

Attachments: Required Materials and Items for a Complete Application, Application Form
Site Plan Requirements Checklist
Mariposa County Zoning Ordinance, Chapters 17.40.010, 17.144, 17.148,
17.108.180, 17.114

**REQUIRED MATERIALS AND ITEMS FOR A
ADMINISTRATIVE USE PERMIT APPLICATION**

1. The attached Administrative Use Permit application form filled out completely and signed by the applicant. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.

2. Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of \$58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at \$114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Administrative Use Permit Deposit.....	520.00
Document Conversion.....	20.00
Public Notice Fee.....	70.00
Agency Review Fees	
Public Works.....	75.00
County Fire.....	100.00
Health Department.....	114.00
(Health fees are based on 1 hour. Any additional time will be billed to the applicant)	
Vehicle Mileage Fee (___ miles at \$0.575 per mile, round trip).....	_____
Public Noticing Fee estimate (based on 1, 1" notice in the paper).....	39.00
TOTAL	_____

3. Ten (10) copies of an accurate site plan that indicates the affected parcel drawn to scale and containing the information listed on the Administrative Use Permit Site Plan Requirements Checklist. To ensure that all the required information is shown on the site plan, use the Conditional Use Permit Site Plan Requirements Checklist and check off each item drawn. The site plan must be drawn to scale in black ink or other non-erasable marker on a single sheet with a minimum size of 11"x17" and a maximum size of 18"x26". Planning staff recommends that applicants use the site plan form provided with this application packet. The site plan must be drawn to scale as follows:

<u>Parcel Size</u>	<u>Scale</u>
Less than 1 acre	1 inch = 20 feet
1 to 2.5 acres	1 inch = 50 feet
2.6 to 5 acres	1 inch = 80 feet
5.1 to 20 acres	1 inch = 100 feet
Over 20 acres	Please discuss with Planning staff



ADMINISTRATIVE USE PERMIT APPLICATION

Mariposa County Planning Department

5100 Bullion Street, P.O. Box 2039

Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

FOR OFFICE USE ONLY

Date Submitted _____ Received By _____

Fees Paid \$ _____ Receipt No. _____ Received By _____

Application No. _____ Application Complete _____

Final Action _____ Date _____

Applicant:

Name _____

Agent: (if applicable)

Mailing Address _____

Daytime Telephone (____) _____

(____) _____

E-Mail Address _____

Property Owner Name(s)* _____

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

Property Information:

Assessor's Parcel Number (APN) _____ Parcel Size _____

Address _____ Town _____

General Plan Land Use _____ Zoning Districts: _____

Project Information:

Please briefly describe the proposed use (use additional pages if necessary).

Is a new structure to be constructed? Yes No
If yes, please briefly describe the structure and its intended use (use additional pages if necessary)

Is an existing structure to be remodeled? Yes No
If yes, please briefly describe the remodeling activities and the intended use (use additional pages if necessary).

Days of Operation _____ Hours of Operation _____

of Employees _____ # of Anticipated Customers _____

of Existing On-site Parking Spaces _____ # of Proposed On-Site Parking Spaces _____

Primary Access from* _____

Secondary Access from* _____

*Please provide information on whether the access road is a County road, non-County road, private easement or driveway, information on the width and type of surface, and the name of the road. If an existing or proposed easement is located off-site, please attach adequate documentation that clearly demonstrates the subject property has the necessary rights to use the easement, or that the necessary easement could be obtained from the adjoining property owner.

Permits: _____

To help expedite the permitting process, please provide information regarding any permits from state or local agencies that may be required to implement and operate the project, i.e.: sewage treatment system permitting from the California Department of Public Health.

Preliminary Environmental Information:

Provide information on the adjacent land uses for those properties adjacent to the project site (i.e., vacant, residential, commercial, grazing land, agricultural, mining, timber, etc.).

	<u>Parcel Size</u>	<u>Use of Property</u>
North	_____	_____
Northeast	_____	_____
East	_____	_____
Southeast	_____	_____

South	_____	_____
Southwest	_____	_____
West	_____	_____
Northwest	_____	_____

Are the following items listed below applicable to the project with respect to having a possible effect on the environment? A brief discussion of those items checks 'yes' or 'maybe' must be attached to the application.

- | <u>Yes</u> | <u>Maybe</u> | <u>No</u> | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Would the construction of roads, driveways, and building pads associated with the project result in grading on slopes of greater than 20% result in a change in the existing topography of any hills on the site, or result in the alteration of any lakes, ponds, rivers, or drainage courses? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. Would the project result in any change in the pattern, scale, or character of development in the general area of the project? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. Would the project result in a change in the quantity or quality of ground and surface water supplies? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. Would the project result in an increase in noise or light levels in noise or light levels in the vicinity of the project site? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. Would the project result in the use of hazardous materials such as toxic substances, chemicals, flammables, or explosives? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 6. Are there any historical or archaeological structures or sites located on the project site or in the surrounding area? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7. Would the project result in an increase of traffic on existing easement roads? |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8. Are there any known areas on the project site that contain habitat for any special status species and that may be impacted by project development? |

Mandatory Findings:

In order to approve an Administrative Use Permit, the Planning Director must make the findings listed below. Please provide supporting information for each finding.

1. That the proposed use is consistent with the policies and development standards of the general plan, the zoning ordinance, other county codes, any applicant area plan, and any other applicable code and regulation.

2. That there is no substantial evidence that the project as approved will have significant adverse effect on the environment, and will not be detrimental to the public, health, and safety welfare.

(The Findings section [17.114.040] in Chapter 17.114 [Title 17] – Administrative Use Permits allows the planning director to impose any conditions and/or requirements necessary to guarantee compliance with the findings listed above.)

