DEPARTMENT: Planning  
BY: Ed Johnson  
PHONE: 966-5151

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

Ordinances*
Waive second reading and adopt the following Ordinances relative to Permit Streamlining:

1. Ordinance amending Chapter 2.50 entitled "Mariposa County Planning Agency" and Chapter 2.52 entitled "Planning Commission" of the Mariposa County Code.
2. Ordinance amending Chapter 16.12 entitled "Minor Subdivisions", Chapter 16.16 entitled "Major Subdivisions" and Chapter 16.32 entitled "Enforcement and Penalties".
3. Ordinance amending Title 17 of the Mariposa County Code.
4. Ordinance amending the Mariposa County Environmental Review Policies and Procedures

Resolutions*
Pass and adopt the following Resolutions relative to Permit Streamlining:

1. Resolution approving amendments to the Appeal Procedures.
2. Resolution approving amendments to the General Plan.

* Amendments are noted as follows: Additions with double underline and italics and deletions with strikethrough.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

During the public hearing held November 12 to November 15, 1996, the Board waived the first reading and introduced the above-listed Ordinances and requested staff to prepare the Ordinances in final form for a second reading and adoption. The Board also directed staff to return with Resolutions to adopt amendments to the Appeal Procedures, General Plan, and Mariposa TPA Specific Plan.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

N/A. The Board has previously directed staff to return with this action.
Absent:  
{  } Approved  
{  } Denied  
{  } 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

Recommended
Not recommended
For Policy Determination
Submitted with Comment
Returned for Further Action
Comment: ____________________________

A.O. Initials: ______________________

12-15DSA

Action Form Revised 5/92
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ED JOHNSON, Planning & Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PERMIT STREAMLINING

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on January 7, 1997

ACTION AND VOTE:

Ed Johnson, Planning and Building Director;

C) Continued PUBLIC HEARINGS (Deliberation Phase) for the Permit Streamlining Program and Mariposa Town Planning Area (TPA) Specific Plan/Zoning Amendment: Waive Second Reading and Adopt Ordinances Amending Title 2, Title 16, Title 17 and the Environmental Review Policies and Procedures Relative to Permit Streamlining; and Adopt Resolutions Approving Appeal Procedures, General Plan Amendments, and Amendments to the Mariposa Town Planning Area Specific Plan Relative to Permit Streamlining (Continued from November 14, 1996)

BOARD ACTION: In response to a question relative to receiving public input, Jeff Green/County Counsel, advised that the public portion of the hearings has been closed and the Board is in the deliberation phase; and the only way to accept public input, would be to start the hearing process all over again. Ed Johnson responded to questions from the Board relative to changes in the ordinances between the first reading and second reading; and relative to the numbering of the sections where a section was deleted. Ed advised that the only changes in the documents reflect changes approved by the Board during the hearing process in November, 1996; and staff will correct the numbering of the items to reflect changes. (M)Balmain, (S)Pickard, first reading was waived and the following ordinances were adopted:

Ord. 910 - amending Title 2;
Ord. 911 - amending Title 16;
Ord. 912 - amending Title 17
Ord. 913 - amending Environmental Review Policies and Procedures Relative to Permit Streamlining;

and the following resolutions were adopted:
Res. 97-3 - Appeal Procedures
Res. 97-4 - General Plan Amendments
Res. 97-5 - Amendments to the Mariposa Town Planning Area Specific Plan Relative to Permit Streamlining

Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Hearings were closed.

cc: File
MARIPOSA COUNTY RESOLUTION NO. 97-4

A RESOLUTION APPROVING AMENDMENTS TO
THE MARIPOSA COUNTY GENERAL PLAN

WHEREAS, a comprehensive Permit Streamlining Program has been initiated by
the County, including the public review and hearing process to amend the Mariposa
County Code and other county policy documents; and

WHEREAS, these include amendments to the Mariposa County General Plan
Land Use Element; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly
noticed public hearings on the amendments in accordance with State Law and County
Code, and have considered all input, written and verbal; and

WHEREAS, the Planning Commission and the Board of Supervisors made many
modifications to the amendments in response to concerns expressed through the public
process; and

WHEREAS, these amendments are not intended to change the public’s
referendum rights with respect to the projects which will be acted upon in accordance
with this resolution.

NOW THEREFORE, the Board of Supervisors of Mariposa County hereby
resolves that the Mariposa County General Plan is amended in accordance with
“Exhibit A” (Amendments are noted as follows: Additions in double underline and
italics, and deletions with strikethrough).

NOW THEREFORE, the Board of Supervisors further resolves that approval of
these amendments to the General Plan Land Use Element is based upon the following
findings:

1. The General Plan Amendments are exempt from the requirements of the
California Environmental Quality Act (CEQA) in accordance with Sections
15061 and 15305 of the CEQA Guidelines. A portion of the amendments to
the General Plan Land Use element are covered by the general rule that
CEQA applies only to projects which have the potential for causing a
significant effect on the environment. There is no possibility that portions of
the amendments to the General Plan Land Use Element may have a
significant effect on the environment. Remaining portions of the amendments
to the General Plan Land Use Element include minor alternations in land use
limitations.
2. The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendments clarify the existing language in the General Plan Land Use Element, and eliminate or modify text which conflicts with that contained within other County Codes. The amendments do not make any changes in current practices which would result in any impact on the environment.

3. The amendments change review and approval authority for certain development applications. Zoning Ordinance Amendments being processed in conjunction with these General Plan Amendments retain requirements for notice, findings and appeals, and therefore maintain discretionary procedures for all affected applications. Additional findings and notice are also provided in the associated Zoning Ordinance Amendments to increase the opportunity for, and the level of public participation in these applications.

4. The amendments do not change any application procedure from discretionary to ministerial.

5. The amendments promote fairness in implementation by clarifying conflicting policy and ordinance language.

6. The amendments are desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and short term basis for day-to-day decision making. The amendments rectify contradictory and conflicting language within General Plan Land Use Element text and County Code to aid in the day-to-day operations and processing of applications.

7. The amendments conform with the requirements of State law and county policy and are consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. One purpose of the amendments is to provide consistency with County ordinances and policies. This action is supported by the General Plan Governing Policy Section 2.202. This section establishes policy regarding the administration of the Mariposa County General Plan as follows: "To provide a practical and legally adequate framework to include...implementation programs and measures which can effectively guide the development and growth of Mariposa, yet reserve adequate flexibility in the day-to-day decision process to be responsive to changing needs and circumstances."

