

**DEPARTMENT:** Planning

**BY:** Kris Schenk  
**PHONE:** 742-1216

ORD. 1038

**RECOMMENDED ACTION AND JUSTIFICATION:** Approval of the proposed addition to Section 17.108.060 of Title 17, Zoning Ordinance; addition of a "Camping, Temporary" definition to Section 17.148.010 of Title 17, Zoning Ordinance; and amendment of the "Recreation, non-commercial" definition in Section 17.148.010 of Title 17, Zoning Ordinance. Following a public hearing, review of the staff report and the initial study, testimony by the public concerning the application, the Planning Commission recommended approval of the amendments to the Zoning Ordinance.

The Board action would be to adopt a resolution approving the Project and adopting a Notice of Exemption for environmental review purposes.  Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text, and  Waiving the Second Reading and Adopting an Ordinance Amending Zoning Ordinance Text.

**BACKGROUND AND CONTEXT OF BOARD ACTIONS:** Last year, a property owner was found to be using a vehicle as a residence on their property. The Planning Director determined that the vehicle was used, that the use was for residential purpose. The Director's determination was appealed to the Planning Commission. The Planning Director's determination was based upon several grounds, including the finding that the property owner was using a recreational vehicle like a primary residence. During the discussion on the matter, the Planning Commission discussed defining "Temporary Camping" and setting a limit on the number of nights that a property could be used for such a use. The matter was then appealed to the Board of Supervisors, and the Board denied the appeal. In Resolution 06-391, which upheld the Planning Commission's action and denied the appeal, the Board of Supervisors found that non-commercial recreation uses and camping facilities on the subject property would be limited to 14 nights in any 90 day period.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** The Board of Supervisors can amend the text as proposed by the Planning Commission, add additional text to the amendment, or refer the matter back to the Planning Department or the Planning Commission for further review and recommendations. If the Board denies the amendment, the Zoning Ordinance would not have specific enforcement provisions to prohibit long-term camping as a residential use.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		<u>List Attachments, number pages consecutively</u>
Additional Funding Needed: \$		<u>Attachment A - Staff Report to Planning Commission</u>
Source:		<u>Attachment B - Memo to Planning Commission</u>
Internal Transfer		<u>Attachments C &amp; D - Excerpts from Planning Commission Meeting Minutes</u>
Unanticipated Revenue _____ 4/5's vote		<u>Attachment E - Planning Commission Resolution 2007-004</u>
Transfer Between Funds _____ 4/5's vote		<u>Exhibit F - Draft Resolution</u>
Contingency _____ 4/5's vote		<u>Exhibit G - Draft Ordinance</u>
( ) General ( ) Other		<u>Exhibit H - Notice of Exemption</u>

**CLERK'S USE ONLY:**

8/58 Res. No.: 07 424  
Vote - Ayes: 4  
Absent: \_\_\_\_\_

Ord. 1038  
Noes: 0/0

( ) Approved  
(X) Minute Order Attached ( ) No Action Necessary

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

Date: \_\_\_\_\_

Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

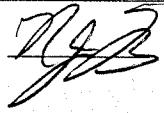
By: \_\_\_\_\_  
Deputy

**COUNTY ADMINISTRATIVE OFFICER:**

Required Action Recommended  
 No Comment

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: 



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR  
LYLE TURPIN, VICE CHAIR  
BRAD ABORN  
DIANNE A. FRITZ  
BOB PICKARD

DISTRICT III  
DISTRICT II  
DISTRICT I  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PUBLIC HEARING: to Consider Zoning Amendment 2006-223. Action Includes Adopting a Resolution Approving the Project, Adopting a Notice of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding "Temporary Camping" for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent

RESOLUTION 07-424

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 28, 2007

#### ACTION AND VOTE:

**12:03 p.m.** Kris Schenk, Planning Director;

PUBLIC HEARING: to Consider Zoning Amendment 2006-223. Action Includes Adopting a Resolution Approving the Project, Adopting a Notice of Exemption, Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding "Temporary Camping" for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent

**BOARD ACTION:** Larry Enrico, Senior Planner, presented the staff report. Larry Enrico, Thomas P. Guarino, John Davis, Kris Schenk, and Dr. Mosher Staff responded to questions from the Board relative to the proposed amendment and whether various types of uses would be exempt. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Pickard, (S)Aborn, Res. 07-424 was adopted approving Zoning Amendment No. 2006-223, and adopting a Notice of Exemption for environmental review purposes. The motion was amended, agreeable with the maker and second, to include direction for the Planning Director to report back in a year on how this amendment is working/Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin. (M)Pickard, (S)Fritz, the first reading was waived and the Ordinance introduced amending Title 17 regarding "temporary camping." The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin.