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

Property Owner <i>(printed name):</i>	2nd Property Owner <i>(printed name):</i>	Applicant <i>(printed name):</i>
Property Owner <i>(signature):</i>	2nd Property Owner <i>(signature):</i>	Applicant <i>(signature):</i>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<u>Property Owner (printed name):</u>	<u>Applicant (printed name):</u>	<u>Agent (printed name):</u>
<u>Property Owner (signature):</u>	<u>Applicant (signature):</u>	<u>Agent (capacity/title):</u>
<u>Property Owner (capacity/title):</u>	<u>Applicant (capacity/title):</u>	
Date:	Date:	
<u>2nd Property Owner (printed name):</u>	<u>Co-Applicant (printed name):</u>	
<u>2nd Property Owner (signature):</u>	<u>Co-Applicant (signature):</u>	
Date:	Date:	

**ADMINISTRATIVE USE PERMIT APPLICATION
SITE PLAN REQUIREMENTS CHECKLIST**

1. The name of the applicant.
2. The street address and Assessor's Parcel Number (APN) of the project site.
3. A north arrow and scale.
4. The property lines and dimensions of the parcel.
5. The approximate area of the property in acres (square feet for parcels less than one acre).
6. The location of all creeks, springs, intermittent streams, other drainages, lakes or reservoirs on the property.
7. The location, size, and dimensions of all *existing* structures on the property including houses, decks, additions, garages, sheds, and mobile homes. Each structure must be labeled as to what the structure is used for.
8. The location, size, and dimensions of all *proposed* structures on the property including houses, decks, additions, garages, sheds, and mobile homes. Each structure must be labeled as to what the structure would be used for.
9. The setback distance of all existing and proposed structures from all property lines, from the centerline of all state highways, County roads, road easements, and all existing structures.
10. The location of all existing and proposed sewage disposal systems on the property. The site plan must show and label the area for the septic tank, leach lines, and 100% percent replacement area for the septic tank and leach lines. Each sewage disposal system must be identified and labeled as existing or proposed.
11. The location of all existing and proposed well sites on the property. The site plan must show the distance of any existing or proposed well from any proposed or existing septic system.
12. The location, width, and type of all easements of record(s) on the property.
13. The location, width, surface, grade, and length of all existing and proposed access roads and driveways including turnouts, turnarounds, and bridges or crossings must be identified and labeled as existing or proposed. Include this information for the road(s) within any off-site easement(s) leading to the nearest state highway or County road.
14. The number of existing and proposed parking spaces available on site. Provide information on the parking area surface, parking staff dimensions, width of travel aisles, turnaround areas, and show the direction of traffic flow on and off site.
15. Building elevations may be beneficial in some circumstances. Verify with Planning staff if building elevations are required to be submitted with the application. Elevations should indicate the type of construction and materials to be used.
16. Provide a general vicinity map showing the location of the affected property, and showing information such as major roads, streams, prominent landmarks, adjoining sections, and other information sufficient to locate the property and show its relation to the surrounding area.
17. Provide a preliminary grading plan or cross section of the site if major grading is proposed as part of the project. Verify with Planning staff if a grading plan or cross section is required for the project.
18. Provide a preliminary landscaping or revegetation plan for any proposed parking areas or open space areas on the project site.
19. Show any outside work areas, outside storage areas, or areas where outside retail sales may occur on the project site.

20. Show the location of any existing or proposed exterior lighting, security lighting, or building lighting.

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. **Development standards for the AEZ.** Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. **Uses:**

a. **Permitted uses:** Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Collaborative Agri-Nature Tourism Events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted when conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 15 persons per day with a maximum of less than 106 in any given week (not counting employees). If averages are used, they must be on a per week basis.

b. **Administrative Use Permit uses:** Larger and more frequent agritourism and agri-nature tourism uses and activities pursuant to the definitions, and including but not limited to Collaborative Agri-Nature Tourism Events, petting zoos of resident animals, and hunting dog trials when no fire arms are discharged. All of the uses shall be conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 35 persons per day with a maximum of 250 in any given week (not counting employees). If averages are used, they must be on a per week basis

ii. The use or activity is conducted in accordance with the development standards established by Section 17.40.010.A.4.

iii. Submittal of an agritourism facility compliance form to the Mariposa County Planning Department is required annually for reporting of agritourism activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.

Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to an administrative use permit.

Prior to issuance of an administrative use permit, the use or activity is subject to submittal of proposed use or activity and site plans for review by County departments and State agencies as to compliance with applicable laws, policies, codes and regulations.

Said County department review may determine that proposed activity or use is required to obtain a conditional use permit as defined below in this section.

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Bed and Breakfasts and Transient Rentals in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

d. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the AEZ 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 one hundred sixty (160) acres or a legal quarter section in gross area.

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section.

4. **Special Development and Performance Standards for Agritourism and Agri-Nature Tourism Uses and Activities in the Agriculture Exclusive Zone:**

a. Agri-Nature uses or activities are subject to the same development standards as agritourism uses or activities.

b. An agritourism use or activity is subject to all of the following road access and maintenance requirements, if the use or activity generates more than 7.5 Average Daily Trips (ADTs):

i. Any agritourism use or activity which is established shall have access from a road or roads which have adequate capacity for existing traffic and the traffic proposed by the agritourism activity or use as defined by the Mariposa County Road Improvement and Circulation Policy. Any and all road improvements (public and private) must be made only as allowed by the provisions of a recorded access easement. If the agritourism activity is on a non-standard county maintained road, then an agritourism activity may only occur if the non-standard county maintained road is improved by the project proponent to provide adequate capacity as described above.

ii. Any agritourism use or activity which is established shall have access from roads which are maintained. If primary access is not from a county maintained road or a State Highway, then the proponent of the agritourism use or activity shall participate in any existing active road maintenance organization for all privately maintained access road(s). If no road maintenance organization exists, then the

200103

proponent of the agritourism use or activity shall record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest County maintained road or State highway. The road maintenance agreement provisions shall be developed by the project proponent and shall:

- Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, other governmental entity, or a recorded private road maintenance association.

- Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Any exterior activities for agritourism uses and activities shall not commence prior to seven o'clock (7:00) a.m. and shall cease by ten o'clock (10:00) p.m. The Planning Director can consider amendments to these hours of operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which are time sensitive, such as but not limited to bird-watching, when the Planning Director can make the finding that the amended hours will not have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

d. If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity (except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived if the agritourism proponent obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent property.

e. The agritourism uses and activities shall not require more than 1 (one) employee per acre up to a maximum of the equivalent of 5 (five) full-time employees on-site at any one time. The number of employees will be in full FTE increments, with 1 (one) FTE allowed per acre allowed for agritourism development as defined in 17.40.010.A.4.i. This limit does not include family members or employees solely of the agricultural operation. The Planning Director can consider amendments to the number of employees at an operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which may require more employees, when the Planning Director can make the finding that the increased number of employees will not have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

f. The owner, lessee, designated agent or a designated family member of the agritourism enterprise shall be present throughout the duration of the agritourism use or event.

g. Petting zoos of resident animals shall have a minimum of 1/3 mile buffer from adjacent properties.

h. Activities shall be limited to the on-site agritourism parcel or parcels. Parcel boundaries and no trespassing signs shall be clearly posted. The owner of an agritourism business shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714.

i. The primary use of the parcel on which the agritourism use or activity is located shall be for commercial agricultural production. Pursuant to Section 52262 of the California Food and Agricultural Code, this shall mean a place of agricultural production which has annual sales of agricultural products of one thousand dollars (\$1,000) or more. Agritourism is permitted as a secondary use to the primary commercial agricultural production use. The amount of land permitted for permanent physical improvement (infrastructure and structural improvements) related to agritourism is limited to no more than 10% of a parcel's acreage or 5 acres of total land area, whichever is the lesser amount, to comply with this primary use standard. Developed infrastructure and structural improvements do not include unpaved riding or hiking trails. If there are multiple parcels involved in the agritourism use and development, the maximum amount of agritourism development shall be calculated based upon the parcel on which the improved facilities are located, using the % calculation, and there shall be no more than 5 acres cumulative agritourism development allowed on all of the parcels combined.

j. Daily or ongoing agritourism uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Mariposa County Health Department.

k. The agritourism use or activity shall have adequate provisions for public water as determined by the Mariposa County Health Department.

l. The agritourism use or activity shall have adequate access and on-site parking.

m. Any new exterior lighting installed related to an agritourism use or activity shall comply with the dark sky standards as described in the Mariposa County General Plan.

n. An agricultural homestay is subject to all of the following requirements:

i. The parcel on which an agricultural homestay is proposed shall be at least twenty (20) acres in size or greater;

ii. The agricultural homestay is located in a residence occupied by the property owner, an accessory dwelling or other existing dwelling; The agricultural homestay is located on property occupied by the property owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as an agricultural homestay;

iii. The agricultural homestay has not more than five (5) guest rooms and accommodates not more than ten (10) adult guests; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

iv. The agricultural homestay serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation;

v. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;

vi. The agricultural homestay establishment is located on, and is a part of, a farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business [pursuant to the referenced section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vii. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities;

viii. Any activities or events that involve more than ten (10) adult guests at an agricultural homestay are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

ix. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing an agricultural homestay, including a valid Transient Occupancy Tax Certificate.

p. A glamping operation is subject to all of the following requirements:

i. The parcel on which glamping is proposed shall be at least twenty (20) acres in size or greater;

ii. The glamping operation is located on property occupied by the property owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as a glamping operation;

iii. The glamping operation has not more than five (5) guest units and accommodates not more than ten (10) adult guests; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

iv. The glamping operation serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation;

v. The glamping establishment is located on, and is a part of, a farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business [pursuant to the referenced

section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vi. Any activities or events that involve more than ten (10) adult guests at a glamping establishment are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

vii. The glamping operation conforms to all building codes, fire codes and American Disabilities Act requirements.

viii. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing a glamping operation, including a valid Transient Occupancy Tax Certificate.

B. Agricultural advisory committee. As part of the review of an application for rezoning to place property into or remove property from the Agriculture Exclusive Zoning district, the planning director shall refer the application to the agricultural advisory committee. The committee shall review each action described above and may, if necessary, inspect the property in question to determine if the property is bona fide agricultural land appropriate for the Agriculture Exclusive Zoning district and if such action is consistent with the general plan. The committee shall forward their recommendation for action on the rezoning application to the planning commission. (Ord. 1074 Sec.I, 2010; Ord. 1014 Sec.I, 2004; Ord. 704 Sec.1, 1988).

Chapter 17.144

ENFORCEMENT

Sections:

17.144.010	Purpose.
17.144.020	Zoning enforcement administration.
17.144.030	Extent of zoning enforcement.
17.144.040	Lawfulness of permits and licenses.
17.144.050	Declaration of public nuisance.
17.144.060	Violation constitutes infraction.
17.144.070	Role of the planning director.
17.144.080	Right to appeal.
17.144.090	Role of the planning commission.
17.144.100	Role of the board of supervisors.

17.144.010 Purpose.

The purpose of this chapter is to provide for the resolution of violations of this title. The objective of the board of supervisors is to obtain compliance with the code and to provide reasonable opportunities for the county and property owners to work together for this purpose.

17.144.020 Zoning enforcement administration.

A. For purposes of this title, the planning director shall act as the zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of this title.

B. The zoning enforcement officer shall be governed by the provisions of this title and shall be responsible for administering its provisions as directed by the board of supervisors.

C. The planning director shall be responsible for the preparation of written administrative guidelines for the implementation of this chapter to be approved by the board of supervisors.

17.144.030 Extent of zoning enforcement.

It shall be the duty of the zoning enforcement officer to enforce the provisions of title 17 pertaining to the use of land or buildings, and the: erection, construction, reconstruction, moving, alteration, or addition to any building or structures.

17.144.040 Lawfulness of permits and licenses.

Any permit or license of any type issued by any department or officer of the county, issued in conflict with the provisions of this title, shall be null and void.

17.144.050 Declaration of public nuisance.

Upon adoption of this title, any land, buildings or structures: erected, constructed, altered, enlarged, converted, moved or used contrary to the provisions of this title, or any failure to comply with the conditions attached to the granting of any development permit, special use permit or variance is hereby declared to be unlawful and a public nuisance. The planning commission may, after conducting a noticed hearing, declare a use located on any parcel within the county a public nuisance. The subject use must be found to be a nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons. The county counsel shall commence the necessary action or proceedings for the abatement, removal and enjoining thereof in the manner prescribed by law in the courts which may have jurisdiction to grant such relief as will accomplish such abatement and restraint. The remedies provided for in this section shall be in addition to any other remedy or remedies or penalties provided in this title or any other law or ordinance.