NOW THEREFORE, the Board of Supervisors finally resolves that these amendments shall become effective thirty (30) days after final passage.
Resolution No. 97-4

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County on this 7th day of January, 1997 by the following vote:

AYES: Reilly, Balmain, Stewart, and Pickard
NOES: None
ABSTAINED: None
EXCUSED: Parker

ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JEFFREY G. GREEN, County Counsel
3.400 LAND USE ELEMENT POLICIES

The following policies shall be considered immediately in effect for purposes of implementing the Mariposa County Land Use Element of the General Plan. All land use categories discussed in this section are specifically described in Exhibit 3-A with respect to location.

3.401 Town Planning Areas

A. Intent

The TPA classification is designed to establish or recognize communities that serve the purposes of providing basic services and being centers of commercial and industrial activity and population concentration. As such, Town Planning Areas are considered centers of service, commerce, industry, and population. Communities in Mariposa County established as Town Planning Areas include Bear Valley, Bootjack, Cathays Valley, Coulterville, El Portal, Fish Camp, Greeley Hill, Hornitos, Mariposa, Mt. Bullion, and Wawona.

B. Development Policy

Specific development standards for Town Planning Areas will be established by a Specific Plan for the community. The Specific Plan will address land use issues confronting the community and establish land use standards and regulations. Specific zoning regulations will be developed to implement the Specific Plan. The land use development standards of the Specific Plan may function as zoning regulations for the Town Planning Area.

For those communities designated as Town Planning Areas for which a Specific Plan has not been adopted, the following uses are appropriate: residential and general uses as listed in Section 3.603.E. Neighborhood commercial uses such as convenience stores, professional offices, personal service uses, restaurants, and banks, and resort commercial uses such as motels, hotels, campgrounds, and RV parks may be appropriate provided the uses do not have a significant impact on the site and surrounding land uses.

The minimum parcel size requirements for the TPA classification are two and one-half (2 1/2) acres with on-site septic system and private well, one (1) acre with service from a community water supply or sewage disposal system, and nine thousand (9,000) square feet with service from a community water supply and sewage disposal system. To minimize land use compatibility conflicts with adjacent land use classifications and other uses in the TPA
classification, the minimum area requirement for campgrounds and RV parks is five (5) acres, and specific density standards should be developed for campgrounds and RV parks.

C. Zoning

In Town Planning Areas with adopted Specific Plans, specific zoning regulations will be developed to implement the Specific Plan. If no specific zoning regulations have been adopted, the land use development standards of the Specific Plan will regulate land use and development in the Town Planning Area.

In Town Planning Areas without an adopted Specific Plan, the Town Planning Area (TPA), Neighborhood Commercial-1 (CN-1), Neighborhood Commercial-2 (CN-2), and Resort Commercial (CR) zone districts are appropriate.

3.402 Rural Areas

A. The following land use categories are to be considered appropriate for the rural areas of the County:

1. Rural Residential “RR”
2. Industrial Mining “IM”
3. Public Sites “PS”
4. Agricultural Exclusive “AE”
5. Mountain General “MG”
6. Mountain Home “MH”
7. Mountain Transition “MT”
8. Mountain Preserve “MP”
10. Open Watershed Conservation “OWC”
11. Open Scenic Conservation “OSC”
12. General Forest “GF”

B. The above described land use classifications, as described and located elsewhere in this section, shall be considered adequate to provide for the long term development needs of the County.

C. Specific zoning establishing lower density (larger minimum lot size) or use standards shall be found in conformance with the Mariposa County General Plan Land Use Element where such standards are desirable or necessary for purposes of establishing development preserves.
D. All subdivisions, zoning and special use permits shall be required to conform with the goals, policies, and standards contained in all elements of the Mariposa County General Plan.

E. Rural land use designations and development policies may be applied within TPAs where it is found to be desirable or necessary for purposes of preserving or protecting public health and safety.

3.403 Rural Commercial, Industrial and Recreational Uses

A. Home Enterprises

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

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

2. The on-site use has no more than one (1) employee per acre up to twenty (20) employees. The use shall be operated by the owner of the business who shall reside on the property on a permanent basis.

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

4. "Business owner" shall mean a person who controls a 50% or more ownership in the business or corporation operating said business, or if no one party controls 50% or more of the business, the person who controls the greatest percentage of ownership in the business or corporation operating said business.

5. "Property" shall mean that property which is contiguous to and under the same ownership as the parcel on which the business is located. If a portion of the property is sold or transferred, the home enterprise/rural home
industry shall comply with the standards of this section upon and after transfer of the property.

B. Rural Home Industry

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

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

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

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

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

C. Conditional Commercial, Industrial or Recreational Uses

Where a specific commercial, recreational or industrial use is requested in a land use designation which is not specifically listed as permitted or prohibited, a conditional use permit may be approved provided the following findings can be made:

1. The proposed use or uses are determined to be compatible with the development policies of the land use designation in which it is located.

2. The proposed use or uses are not a substantial detriment to adjoining land use classifications and existing uses in the area.

3. The proposed use or uses will not create a nuisance, or will not be significantly detrimental to health, safety, peace, and comfort of present residents or future residents of the area.
4. The proposed use or uses will not have more than a minimal detrimental effect on the property values in the area.

5. The proposed use or uses are logical and desirable at the proposed site.

6. The proposed use promotes and complements the goals, policies and standards of the Mariposa County General Plan and contributes to the orderly development of the area for which the use is proposed.

C. Commercial, Industrial or Recreational Zoning

Based upon studies to determine suitability and desirability, commercial, recreational or industrial zoning may be found appropriate in a specific land use classification provided that the following findings in 3.403-C can be made in addition to the following:

1. The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

2. In the case of an amendment to the zoning map or General Plan Land Use Map, the subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

D. Exclusive Residential Zoning

Specific land use district use regulations notwithstanding, based upon specific studies and expressed area resident desires, specific areas within most land use districts can be zoned for exclusive residential uses, however home enterprises shall be deemed a permitted use in every case.

E. Modification of Standards

Specific Zoning, as provided above, may modify the standards of any land use classification to such a degree as to achieve the purpose of the specific zone.

F. Planned Development or Mobile Home Park Zoning

Specific land use district regulations may be modified through specific zoning for planned development or mobile home parks based upon studies and proper findings listed in subsection "C" above and review procedures.
3.500 LAND USE ELEMENT STANDARDS

The following land use standards shall apply to all land use categories described in Section 3.402-A.

3.501 “RR” Rural Residential

A. General Description

The “RR” Classification, as designated on the Mariposa County Land Use Map, is applied to lands best suited to rural residential development uses of a moderately high density located adjacent to or near town planning areas (TPAs) or in isolated rural areas where existing community sewer and/or water systems have been developed.