Cc: Thomas P. Guarino, County Counsel  
John Davis, Building Director  
Dr. Mosher, Health Officer  
File

MARIPOSA COUNTY ORDINANCE NO. 1038

AN ORDINANCE AMENDING CHAPTER 17.108 AND CHAPTER 17.148 OF THE  
MARIPOSA COUNTY CODE

WHEREAS, a proposal to amend the Mariposa County Zoning Ordinance was initiated by the Mariposa Planning Commission on July 7, 2006; and

WHEREAS the application is known as Zoning Amendment Application No. 2006-223. The application proposes to add "Section 17.108.060.J and Section 17.108.060.K Supplementary Standards", to also add "Camping, Temporary" to the Definitions in Section 17.148.010, and amend the definition of "Recreation, non-commercial" in Section 17.148.010; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment No. 2006-223 on the 20<sup>th</sup> day of October 2007, in accordance with State Law and County Code; and

WHEREAS, the Planning Commission held a duly noticed continued public hearing on Zoning Amendment No. 2006-223 on the 1st day of December, 2006, in accordance with State Law and County Code; and

WHEREAS, the Planning Commission held a duly noticed continued public hearing on Zoning Amendment No. 2006-223 on the 19<sup>th</sup> day of January 2007, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment No. 2006-223 on the 28<sup>th</sup> day of August, 2007, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment No. 2006-223 in accordance with the California Environmental Quality Act, a Notice of Exemption has been adopted and a Notice of Determination will be filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors does hereby add Section 17.108.060.J and 17.108.060.K of Chapter 17.108. Further the Board of Supervisors does hereby add the definition for "Camping, Temporary" to "Chapter 17.148.010 Definitions", and amend the definition for "Camping, non-commercial" in "Chapter 17.148.010 Definitions" pursuant to Zoning Amendment No. 2006-223. Amendments are made as follows:

**Section I:**

Chapter 17.108  
Supplementary Standards

Sections:

17.108.060 General Use Standards, to be added,

J. Temporary Camping, as defined by Chapter 17.148, shall be a permitted use in the MH, MT, MG, GF, MP and AE zones, as long as the temporary use is not detrimental to adjoining residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.

K. Temporary Camping, as defined by Chapter 17.148, shall be a permitted use in the TPA or RR zones, unless otherwise restricted or prohibited by a community, special, specific or area plan, and if in accordance with the following. The temporary camping shall be in conjunction with an existing on-site residential use on the same parcel, or shall be temporarily connected to an approved public or private on-site permitted septic disposal system. The temporary camping use shall not be detrimental to adjoining residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.

## Section II:

### Chapter 17.148 Definitions

Sections:

17.148.010, Definitions, to be added,

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 on a privately owned parcel, when parked and stored as an accessory use to a residential use. Temporary camping does not include a 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.

17.148.010 Definitions, to be amended,

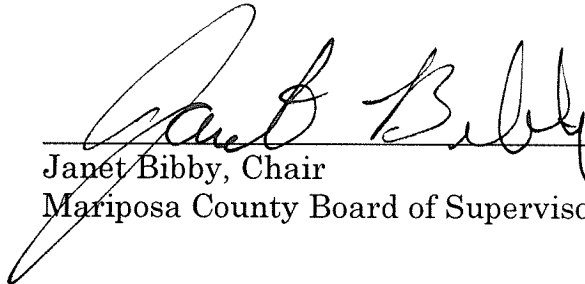
Recreation, non-commercial:

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.

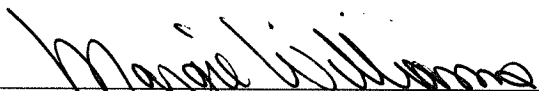
SECTION III: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED on this 11<sup>th</sup> day of September, 2007 by the following vote.

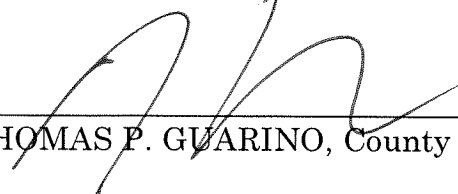
AYES:	ABORN, BIBBY, FRITZ, PICKARD
NOES:	TURPIN
ABSTAINED:	NONE
EXCUSED:	NONE
NOT VOTING:	NONE

  
\_\_\_\_\_  
Janet Bibby, Chair  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board  
Mariposa County Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
THOMAS P. GUARINO, County Counsel



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR  
LYLE TURPIN, VICE CHAIR  
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BOB PICKARD

DISTRICT III  
DISTRICT II  
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DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding "Temporary Camping" for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent

ORDINANCE 1038

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on September 11, 2007

#### ACTION AND VOTE:

Waive the Second Reading and Adopt an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend the Mariposa Zoning Ordinance, Title 17, Regarding "Temporary Camping" for Projects Affecting all Town Planning Areas (TPA), Rural Residential (RR), Mountain Home (MH), Mountain Transition (MT), Mountain General (MG), General Forest (GF), Mountain Preserve (MP), and Agricultural Exclusive (AE) Zones. Mariposa County, Project Proponent (Planning Director)

**BOARD ACTION:** Discussion was held with Kris Schenk, Planning Director, relative to the amendment and use of recreational vehicles for care takers of property, and as to whether this would apply if there is hook-up to a septic system. (M)Pickard, (S)Aborn, the second reading was waived and Ordinance No. 1038 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Aborn, Bibby, Fritz, Pickard; Noes: Turpin.

Cc: Thomas P. Guarino, County Counsel  
John Davis, Building Director  
Dr. Mosher, Health Officer  
File