17.144.060 Violation constitutes an infraction.

A. Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this title is guilty of an infraction, and if found guilty by a court of competent jurisdiction shall be punished by a fine as specified in section 1.20.030 of the county code. As specified in §1.20.040A, separate offense shall have been committed for each and every day during which a violation of any portion of this title persists.

B. The number of violations for which a violator may be fined shall commence from the date of the notice of violation, but shall not include any days during the period in which the matter is being appealed. The daily count of violations resumes again upon the conclusion of the appeal period, which shall be defined as the date of the final administrative action.

C. The decision to issue a citation shall be subject to the review and approval of county counsel.

17.144.070 Role of the planning director.

A. When a request for investigation of an alleged violation of this title is received, the planning director shall cause an investigation to be commenced to determine the validity of the complaint and the nature of the violation.

B. After an investigation alleges there may be a violation, the director shall cause a "notice of intent to find a zoning violation" to be mailed to the property owner of record. The notice shall explain to the property owner that an investigation has been completed and the director is prepared to find a zoning violation exists. The notice shall inform the property owner that the director will make this finding in fourteen calendar days from the date of the notice. The notice of intent will explain the process for resolving violations and offer an opportunity for the property owner to contact the planning department prior to the filing of the notice of violation. The notice shall be written in plain language recognizing that the department is making an early notification and has not made a final determination whether or not there is a violation. The form of the notice of intent to find a zoning violation shall be included in the procedures required by this chapter.

C. If the director finds that a violation allegedly exists, the written correspondence with the property owner shall always include a description of the procedures or the right to appeal the decision to the planning commission or board of supervisors.

17.144.080 Right to appeal.

A. Any person notified of an alleged violation of this title shall have the right to appeal the determination to the planning commission or the board of supervisors.

- B. The person may appeal:
1. the determination that a violation allegedly exists;
 2. the proposed remedy to resolve the alleged violation; or

3. the proposed timeline for accomplishing the remedy.

C. The appeal shall be filed with the county within twenty calendar days of the date of the notification of the alleged violation pursuant to the requirements of chapter 17.136. The appellant may select to appeal to the planning commission or directly to the board of supervisors. Appealing this matter to the planning commission does not preclude a later appeal to the board of supervisors pursuant to this chapter.

17.144.090 Role of the planning commission.

A. The planning commission shall conduct a hearing with notice pursuant to this title. The commission shall conduct the appeal hearing to accomplish the purpose of this chapter.

1. Based upon the reason for the appeal, the commission may find that there is a violation or it may find that there is insufficient evidence in the record to support the finding that a violation exists. If the commission finds that there is no violation, the matter is closed.

2. If the commission finds that there is a violation of this title, it may concur with the director's proposed remedies, it may modify the proposed remedies, or it may establish a timeline by which the violation is to be resolved.

B. Any action of the planning commission concerning a violation may be appealed to the board of supervisors pursuant to the requirements of chapter 17.136. The appeal may be filed by the alleged violator or by any interested party, and shall be filed within 20 calendar days of the date of the commission's action.

C. If an appeal is not filed in a timely manner, the planning director shall turn the planning commission's decision to county counsel for a decision to pursue the violation as a public nuisance or as an infraction of the county code.

17.144.100 Role of the board of supervisors.

A. The board of supervisors shall conduct a hearing with notice pursuant to this title. The board shall conduct the appeal hearing to accomplish the purpose of this title. The board shall review the results of the planning director's investigation. If the matter was previously appealed to the planning commission, the board shall consider the commission's findings. The board shall also receive comment from the person alleged to have violated this title and from any aggrieved party.

1. Based upon the record before it, the board shall render its decision. The decision of the board is the final administrative action before the county. The board may find that the matter is a violation of this title. The board may find that no violation exists. The board's decision is final.

2. If the board finds that a violation exists, it shall order a remedy and time frame for completion to be implemented to accomplish the purposes of this title.

B. The board shall refer this matter to county counsel, who shall be responsible for taking further action if the remedy is not successfully implemented within the assigned time frame.

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

17.148.010 Definitions of terms and phrases.

The following terms and phrases shall be used in this title and are listed alphabetically:

Accessory building:

A building or portion of a building subordinate to the principal building and used for the purpose customarily incidental to the permitted use of the principal buildings.

(Example: A garage for a residence or a maintenance building for a motel.) (Ord. 704 Sec.1, 1988).

Accessory use:

A use of land subordinate to the principal use of the land and customarily incidental to the permitted use of that land; also known as a secondary use. (Ord. 704 Sec.1, 1988).

Agricultural activity or operation:

"Agricultural activity or operation" shall mean any activity or operation which has to do with agriculture and shall include, but not be limited to, the cultivation and tillage of the soil; dairying; the production, irrigation, frost protection, cultivation, growing, harvesting and processing of any agricultural commodity, including viticulture, horticulture, timber or apiculture; the raising of livestock, fur-bearing animals, fish or poultry; and any commercial agricultural practices performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or to carriers for transportation to market. (Ord. 888 Exh."B", 1995).

Agriculture:

Animal husbandry and the production of crops. (Ord. 704 Sec.1, 1988).

Agritourism use:

"Agritourism" means visitor-oriented destinations and experiences which are centered on agricultural production. The act of visiting a working farm or any agricultural, horticultural, or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. (Ord. 1027 Sec.1, 2006).

Airport:

The commercial or private operation of any area of land or water designed and set aside for the landing and taking off of aircraft.

For specific definitions concerning "Airport District" see chapter 17.64 of this title. (Ord. 704 Sec.1, 1988).

Animal Husbandry:

The breeding and raising of any and all livestock and other animals. (Ord. 704 Sec.1, 1988).

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. (Ord. 862 Sec.I, 1993).