B. Development Policy

1. Uses

   a. Permitted Uses

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

   b. Conditional Uses

   Churches and private schools except as permitted by Section 3.603(E)(9)

   c. Prohibited Uses

   All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.

2. Minimum Parcel or Lot Size

   No parcel of real property Shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one of the parcels so created will be less than two and one half (2 1/2) acres in gross area.
3. Density

One single family residence per two and one half (2 1/2) acres.

3.502 "MT" Mountain Transition

A. General Description

The "MT" Classification, designated on the Mariposa County General Plan Land Use Map, is applied to lands with diverse development potential, as opposed to other classifications within which development policies are necessarily specific, to allow primarily for unique circumstances or needs within an area.

B. Development Policy

1. Uses

   a. Permitted Uses

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

   b. Conditional Uses

      Churches private schools except as permitted by Section 3.603(E)(9)

   c. Prohibited Uses

      All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.

2. Minimum Parcel or Lot Size:

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

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

3.503 “MH” Mountain Home

A. General Description

The “MH” Classification, designated on the Mariposa County Land Use Map, is applied to land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and service areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the County.

B. Development Policy

1. Uses

   a. Permitted Uses

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

   b. Conditional Uses

   Churches; and Mineral or construction material processing, quarrying or aggregate processing shall be allowed by Use Permit issued for one year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the Surface Mining Act, Mariposa County Code and Water Quality Control Board standards and renewal of the Use Permit does not significantly interfere with residential uses. Processed, stock-piled material can be removed after Permit to Process has expired provided that terms of the reclamation plan are met. Private schools except as permitted by Section 3.603(E)(9).

   c. Prohibited Uses

   All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.
2. Minimum Parcel or Lot Size

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

3. Density

One single family residence per five acres.

3.504 “MG” Mountain General

A. General Description

The “MG” Classification, designated on the Mariposa County Land Use Map, is applied to lands characterized by terrain that is less suitable for high or moderate residential densities or intense use or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses are possible with minimum potential for use conflicts within this classification.

B. Development Policy

1. Uses

   a. Permitted Uses

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

   b. Conditional Uses

      Churches, membership or public parks and camps which require no permanent facilities, guest ranches, hunting clubs, public stables and riding trails; private schools except as permitted by Section 3.603(E)(9).
c. Prohibited Uses

All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.

2. Minimum Parcel or Lot Size

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

3. Density

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

3.505 "GF" General Forest

A. General Description

The "GF" Classification as designated on the Mariposa County band Use Map, is applied to lands under private ownership located primarily within the boundaries of National Forest lands best suited for low density residential, timber management, agriculture and mining.

B. Development Policy

1. Uses

a. Permitted Uses

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

b. Conditional Uses

Churches. employee housing; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs.
public stables and riding trails. private schools except as permitted by Section 3.603(E)(9).

c. Prohibited Uses

All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.

2. Minimum Parcel or Lot Size

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

3. Density

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

3.506 "MP" Mountain Preserve

A. General Description

The "MP" Classification, designated on the Mariposa County Land Use Map, is applied to lands as characterized by terrain that is suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership which are within or adjacent to publicly owned lands, with brush and grass cover and some timber. Due to the larger parcel sizes, diverse uses are possible with minimum potential for use conflicts within this classification.

B. Development Policy

1. Uses

a. Permitted Uses

Permitted uses include residential, home enterprises, rural home industry, unlimited agricultural uses, public schools, public parks, other facilities including volunteer fire departments, mining (excluding mineral processing), sustained yield timber management, milling or mineral processing when in conformance with mineral or construction material processing site standards as described in Section 3.606, (except where it is adjacent to a higher density land use classification, a 1000 ft. setback
is required) and noncommercial recreation, and Public Utility Transmission and distribution lines, towers, poles and substations

b. Conditional Uses

*Employee housing, and Other uses may be permitted subject to the provisions set forth in Section 3.403-C. private schools except as permitted by Section 3.603(E)(9).*

c. Prohibited Uses

*There are no prohibited uses except mobilehome parks within the “MP” Land Use Classification. All other uses not listed above are prohibited, except similar uses in compliance with proper findings and review procedures.*

2. Minimum Parcel or Lot Size

No parcel of real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one parcel so created will be less than 160 acres or a legal quarter section in gross area.

3. Density

*One Two* single family residences per 160 acres or a legal quarter section. Employee housing in connection with a commercial operation will require a *conditional* use permit.

3.507 “AE” Agricultural Exclusive

A. General Description

The “AE” Classification as designated on the Mariposa County Land Use Map is applied to land considered to be the most desirable land to be maintained for agricultural use for the purpose of preserving the agricultural industry of Mariposa County as a viable economic activity.
B. Development Policy

1. Uses

a. Permitted Uses

Permitted uses include unlimited agriculture, low density residential including a second single family dwelling for the use of family members or employees, all agricultural uses, quarters for farm labor or servants employed on the premises, accessory building and accessory uses including barns, stables, farm equipment and other out buildings, home enterprises, rural home industry when operated in conjunction with a bonafide agricultural activity, public schools, public parks and other public facilities including volunteer fire departments, mining and mineral processing in accordance with surface mining regulations and mineral or construction material processing site standards contained in Section 3.606 and feed lots and slaughter houses with a 1500 foot setback from state highways and adjacent higher density land use classifications or property lines, and Public Utility Transmission and distribution lines, towers, poles and substations.

b. Conditional Uses

Private schools except as permitted by Section 3.603(E)(9). Other uses may be permitted subject to the provisions set forth in Section 3.403 C.

c. Prohibited Uses

Motorcycle, vehicular racing or other similar uses, mobile home parks, recreational vehicle parks or campgrounds, industrial or manufacturing (except home industry or home enterprise) uses. Commercial recreation or tourist service facilities except commercial hunting clubs, dude or guest ranches. riding clubs, stables or animal boarding facilities and similar activities when operated in conjunction with a bonafide agricultural activity. **All other uses not listed in subsections a and b above are prohibited, except similar uses in compliance with proper findings and review procedures.**

2. Minimum Parcel or Lot Size

No parcel of real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one parcel so created will be less than 160 acres or a legal quarter section in cross area.
3. Density

One Two single family residences or, in accordance with permitted use standards above, per 160 acres or a legal quarter section.

C. Agricultural Advisory Committee

1. An Agricultural Advisory Committee shall be appointed by the Board of Supervisors comprised of representatives of the agricultural community in a manner to be established by County Policy Resolution. The Mariposa County farm Advisor may be an ex-officio advisory member of the committee.

2. The recommendation of the Agricultural Advisory Committee shall be obtained prior to the inclusion of any land to the “AE” classification or the removing of any land presently in the “AE” classification as shown on the Mariposa County Land Use Map.

3. The committee shall review each action described above and may, if necessary, inspect the property in question and determine if the property is bonafide agricultural land appropriate for “AE” classification.

3.508 “IM” Industrial Mining

A. general Description

The “IM” Classification, as designated on the Mariposa County Land Use Map, is applied to land areas where mining operations have been developed on a large scale. This Classification is applied to land having significant mineral resources.

B. Development Policy

1. Uses

a. Permitted Uses

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

b. Conditional Uses
Employee Housing

c. Prohibited Uses

All other uses are prohibited, except similar uses in compliance with proper findings and review procedures.

2. Minimum Parcel or Lot Size

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

3. Density

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

3.509 "PD" Public Domain

A. General Description

The "PD" Classification as designated on the Mariposa County Land Use Map, is applied to lands under public ownership primarily by the U. S. Forest Service or Bureau of Land Management outside of the boundaries of the federal preserve known as Yosemite National Park.

B. Development Policy

Due to the regulations governing public lands and limited land use authority over such lands by the County of Mariposa, development policies for these lands shall be set forth as follows:

1. Primary Uses

The primary uses of lands designated as "PD" shall be sustained yield timber management, harvesting and associate activities, grazing and other agricultural uses, mining and mineral processing, non-commercial recreation, hydrogeneration and other similar uses. Wilderness and similar uses proposed for these lands shall be reviewed in accordance with the above primary uses and Federal policy or contemplated policy evaluated accordingly. In all instances motorcycle raceways, or cross country courses or similar vehicular uses are to be restricted within
“PD” lands where such activities create a nuisance to adjacent or abutting private landholdings or interfere with the above listed primary uses.

2. Ownership Transfers

When, in the event that a Federal or other public agency, transfers land to a private individual or non-public entity the above described use policies shall govern until such time as the site or land thus transferred is reclassified to another land use category in accordance with state law and County procedure. Until such reclassification is approved by the County, development proposals, subdivision applications or use proposals not described above shall be considered inconsistent with this land use category and cannot be approved.

3.510 “PS” Public Sites -

A. General Description

The “PS” Classification, as designated on the Mariposa County Land Use Map, is applied to lands under Federal, state, or other government agency ownership, not under the control and administration of the U. S. Forest Service, Bureau of Land Management or part of the Yosemite National Park Federal Preserve, used primarily for a public purpose.

B. Development Policy

1. Inasmuch as lands designated “PS” are under public ownership, uses and other development policies are limited to public uses such as solid waste disposal sites, sewer treatment facilities, governmental administrative sites and miscellaneous public purpose facilities.

2. All uses of “PS” lands require County of Mariposa approval unless such approval authority is not consistent with the provisions of state and Federal law applicable to subject areas.

3. Within the “PS” Classification areas utilized as solid waste disposal sites or solid waste collection sites shall be designated “WPS” and areas utilized for public sewer treatment sites shall be designated as “SPS”.

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3.511 "OWC" Open Watershed Conservation

A. General Description

The "OWC" Classification is an overlay land use, as designated on the Mariposa County Land Use Map, is applied to lands utilized or proposed to be utilized as a watershed for a public or community surface water supply.

B. Development Policy

1. Overlay Land Use

The "OWC" Classification is an overlay land use classification to be used in conjunction with other or "primary" land use classifications.

2. Uses

Primary land use classification use standards notwithstanding, the only permitted uses in an area designated as "OWC" are single family residential, home enterprises, limited agriculture, public parks and other similar non-intensive uses or open space uses.

3. Minimum Parcel Size

Primary land use classification minimum parcel size notwithstanding, no parcel of real property shall be divided or split into two or more parcels by voluntary transfer, court action or other conveyance where any one of the parcels so created will be less than ten acres except where larger parcel sizes are required in a primary land use classification in which instance the minimum parcel size standards of the primary land use classification shall apply.

4. Density

Primary land use classification density standards notwithstanding, unless higher densities are required, one single family residence per ten (10) acres.

C. Improvement Standards

For the purposes OT insuring adequate protection of water quality within an area designated as "OWC", the following improvement standards shall be required on all building permits, use permits, variances, or subdivision proposals:
1. Lands located within an "OWC" classification are designated as "erosion hazard areas" in accordance with provisions of County Code with respect to grading.

2. All development proposals will require approved percolation tests.

3. No septic system may be installed unless such septic system is installed on a specific location wherein an approved percolation test has been conducted in accordance with County Code.

D. Amendment Policy

The OWC must follow legally definable lines, and as a result, may include land that lies outside the physical watershed. However, it is desirable to have the OWC encompass only the actual physical watershed, therefore, it may be necessary to periodically modify the OWC.

Therefore, wherever it can be proven that a parcel, or part of a parcel, lies outside the watershed, the OWC shall be modified to exclude that parcel or part of a parcel.

The burden of proof is upon the applicant and shall consist of an engineered survey of the watershed line and any information deemed necessary by the Planning Director. Also, whenever a lot line adjustment or land division is completed where the watershed becomes a surveyed line, the OWC shall be modified to follow the actual watershed boundary. Once the watershed becomes a surveyed line, the County shall initiate an amendment to reflect the modification to the OWC. The development policy and improvement standards of the OWC shall not apply to those lands outside the watershed during the land division or lot line adjustment application process.

For purposes of this section, the Stockton Creek OWC is defined as the physical watershed of that portion of Stockton Creek north of Highway 49, except that tributary which runs along Stockton Creek Road.

3.512 "OSC" Open-scenic Conservation

A. General Description

The "OSC" Classification is an overlay land use as designated on the Mariposa County Land Use Map, is applied to lands of scenic quality which provides views of mountain landscapes for the enjoyment of residents and visitors to the County.
B. Development Policy

1. Overlay Land Use

The "OSC" Classification is an overlay land use classification to be used in conjunction with another, or "primary", land use classification.

2. Specific Zoning and Site Standards

Upon designation, as prescribed in the scenic highways element (Section 10.000) of the Mariposa County General Plan, site standards shall be established for areas designated as "OSC" or portions of said classification.

3.513 Yosemite National Park

Federally owned land located within the boundaries of Yosemite national park are subject to Federal regulations and the policies, provisions and standards of this element shall not apply.