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)

$$\text{Average slope} = \text{rise/run} \times 100,$$

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)

$$\text{Average slope} = \frac{(I) \times (L) \times (0.00229)}{A}$$

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 of road easement. (Ord. 800 Sec.V, 1991).

Bed and Breakfast or Transient Rental:

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

Board:

The board of supervisors of Mariposa County. (Ord. 704 Sec.1, 1988).

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. (Ord. 862 Sec.I, 1993).

Building envelope:

The area of a lot covered by a building or structure, including allowed projecting eaves, balconies, and similar features. (Ord. 862 Sec.I, 1993).

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. (Ord. 800 Sec.V, 1991).

Camping, Temporary:

Occupying or maintaining for occupancy any place for temporary living, sleeping, or other human occupancy purpose, when not in an appropriately licensed or authorized area for campgrounds or recreational parks or facilities, or zoned for camping activities, for no longer than 14 cumulative nights in any 90 day period. If such occupancy is for more than 14 cumulative nights in any 90 day period, it shall be considered a residential occupancy or residential use. Temporary camping shall not be for commercial purposes. Temporary camping does not include the parking or storage of an unoccupied and otherwise unused recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle which is established and used in accordance with all provisions of Mariposa county code section 15.10.070. (Ord. 1038 Sec.II, 2007).

Commercial purposes:

"Commercial purposes" shall mean an activity or operation that is primarily conducted for commercial use or sale of an agricultural product or commodity on the activity or operation site with financial gain as the primary aim. (Ord. 888 Exh."B", 1995).

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. (Ord. 800 Sec.V, 1991).

Community information board:

A sign or structure used for providing information of general public interest on services, religious, social, recreational or other programs which are open to the public. (Ord. 800 Sec.V, 1991).

Conditional use:

Use of land, buildings, structures, or equipment on a parcel or lot which is not a permitted use but which is a legal use if approved by the Mariposa County planning commission. (Ord. 704 Sec.1, 1988).

Dedicated public right-of-way:

Any road, street, or highway over which an offer of dedication has been recorded, or for which a public easement is of record. (Ord. 704 Sec.1, 1988).

Density bonus:

Additional residential density granted to encourage development of a desirable nature as approved by the planning commission and/or the board of supervisors in conjunction with an approved development plan and development agreement. (Ord. 704 Sec.1, 1988).

Disability Glare:

Harsh light directed within the eye's line of sight so that contact with a direct light source causes a partial blindness or reduction of visual performance. (Ord. 984 Sec.II, 2003).

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. (Ord. 862 Sec.I, 1993).

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. (Ord. 862 Sec.I, 1993).

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. (Ord. 862 Sec.I, 1993).

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. (Ord. 862 Sec.I, 1993).

Electric and communication distribution facilities:

In general, telephone and power lines and cables at potentials of less than twelve thousand (12,000) to thirty-three thousand (33,000) volts, depending upon the historical design characteristics of the system involved. Those parts of the electric system to and including the step-down transformers with primary voltages at transmission levels are not considered "distribution facilities" in this definition. Lines and cables extended from the secondaries of those transformers (the step-down transformers referenced above), and additional transformers having primary and secondary voltages both below transmission levels are considered "distribution facilities". All telephone utility lines between central offices and service connection facilities are considered "distribution facilities". (Ord. 800 Sec.V, 1991).

Employee housing:

Residence, dwelling units or boarding house for workers employed on land owned by the owner of the property on which the housing is located. (Ord. 704 Sec.1, 1988).

Fully shielded fixture:

An outdoor lighting fixture that only allows emitted light to be projected below a horizontal plane running through the lowest part of the fixture. (Ord. 984 Sec.II, 2003).

Hotel:

"Hotel" means any structure, or any portion of any structure which is occupied, or intended or designed for occupancy, by transients for dwelling, lodging, or sleeping purposes, and includes, but is not limited to, any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer, at a fixed location, or other similar structure or portion thereof. (Ord. 704 Sec.1, 1988).

Junk:

Any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose shall not be considered junk. (Ord. 704 Sec.1, 1988).

Junk yard:

(Junk yard, dismantling, or wrecking yard are synonymous)

The storage of junk outside of a building on a parcel or lot, and where the storage site or sites are larger than one thousand (1,000) square feet in total ground coverage, and visible from any public street, road, or easement, or from outside of the property or parcel on which the junk is stored. The storage of equipment, machinery, or other materials used and stored in conjunction with, or necessary to, a legal use shall not be considered a junk yard. The above provisions notwithstanding, the storage of junk on any site for the purpose of resale on a regular basis shall be considered a junk yard. (Ord. 704 Sec.1, 1988).

Junk yard within Scenic Highway Overlay Zone:

(Junk yard, dismantling, or wrecking yard are synonymous)

The storage of junk outside of a building on a parcel or lot, and where the storage site or sites are larger than four hundred (400) square feet in total ground coverage. The storage of equipment, machinery, or other materials used and stored in conjunction with, or necessary to, a legal use shall not be considered a junk yard. The above provisions notwithstanding, the storage of junk on any site for the purpose of resale on a regular basis shall be considered a junk yard. (Ord. 800 Sec.V, 1991).

kennel, commercial:

Shall mean any premises that are used for the commercial breeding or commercial boarding of dogs. (Ord. 704 Sec.1, 1988).

Livestock feed lot or feed yard:

"Livestock feed lot or feed yard" means an area where livestock are confined for the purpose of preparing such for market. A "feed lot or feed yard" shall not include the confinement of livestock for the temporary purpose of identification, treatment, weaning or shipping. A "feed lot or feed yard" shall also not include the confinement of livestock for feeding when there are unusual conditions such as fire, drought, flood, etc., which demands removal of the livestock from the range. (Ord. 1027 Sec.1, 2006).

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

200103

a private road or access easement which serves five (5) or more parcels. (Ord. 862 Sec.I, 1993).

Lot area:

The contiguous land bounded by lot lines inclusive of land provided for public thoroughfare, flood plain, or canal. Such lot area shall be measured as a horizontal plain view, disregarding the geometric effects of the slope of land. (Ord. 704 Sec.1, 1988).