3.514 and 3.515 Reserved for future use

3.516 “CN” Commercial Neighborhood

A. Intent

The CN classification is designed to provide for limited retail, office, and service uses which are primarily related to serving the daily needs of a residential community and traffic along major streets and roads. These uses should have a minimal impact on surrounding residential uses. The CN classification is appropriate in areas located within, or in the vicinity of, medium-density rural residential areas such as Lushmeadows, Ponderosa Basin, and Lake Don Pedro and accessed by two-lane paved public access roads, or in areas located adjacent to or easily accessible to a County Primary Road or State Highway.

B. Development Policy

Typical uses which are permitted in this classification include convenience stores, professional offices, appliance sales and repairs and other similar retail services, restaurants, banks and other financial institutions, personal service establishments such as barbers and beauty shops, automobile rentals, and public facilities. The minimum site area requirements for the CN classification are two and one-half (2 1/2) acres with on-site septic system and private well, one (1)
acre with service provided from a community water supply or sewage disposal system, and nine thousand (9,000) square feet with service provided from a community water supply and sewage disposal system.

C. Zoning

The Neighborhood Commercial-1 (CN-1) and Neighborhood Commercial-2 (CN-2) zone districts are appropriate within this classification.

3.517 “CR” Commercial Resort

A. Intent

The CR classification is designed to provide for highway-related and tourist commercial services and uses along roads heavily traveled by tourists. These services and uses should have a minimal impact on traffic, and a full range of services should be available. The CR classification is appropriate in areas located adjacent to or easily accessible to a County Primary Road or a State Highway.

B. Development Policy

Typical uses which are permitted in this classification include motels and hotels, restaurants and cocktail lounges, guest ranches, special group facilities and uses, campgrounds, recreational vehicle parks, professional offices, retail stores, and convenience stores. A Commercial-Industrial-Manufacturing (CIM) Plan should be prepared for resort commercial uses to establish special circulation, parking, open space, and setback standards for such uses. The minimum site area requirements for the CR classification are two and one-half (2 1/2) acres with on-site septic system and private well, one (1) acre with service provided from a community water supply or sewage disposal system, and nine thousand (9,000) square feet with service provided from a Community water supply and sewage disposal system. Campgrounds and RV parks should have larger minimum site area requirements (10 acres or greater) and density standards to minimize land use compatibility conflicts with adjacent land use classifications and other uses in the CR classification.

C. Zoning

The Neighborhood Commercial-2 (CN-2) and Resort Commercial (CR) zone districts are appropriate within this classification. All development in the Resort Commercial (CR) zone district shall be consistent with Commercial-Industrial-Manufacturing (CIM) Plan adopted for the zone district.
3.518 “CG” Commercial, General

A. Intent

The CG classification is designed to provide for general commercial activities of a retail or service nature which are necessary to meet the area or regional needs for such services or activities. The CG classification is appropriate in areas located adjacent to or easily accessible to a County Primary Road or a State Highway with suitable terrain of an average slope of less than 20%. Easily accessible is defined as access from the project site to a State Highway or County Primary Road provided by a two-lane paved public access road with a length of less than one-quarter mile. In order to minimize land use compatibility impacts, the CG classification is not appropriate in areas which substantially abut lands classified Rural Residential or lands classified by a Specific Plan for residential uses with a minimum parcel size of two and one-half acres or less. The CG classification in areas which abut Town Planning Areas without adopted specific plans should be carefully reviewed to minimize land use compatibility conflicts with existing and potential uses.

B. Development Policy

Typical uses which are permitted in this classification include uses permitted in the CN classification; motels and hotels; mobile home, recreational vehicle, and automobile sales and services; kennels and animal hospitals; warehouses and outdoor storage areas; recreational uses such as bowling alleys, gymnasiums, and golf courses; outdoor sales including lumber and building materials but excluding wrecking or junk yards; meeting halls; light manufacturing and assembly; hospital and other healthcare facilities; recreational vehicle parks and campgrounds; communication facilities and structures; and accessory uses and structures. A Commercial-Industrial -Manufacturing (CIM) Plan should be approved for development in the CG classification to establish special circulation, parking, open space, setback, on- and off-site improvement, and service standards for the development and encourage mixed uses and preservation of the natural environment. The CIM Plan through the implementation of these special standards should ensure commercial development in the CG classification has a minimal impact on surrounding uses and traffic. The minimum site area requirement for the CG classification is 20 acres; the minimum parcel size for parcels in a CG classified project site is 6,000 square feet. The minimum site area and minimum parcel size requirements may be increased for zone districts allowing intensive general commercial uses.
C. Zoning

The Resort Commercial (CR), General Commercial-I (CG-I), and General Commercial-2 (CG-2) zone districts are appropriate within this classification. All development in the CG classification and CR/CG-I/CG-2 zone districts shall be consistent with the Commercial-Industrial-Manufacturing (CIM) Plan adopted for the zone district.

3.519 M-1 Manufacturing/Industrial Light

A. Intent

The M-1 classification is designed to provide for light manufacturing/industrial activities such as assembly or processing. Such uses are generally non-intensive and/or provide services to the local population. The M-1 classification is appropriate in close proximity to commercial and/or residential development with suitable terrain of an average slope of less than 20%. The M-1 classification shall be located on or easily accessible to State highways or County primary roads. In order to minimize land use compatibility impacts, the M-1 classification should be carefully sited in areas adjacent to the Rural Residential classification or other areas with residential minimum parcel sizes of less than 2.5 acres.

B. Development Policy

Typical uses which are permitted in this classification include but are not limited to automotive assembly, boat manufacturing, electronic assembly and manufacturing, cabinet shops, machine shops, clothing manufacturing, food processing, equipment yards and other similar uses. A Commercial-Industrial-Manufacturing (CIM) Plan should be approved for development in the M-1 classification to establish special circulation, parking, open space, setback, on- and off-site improvements, and service standards for the development and encourage mixed uses and preservation of the natural environment. The CIM Plan through the implementation of these special standards should ensure development in the M-1 classification has a minimal impact on surrounding uses and traffic. The minimum site area requirement for the M-1 classification is 20 acres; the minimum parcel size for parcels in a M-1 classified project site is 6,000 square feet. The minimum site area and minimum parcel size requirements may be increased for zone districts allowing intensive light industrial uses.
C. Zoning

The General Commercial-1 (CG-1) and the Light Manufacturing and Industrial (M-1) Zone districts are appropriate within this classification. All development within these districts shall be consistent with the Commercial-Industrial-Manufacturing (CIM) Plan adopted for the zone district.