Lot coverage:

The area of a lot or parcel covered by building perimeter roof area expressed as a percentage of total land. (Ord 984 Sec.II, 2003, Ord 862 Sec.I, 1993).

Lot or parcel:

A parcel of real property shown on a recorded subdivision map, or a parcel otherwise created in compliance with the *Subdivision Map Act* or county ordinance in effect at the time it was created. (Ord. 704 Sec.1, 1988).

Membership camp:

Permanent organizational group camps sponsored by an organization. (Ord. 704 Sec.1, 1988).

Mineral or construction material processing:

The mechanized crushing, classifying, or processing of mined ores for the purpose of extracting and producing materials, earth or construction materials on a site or lot. (Ord. 704 Sec.1, 1988).

Mining:

The removal of minerals, earth or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, etc., and all necessary appurtenance thereto, for the purpose of resource extraction where the operation involves either the removal of more than one thousand (1,000) cubic yards of mineral, ores, and overburden, or involves the disturbance of more than one (1) acre of surface area. (Ord. 800 Sec.V, 1991).

Mobile home:

A mobile home is a structure, transportable in one or more sections, measuring eight (8) feet or more in width and thirty two (32) feet or more in length, and which is built on a permanent chassis and designed to be used as a permanent dwelling, without a permanent foundation, when connected to required utilities. (Ord. 704 Sec.1, 1988).

Mobile home park:

A planned or clustered residential development as set forth in Section 17.108.100. (Ord. 704 Sec.1, 1988).

Motorcycle or other vehicular racing or competition:

A race, competition or similar activity conducted by any group or individual organization at a given site. (Ord. 704 Sec.1, 1988).

Nonconforming use:

A use of land, buildings, structures, or equipment on a parcel or lot which does not conform with the land use regulations governing zone in which the parcel or lot is located. The use is legal by virtue of its existence prior to adoption of applicable zoning, see Section 17.08.020. (Ord. 704 Sec.1, 1988).

Nonconforming lot or nonconforming parcel:

A lot or parcel which was legally established in accordance with the then existing policies, provisions, regulations, or zoning code, but which does not conform to the present requirements of the applicable zoning district or districts. (Ord. 800 Sec.V, 1991).

Nonconforming structure:

A structure which was legally established in accordance with the then existing policies, provisions, regulations, or zoning code, but which does not conform to the present requirements of the applicable zoning district or districts. (Ord. 800 Sec.V, 1991).

Nuisance:

"Nuisance" shall mean anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (Ord. 888 Exh."B", 1995).

Nuisance, private:

Every nuisance which is not a public nuisance. (Ord. 888 Exh."B", 1995).

Nuisance, public:

A nuisance which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. (Ord. 888 Exh."B", 1995).

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. (Ord. 800 Sec.V, 1991).

Outdoor lighting fixture:

An electronically powered illuminating device or other lighting fixture, portable or fixed, used for illumination. Such devices include, but are not limited to, spot flood and area lighting. (Ord. 984 Sec.II, 2003).

Outdoor storage:

The storage, outside of a building and associated with a home enterprise, rural home industry, commercial, industrial, or multi-family residential use, of any goods, junk, material, merchandise, or inoperative vehicles on the same property for more than twenty-four (24) hours. (Ord. 800 Sec.V, 1991).

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. (Ord. 862 Sec.I, 1993).

Parcel, Interior:

A parcel which does not have parallel frontage along a local street or state highway. (Ord. 862 Sec.I, 1993).

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. (Ord. 800 Sec.V, 1991).

Parking space:

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one (1) motor vehicle. Each parking space must have a means of access to a public or private roadway. (Ord. 800 Sec.V, 1991).

Permit:

Any formal authorization or entitlement from, or approval by the County, the absence of which would preclude establishment of a land use, activity, construction project, grading or surface mining operation. (Ord. 704 Sec.1, 1988).

Permitted use:

Shall mean the use of land, buildings, structures, or equipment on a parcel or lot which conforms with the land use regulations governing the parcel or lot. (Ord. 704 Sec.1, 1988).

Person:

Any natural person, firm, association, partnership, trustee, corporation, or other legal entity in which title to real property may vest. Ord. 704 Sec.1, 1988).

Planning commission:

The Mariposa County planning commission. (Ord. 704 Sec.1, 1988).

Planning office:

The Mariposa County planning office. (Ord. 704 Sec.1, 1988).

Portable planing mills:

A transportable plant for processing finished wood products which is temporarily located on a property for less than one (1) year. (Ord. 704 Sec.1, 1988).

Portable saw mills:

A transportable plant for processing finished wood products which is temporarily located on a property for less than one (1) year. (Ord. 704 Sec.1, 1988).

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. (Ord. 800 Sec.V, 1991).

Primary use:

The main or principal use of property, buildings, or structures. (Ord. 704 Sec.1, 1988).

Public facility:

Uses and structures principally of an institutional nature and/or serve a public need and operated by a public agency or under authority of a public agency such as: governmental buildings, public hospital, public schools, public libraries, public museums, public parks and playgrounds, post offices, and police and fire stations. (Ord. 704 Sec.1, 1988).

Public or community water or sewer system:

A water or wastewater treatment system serving two (2) or more parcels or lots of land, and maintained by a public entity such as a special district or a private individual or organization in accordance with the provisions of state law and Mariposa County code. (Ord. 704 Sec.1, 1988).

Public or private shooting ranges:

An area or site utilized for target practice, competition or other types of rifle, pistol or shotgun firing on a scheduled or unscheduled basis by a club, organization or general public. This definition shall not apply to an area or site on which a property owner, resident, or guest fires a pistol, rifle or shotgun for personal recreation. (Ord. 704 Sec.1, 1988).

Public standard road:

Any street or road which satisfies or was constructed to meet the state or federal highway standards or the road improvement standards adopted by the county. (Ord. 704 Sec.1, 1988).

Public street:

A public street shall mean a federal or state highway, county road or street or a road with an unrestricted easement for ingress and egress which is of public record. Wherein such highway, road or street is constructed in an area without benefit of an easement of public record, a public street shall mean an area thirty (30) feet perpendicular from the approximate center of an improved portion of a highway, road or street in either direction. (Ord. 704 Sec.1, 1988).