3.600 LAND USE ELEMENT IMPLEMENTATION PROGRAM

The following policies shall be utilized to clarify the land use element standards contained in Section 3.500 and/or supplement the standards contained therein.

3.601 Density

A. Wherein a density standard is established in a specific land use classification, that standard is to apply to a parcel in accordance with the provisions of the Subdivision Map Act. Parcels established for purposes of assessment may not be parcels but merely a single parcel with two or more assessors parcel numbers.

B. The density standards contained in a land use description does not restrict the construction of at least one single family unit on a parcel of land even though the parcel for which a permit is applied for does not contain the minimum acreage required in the land use category density standard.

C. A parcel of land containing more than the minimum acreage called for in the density standard of an applicable land use classification may be issued more than one single family residential building permit on the basis of one permit for each multiple of the minimum density unit contained in a parcel (i.e. a fifteen acre parcel, in the 5 acre minimum "MH" Classification, may have three single family permits issued to the parcel).

D. A division of land shall not be approved on a parcel of land where such division results in the establishment of a parcel with more than the permitted number of single family units as set forth in the density standard of the applicable land use classification.

E. Nothing in this section is to be interpreted as precluding the construction of multi-family units on a parcel of land provided that the number of units constructed is consistent with the density standard of the applicable land use classification (See Section 3.601 C above) and in the event that such multi-family units involves construction of three or more attached dwelling units, such construction shall require Planning Commission review to determine consistency of proposal with established policy.
F. Density standards shall apply to residential uses exclusively. Density standards shall not apply to commercial or industrial uses provided residential use is not established on the subject parcel or lot.

3.602 Minimum Parcel or Lot Size

A. Minimum parcel or lot size shall apply to all proposals or actions which will result in the creation of a parcel or lot or the modification of the dimensions or land area of a parcel or lot. Minimum lot size may be waived by the Planning Commission or Board of Supervisors where the created or modified parcel or lot is intended to be utilized for non-residential purposes provided-enforceable restrictions are placed on the parcel or lot to preclude it's use for residential purposes. For purposes of utilizing this provision, non residential purposes shall mean a public use such as a park, playground or other public facility, commercial or industrial uses exclusively.

B. The minimum parcel or lot size set forth in a land use classification shall not preclude the requirement for larger parcel or lot sizes on proposals resulting in the creation or modification of a parcel or lot where, in the determination of the Planning Commission or Board of Supervisors, larger acreages are necessary due to terrain or other site considerations or standards contained in the Mariposa County General Plan or such other applicable provisions of County Code or state law.

C. Where in a proposal to modify the boundaries of one or more parcels of property and when one or more of these parcels do not meet minimum parcel or lot size standards of the applicable land use district or classification, the Planning Commission approval authority may approve such boundary modification provided such modification will result in the improvement of the circumstances and or design of both parcels or lots, under no other circumstance can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel or lot.

D. No variance shall be granted, under any circumstance, for reducing the minimum lot or parcel size unless otherwise provided in this land use element.

3.603 Use Standards

A. Uses listed as permitted within any land use classification may be established provided all other applicable County Code requirements are adhered to.

B. All uses not specifically listed as permitted or prohibited shall require a favorable Planning Director Determination or an approved conditional use permit in all instances prior to the establishment of a new use on a subject parcel of land unless such use policies are modified through specific commercial, industrial or other zoning.
C. No use listed as prohibited shall be established by permit or otherwise on a subject parcel of land unless said use is legally existing prior to application of use regulations of this section. For purposes of regulation, all prohibited uses established in accordance with the above provisions shall be deemed as non-conforming use.

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

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

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

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

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

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

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

2. Agricultural uses, including but not limited to animal husbandry, livestock grazing, the production of crops, horticulture, viticulture, silviculture, sale of agricultural products, and accessory uses and structures appurtenant to the agricultural use, may be permitted in all districts subject to the following standards:

   a. The provisions of this section shall not be applicable in the AE land use classification and in town planning areas with specific land use policies and zoning regulations.

   b. The agricultural use shall not be conducted in such a manner as to constitute a nuisance, public or private.

   c. Notwithstanding anything to the contrary contained herein, no existing or future agricultural activity, operation or facility or appurtenances thereof, conducted or maintained for commercial purposes, in a manner consistent with proper and accepted customs, standards, and practices and with all chapters of the Mariposa County Code as established and followed by similar agricultural uses, shall be or become a nuisance, public or private, after the same has been in operation for more than one year if it was not a nuisance at the time it began. The provisions of this section shall not apply whenever a nuisance results from agricultural operations inconsistent with accepted practices and standards or contrary to local, state, or federal ordinances, laws, and regulations.

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

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

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

6. Accessory buildings or structures.

7. Loading and unloading facilities.
8. On-site parking.

9. Private schools for 12 or fewer students and conducted in a residential structure shall be a permitted use in RR, MH, MT, MG, GF, MP, and AE land use classifications.

3.604 Mobilehome Parks

Unless Otherwise provided through specific zoning, the following standards shall apply to mobile home parks.

A. Mobilehome parks may be allowed, subject to obtaining an approved conditional use permit in each case, in any rural the RR and MH land use categories where they are not specifically identified as a prohibited use. Mobilehome parks may be allowed within a town planning area subject to specific land use policies and regulations of the applicable town planning area.

B. Other provisions of this element notwithstanding, the following standards shall apply to all mobilehome park proposals:

1. Density:

   A mobilehome park proposal will require a minimum of one and one-half (1 1/2) acre per unit on a parcel of land. A mobilehome park proposal shall have no fewer than twenty-five units nor may a proposal stave the development of a mobilehome park where less than 25 units are established in the initial stage.

2. Applicability of Other Regulations

   All mobilehome park proposals shall conform to all other applicable provisions of County Code and State law.

3. Design Considerations

   Mobilehome park proposals should be designed to provide maximum setbacks, as practical, from adjacent property lines for the purpose of minimizing use and density conflicts with surrounding properties.

3.605 Planned or Cluster Development and Preservation of Open Space

A. Planned or cluster development proposals may be allowed subject to obtaining approved planned unit development zoning in Rural Residential (RR) and Mountain Home (MH) or Mountain Transition (MT). Planned or cluster development
proposals shall be considered a prohibited use in all other rural land use classifications. Nothing in this provision should be interpreted to preclude clustering of residential lots in any land use district provided that the minimum density, as established through parcel or lot size standards, is maintained through some form of open space common ownership restrictions on the subject subdivision site.