Recreation, commercial:

Commercial recreational activities such as campgrounds, hunting preserves, shooting ranges, boat docks, recreational vehicle parks, ski resort and similar tourist recreation facilities excluding race tracks, off-road vehicle raceways, and similar vehicular uses. (Ord. 704 Sec.1, 1988).

Recreation, non-commercial:

Non-commercial recreation shall mean all recreation activities which are conducted on lands regulated by this title for which no charge is required, including temporary camping as defined herein. (Ord. 1038, Sec.II, 2007; Ord. 704 Sec.1, 1988).

Recreation vehicle park:

An area or tract of land for temporary occupancy by motor homes, travel trailers, truck campers, camping trailers, or other vehicles for short term recreational habitation. (Ord. 704 Sec.1, 1988).

Residential use:

Any building or portion thereof designed or used exclusively for family living purposes which includes living, sleeping, cooking and sanitation facilities in accordance with the requirements of the *Uniform Building Code* for residential structures. (Ord. 704 Sec.1, 1988).

Roofline:

The line or edge where the sides of a building and the roof of that same building meet or coincide. (Ord. 800 Sec.V, 1991).

Roof, peak of:

The line, point, or plane created by the horizontal or sloped roofing surface of a flat roof or a shed roof; the ridge of a gable, hip, or gambrel roof; and highest point of intersection of all roof slopes of a mansard roof. (Ord. 800 Sec.V, 1991).

Scenic highway corridor, or corridor:

The area of land which is within the Scenic Highway Overlay District, and which is generally visible to the public traveling on the scenic highway. (Ord. 800 Sec.V, 1991).

Scenic quality:

A characteristic which is attributable to a general area or specific location which affords a view of unusual or spectacular significance. Scenic quality is created by a combination of natural features such as vegetation, boulders and rock outcroppings, natural waterways or drainages, and existing topography. Scenic quality can be enhanced by seasonal variations and variations in time of day. Human developments can enhance or detract from scenic quality. (Ord. 800 Sec.V, 1991).

School, public:

An educational institution or facility which provide education services and is operated by a public agency. Public schools shall not include boarding schools or other types of educational activities which provide residential facilities for temporary or permanent use by students. (Ord. 816 Sec.I, 1991).

School, private:

An educational institution or facility which provides educational services and is operated by a private individual or organization. A private school shall include all educational institutions or facilities which are not defined as a public school. Examples of a private school include, but are not limited to, nursery/preschools except as provided for in section 17.108.170, parochial schools, and private elementary and secondary schools. Private schools shall not include teaching within a residential structure of family members who reside in the same residence. (Ord. 816 Sec.II, 1991).

Screen/screening:

A device or method by which use of or development on a parcel is concealed or hidden from another parcel, development, location, or roadway. (Ord. 800 Sec.V, 1991).

Self-service storage facility:

A building or group of buildings consisting of individual small, self-contained units that are leased for the storage of business and/or household goods. (Ord. 945 Exh.A, 2000).

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. (Ord. 862 Sec.I, 1993).

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. (Ord. 862 Sec.I, 1993).

Sign:

A structure or device designed or intended to convey information to the public in written or pictorial form which is visible from the exterior of a building. (Ord. 800 Sec.V, 1991).

Sign, amortization period:

A period of fifteen (15) years established as the economic life of all nonconforming signs. (Ord. 800 Sec.V, 1991).

Sign, conforming:

A legally established sign which conforms with the provisions of this title. (Ord. 800 Sec.V, 1991).

Sign, free standing:

A sign supported by one (1) or more upright poles, columns, or braces in or on the ground and not attached to any building or structure. (Ord. 800 Sec.V, 1991).

Sign, illegal:

A sign that complies with one (1) or more of the following criteria:

A. Any sign erected without compliance with applicable building code and/or zoning code standards.

B. Any sign advertising a use that has ceased to exist for a period of not less than ninety (90) days.

C. A nonconforming sign upon which the amortization period has expired.

D. Any sign determined by the Mariposa County building official to be a danger to the public health and safety from the standpoint of structural integrity.

E. 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. (Ord. 800 Sec.V, 1991).

Sign, nonconforming:

A legally established sign which does not conform with the provisions of this title. (Ord. 800 Sec.V, 1991).

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. (Ord. 800 Sec.V, 1991).

Sign, on-site:

Any sign used for the following purposes:

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

B. 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. (Ord. 800 Sec.V, 1991).

Sign, political:

A sign which is intended to encourage a particular vote in a scheduled election. Also known as a "temporary political sign" pursuant to section 5405.3 of the state outdoor advertising act (Business & Professions Code). (Ord. 1070 Sec. III, 2010).

Sign size or sign area:

The area of the smallest rectangle that wholly contains the sign. The calculation for a double-faced sign shall be the area of one (1) face only, when both faces of the sign are a duplicate of each other. Double-faced signs shall be constructed so that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart. The planning director may approve non-parallel, double-faced signs where necessary to provide adequate visibility on curved roadways. Such signs must have a

200103

common edge closest to the roadway. In no case shall the angle of such non-parallel, double-faced signs exceed thirty (30) degrees. (Ord. 800 Sec.V, 1991).

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. (Ord. 800 Sec.V, 1991).

Site plan:

The drawing or plan submitted with a building permit or variance application and satisfying the content requirements established by the building division and planning department (also referred to as a plot plan). The plan indicates the specific uses and improvements proposed for a site. (Ord. 704 Sec.1, 1988).

Slaughterhouse:

A commercial establishment for killing livestock and/or poultry and/or processing meat. (Ord. 704 Sec.1, 1988).

Specific plan:

A plan prepared by or at the direction of the county of Mariposa for a town planning area or other areas where specific land use policies and standards are prescribed as defined by Government Code Section 65451 and required by the Mariposa County general plan use element. (Ord. 704 Sec.1, 1988).

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. (Ord. 862 Sec.I, 1993).

Surface Mining Act:

(aka: *California State Surface and Mining Reclamation Act.*)
As defined by Public Resources Code Sections 2710, et seq. (Ord. 704 Sec.1, 1988).