B. Planned or Cluster development shall include, but not limited to, multi-family or apartment units common wall, condominium, mobile-home or detached residential unit subdivisions and mobile home parks.

C. Planned or cluster development standards are as follows:

1. Density

   a. A planned or cluster development proposal will require a minimum of two and one-half (2 1/2) acres per unit unless community or public water and sewer is existing or will be provided for in the development proposal.

   b. Where a planned or cluster development project is proposed in an area with existing or proposed community or public water and sewer service as set forth above, density will be subject to Planning Commission approval based upon the availability of public services, sewer and water capacity of the community water and sewer system and physical site characteristics.

2. Consistency

   Any planned or cluster development proposal shall conform to all applicable provisions of state law and County Code and be consistent with the applicable provisions of then Mariposa County General Plan.

D. The Planning Commission may recommend and the Board of Supervisors approve a planned or cluster development proposal where one or more of the following findings can be made:

   1. The proposal promotes the preservation of open space and the protection of areas exhibiting development constraints.

   2. The proposal supports or accomplishes the goals and objectives of the Mariposa County General Plan Housing Element.
3. The proposal results in improving the residential environment of the area through the provision of better public roads, fire protection, water and sanitation facilities.

3.606 Mineral or Construction Material Processing Site Standards

A. Minimum Setback Required

Processing may not be established on a site that is less than five hundred feet from an adjacent property line, unless otherwise approved under the provisions of a conditional use permit. Minimum setback requirements may be waived by the Planning Commission where a processing plant is located within either the IMP” or “AE” land use districts. The Planning Commission shall require adjacent property owner notification prior to waiving any setback requirements as provided above.

B. Soundproofing Required

All crushing, classifying or similar processing that results in the creation of excessive or unusual noise levels for an area shall be conducted within a structure equipped with soundproofing material or by other means, if necessary, to reduce the effect of noise on an adjacent dwelling, structure or property.

C. Excessive Traffic

Activities associated with a processing operation shall not result in the creation of traffic that has a substantial adverse effect on adjacent property or within the immediate area or is likely to result in a rapid deterioration of streets and roads affected by the processing operation.

D. Nothing in this section should be construed to be in conflict with the applicable Surface Mining regulations of Federal and state law and County ordinance.

3.607 Structure Location

A. Setbacks

Structures shall not be erected within a setback area except those structures listed as permitted in Section 3.607(F). Additions to existing buildings or structures, where such building or structure encroaches into a setback area, shall not be closer to the property line than one-half (1/2) the width of the setback requirement or closer to the property line than any part of the existing structure, whichever constitutes the lesser encroachment. A structure is defined as “anything constructed or erected which requires location on or in the ground or attachment to something located on or in the ground. The definition of a
structure includes septic systems, leachfields, and stables and pens used for the raising and keeping of small animals.

B. Setback Standards

Unless otherwise prescribed, the following setback standards apply in all classifications:

1. Front Yard and Public Street Frontage Setback: There shall be a minimum setback of not less than twenty-five (25) feet from the front property line or edge of any public street, easement, or right-of-way offered for dedication, and in no case less than fifty-five (55) feet from the centerline of said street, easement, or right-of-way.

2. Rear and Side Property Line Setback: There shall be a minimum setback of not less than twenty-five (25) feet or ten (10) percent of the lot width, whichever is least, from any side or rear property line.

C. Neighborhood Commercial Setback Standards

There shall be a minimum setback of not less than fifty (50) feet from any property line that abuts a residential classification for neighborhood commercial structures in the CN classification.

D. Resort Commercial Setback Standards

There shall be a minimum setback of not less than fifty (50) feet from any property line that abuts a residential classification for structures in the CR classification. The minimum setback for campgrounds and recreational vehicle parks shall be fifty (50) feet from all property lines. Parking, campsites, and recreational vehicle sites shall not be permitted within the setback area.

E. Commercial, Manufacturing, and Industrial Setback Standards

The setback standards for resort commercial structures and structures in the CG classification and the MI-classification shall be the following:

1. There shall be a minimum setback of not less than one hundred (100) feet from all property lines. This setback may be reduced to fifty (50) feet when the property line abuts property in the same classification.

2. When the parcel is adjacent to or traversed by a public road, the minimum setback from the roadway for all buildings requiring a building permit shall be not less than one hundred eighty (180) feet from the centerline of the
dedicated public right-of-way and one hundred eighty (180) feet from the
centerline of the currently maintained public right-of-way.

3. There shall be a minimum setback of not less than fifty (50) feet between
structures requiring building permits.

F. Structures Permitted in Setback Areas

Wells, highway and traffic signs, signs, rural mail boxes, fences, gates, propane
tanks, public utility lines, and buildings with a roof area less than 120 square
feet are permitted uses in all setback areas. Loading structures, garages,
carports, sheltered parking, and walkways may be permitted in front yard
setbacks.

3.08 Structure Height

A. Maximum Height Restricted: In any land use district, no building or structure shall
be erected, placed, or structurally altered to a height in excess of 35 vertical feet
above natural grade except as provided below (B and C).

B. Exceptions: The following shall be excepted from the Structure Height Regulations
of all land use districts, except that such heights shall not exceed those permitted in
the Airport District:

1. Chimneys and flues.

2. Accessory farm buildings, but not to exceed 60 feet in height.

3. Subject to the approval of the Planning Commission: cooling towers,
elevators, fire towers, monuments, stacks, scenery lofts, tanks, water
towers, ornamental towers, spires, and necessary mechanical appurtenances
over 45 feet in height from ground level.

4. Height restrictions shall not apply to broadcasting towers, aerials, t.v.
antennas, windmills, or Public utility transmission and distribution poles
and towers.

C. Increase Permitted: The maximum height of any structure may be increased by not
more than 10 feet, providing all required offsets and setbacks are increased by one
foot for each foot which such building exceeds the height limit of the land use
district in which it is located.

D. For purposes of calculating height limits, natural grade shall be from the uphill side
of building or structural boundary shall be utilized as described in example “A”
and “B” below.
3.609 Secondary Residences

A. Specific density standards of this element notwithstanding, within the rural areas (outside of town planning area) of the County, one secondary residence will be permitted on an established parcel of land. Within town finning areas, secondary residences may be permitted in accordance with provisions of an approved specific plan in accordance with Section 3.131 and 3.401 B-2 of this element.

B. Secondary residences in rural areas of the County shall be permitted subject to the following conditions:

1. A secondary residence shall be constructed in accordance with the provisions of the Uniform Building Code and other applicable regulations.