Town planning area:

An unincorporated community within the county of Mariposa which is designated as a TPA on the land use map of the Mariposa county general plan. (Ord. 704 Sec.1, 1988).

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, and cable t.v. conveyances, switching stations and substations. (Ord. 800 Sec.V, 1991).

Waste disposal site:

County-approved or operated refuse dumps, sanitary landfills and other solid waste disposal facilities of a terminal nature, where garbage, trash or other unwanted materials are abandoned, buried or otherwise discarded with no intention of re-use. This definition does not include disposal sites for toxic or radioactive waste materials. (Ord. 704 Sec.1, 1988).

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. (Ord. 862 Sec.I, 1993).

Yard, rear:

200103

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. (Ord. 862 Sec.I, 1993).

Yard, side:

Any yard or open space other than a front yard or rear yard. (Ord. 862 Sec.I, 1993).

Zone:

An area or portion of the county created by this title, and reserved for a particular purpose or combination of purposes. (Ord. 704 Sec.1, 1988).

SUPPLEMENTARY STANDARDS

17.108.180 Bed and breakfast and residential transient rentals.

Bed and breakfast and transient rental establishments shall be considered a permitted home enterprise in all principal zones, except the AE, M-1 and M-2 zones. These provisions shall also be applicable in planning areas with adopted area plans unless otherwise specifically regulated or prohibited. An agricultural homestay is a permitted use in the AE zone, subject to compliance with development standards established by the zone. Bed and breakfast establishments are defined as a single family structure in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department. Residential transient establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for purpose of this chapter. Agricultural homestays are defined in Chapter 17.148 and are located in the residence of the property owner or accessory dwelling or other existing dwelling. Bed and breakfasts, agricultural homestays, and residential transient rentals shall meet the following requirements: (Ord. 1074 Sec.III, 2010; Ord. 1059 Sec.I, 2009).

A. No more than three (3) bedrooms are available for occupancy by transients for residential transient rentals. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments and agricultural homestays. (Ord. 1074 Sec.III, 2010; Ord. 1059 Sec.II, 2009).

B. The structure and facilities used shall be approved for such use by the Mariposa county health department and shall at a minimum comply with the following standards:

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

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

C. The structure and facilities used shall be approved by all fire protection agencies necessary to comply with applicable provisions of the Public Resources Code.

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

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

1. Instructions in case of fire or other emergency, including the name and phone number of the property owner or rental manager.

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

3. Water and energy conservation measures.

4. Proper use of wood burning stoves and fireplaces.

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

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

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

8. Proper trash disposal, and bear preventive/control measures if applicable.

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

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

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

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

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

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

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

J. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County. (Ord. 1074 Sec.III, 2010; Ord. 740 Sec.1, 1989).

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

Chapter 17.114

ADMINISTRATIVE USE PERMITS

Sections:

- 17.114.010 Purpose and issuance.
- 17.114.020 Form of application.
- 17.114.030 Public hearing not required.
- 17.114.040 Findings of approval.
- 17.114.050 Administrative use permit revisions.
- 17.114.060 Time limits.
- 17.114.070 Extension of time limits.

17.114.010 Purpose and issuance.

The purpose of the administrative use permit is to allow the proper integration of uses into the community, only if such uses are designed or arranged on the site in accordance with established development standards of this title and policies of the General Plan.

Administrative use permits may be issued, as provided in the Chapter, for any of the uses or purposes for which such permits are required or permitted by the terms of this Title, upon conditions designated by the planning director.

The planning director may approve, deny, or conditionally approve an application for an administrative use permit.

The planning director may impose such conditions as deemed necessary to secure compliance with the requirements of this Title, the General Plan or other regulations,

and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the administrative use permit, as are deemed necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be, complied with. (Ord. 1074 Sec.IV, 2010).

17.114.020 Form of application.

Application for an administrative use permit shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the proposed use. (Ord. 1074 Sec.IV, 2010).

17.114.030 Public hearing not required.

A public hearing in accordance with the provisions of Chapter 17.132 shall not be required on any application for an administrative use permit prior to action being taken by the planning director to approve, deny, or conditionally approve the application.

The planning director's action to approve an administrative use permit shall be noticed pursuant to the requirements established in Section 17.08.120.D, Mariposa County Code. (Ord. 1074 Sec.IV, 2010).

17.114.040 Findings of approval.

In evaluating a proposed project, the planning director prior to approving an administrative use permit, must find that all the following findings can be made:

A. That the proposed use is consistent with the policies and development standards of the general plan, the zoning ordinance, other county codes, any applicable area plan, and any other applicable code and regulations;

B. That there is no substantial evidence that the project as approved will have a significant adverse effect on the environment, and will not be detrimental to the public health, safety and welfare.

C. The planning director shall impose any conditions and/or requirements necessary to guarantee compliance with the findings in this Section. (Ord. 1074 Sec.IV, 2010).

17.114.050 Administrative use permit revisions.

The planning director may approve one or more revisions to an approved administrative use permit provided such revision does not result in a cumulative expansion of more than ten percent (10%) of the original site or use area or such revision, other than expansion, and such revision is consistent with all applicable General Plan policies, County Code standards and other applicable codes and regulations. Notice of an approved administrative use permit revision shall be the same as specified by Section 17.08.120.D of this Title. (Ord. 1074 Sec.IV, 2010).

17.114.060 Time limits.

An approved administrative use permit shall be null and void if the project is not completed within three (3) years from the date of approval thereof, unless the planning director finds and stipulates in his original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless an extension of time has been approved. Notwithstanding anything to the contrary contained in this Title, and notwithstanding the length of time for which permits may be issued pursuant to this Title, nothing contained herein shall in any way affect the length of time for which permits are issued pursuant to the Mariposa County Building and Construction Code (Title 15). (Ord. 1074 Sec.IV, 2010).

17.114.070 Extension of time limits.

The planning director may approve one extension of time on an approved administrative use permit approved pursuant to this Title, for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it finds that such extension is necessary and not detrimental to the public health, safety and welfare. (Ord. 1074 Sec.IV, 2010).