2. The secondary residence shall conform with all structure location and height requirements of this land use element.

3.610 Land Use Element Implementation

A. This element of the Mariposa County General Plan is developed in such a manner as to set forth standards for the use of land to a degree that would minimize the necessity for specific zoning. To this end, and for the purpose of implementing the provisions of this element, it is intended that this element or the Mariposa County General Plan be adopted by ordinance and codified within the Mariposa County Code.

B. Where it is deemed appropriate that an area be zoned for commercial recreational or industrial use, as set forth in Section 3.103 D of this element, such an area may be zoned in accordance with zoning provisions of Mariposa County Code and specific regulations, as set forth in this element, shall not apply unless specifically incorporated by reference.

C. Within areas designated as a town Planning Area (TPA) where specific land use policies have not been developed in accordance with the provisions of Section 3.401 B (2), the land use regulations of the Rural Residential (RR), Commercial Neighborhood 1 and 2 (CN-1 & CN-2), and Resort Commercial (CR) land use categories shall apply as an interim land use policy. This interim land use policy shall remain in effect until such time as it is necessary or convenient who develop and adopt specific land use policies for the TPA.

D. Subdivision maps shall be required to conform to all associated requirements of state law to include but not limited to the Solar Rights Act and the incorporation of solar design measures in tentative subdivision maps.
E. The Planning Department shall develop and maintain an inventory of each of the eighteen planning areas described in Section 6.000 of Document III. This inventory shall include, but shall not be limited to, the number of improved and unimproved parcels, development potential by land use classification, population and growth estimates. This inventory shall serve as the basis for annual reports on General Plan implementation as required by law.

3.611 Land Use Element Implementation Standards

A. Any project proposed in accordance with the provisions of Section 3.403 C, D and E of this element shall Conform to all applicable county policies and regulations and applicable provisions of State law to include, but not limited to the following:

1. Title 5 of the Mariposa County Code, Business Taxes, Licenses and Regulations.

2. Title 8 of Mariposa County Code, Health and Safety.

3. Title 9 of the Mariposa County Code, Public Peace, Morals and Welfare.

4. Title 10 of Mariposa County Code, Vehicles and Traffic.

5. Title 12 of Mariposa County Code, Streets. Sidewalks and other Public Property.

6. Title 13 of Mariposa County Code, Water and Sewer.

7. Title 15 of Mariposa County Code, Buildings and Construction.

8. Title 16 of Mariposa County Code, Subdivisions.

9. Title 17 of Mariposa County Code, Zoning.

10. Title 18 of Mariposa County Code, Miscellaneous Land Use Regulations.

11. All applicable county policies and standards adopted pursuant to the above referenced code sections such as Sanitation and Road Construction Standards, Firesafe Guidelines, etc.

B. For purposes of making such findings as required under Section 3.403 C and D of this element, information as developed through environmental review (as required by State law and County policy) shall be utilized. Such review to address, but not limited to, the following topics:

1. Earth to include unique geologic or physical features, erosion, and hazards.
2. Air to include emissions, ambient air quality, odor, or particulate matter.

3. Water to include absorption rates, runoff, flooding, surface water quality and subsurface quantity.

4. Plant Life with respect to rare and endangered species.

5. Animal Life with respect to rare and endangered species and deterioration of critical habitat areas.

6. Noise to include noise compatibility levels.

7. Light and Glare to include compatibility with adjacent uses.

8. Land Use to include compatibility with existing and proposed use of an area.

9. Natural Resources to include the depletion of natural resource or the effect on future utilization of a natural resource.

10. Risk such as explosion or upset or the release of hazardous substances.

11. Population such as dislocation or alteration of existing or planned growth.

12. Transportation and Circulation such as parking, movement of goods or people or traffic hazards.

13. Public Services such as fire protection, police protection, schools, parks, maintenance of public facilities and the provision of other general public services.

14. Aesthetics such as scenic areas and compatibility with adjacent development.

15. Cultural Resources such as historic or prehistoric sites, structures, buildings or objects.

3.612 Commercial -Industrial -Manufacturing (CIM) Plan

The purpose of the CIM Plan is to allow flexible commercial, industrial, and manufacturing development in the CR, CG, and MI classifications while mitigating potential impacts from that development on surrounding areas and County services. The CIM plan should provide desirable development by minimizing land use compatibility conflicts with adjacent uses and properties and encouraging mixed use development, innovative development which provides unique opportunities for
employment in the County, and efficient use of the land which preserves the natural environment as much as possible.

Special development standards for circulation, parking, open space, setbacks, on- and off-site improvements, and services should be developed and implemented through the zoning ordinance and the CIM Plan in order to minimize land use compatibility impacts on surrounding uses and traffic. The CIM Plan must be approved and adopted by the Board of Supervisors for development in the CR, CG, and MI classification prior to issuance of any County development permits. All development in the CR, CG, and MI classifications must be consistent with the CIM Plan approved for the property. A CIM plan may not be adopted unless the Board of Supervisors finds that the CIM plan and proposed development is consistent with the General Plan.

3.700 LAND USE CLASSIFICATION BOUNDARIES

The following sections are set forth for the purpose of describing land use district boundaries, providing procedures for clarifying boundary descriptions and establishing effect of district descriptions.

3.701 Land Use District Maps

A. All land located within the boundaries of the County of Mariposa, a political subdivision of the state of California, is subject to the land use policies described in this chapter.

B. Within the County of Mariposa, land use districts are established as listed in Section 3.401 (Town Planning Areas) and Section 3.402 (Rural Areas) and within these districts such specific regulations as described in Sections 3.400 through 3.600 shall apply.

C. The number, shape, area, locations and boundaries of land use districts are established by such map entitled “Mariposa Land Use Map” and amendments thereto, which is maintained in the Mariposa County Planning Office.

D. The regulations of this land use element governing the use of land and buildings, the height and distances between buildings, the size of yards about buildings, the subdivision of land or creation of a parcel or lot by any means and other matters set forth in this land use element are hereby established and declared to be in effect upon all land located within the boundaries of the County of Mariposa.

3.702 Land Use Boundary Amendments

Any change in the number, shape, area, location, or boundary or any change affecting the use, density or development standards within a land use district or districts, shall be processed in accordance with Mariposa County Code.
3.703 Interpretation of Land Use District Boundaries

Where uncertainty exists as to the boundaries of the aforesaid districts as adopted and made a part hereof, the Planning Commission Director, upon written application or upon its own motion action, shall determine the location of such boundaries by reference to all available pertinent data and maps. In making such determination, unless the context otherwise indicates, the following rules shall apply:

A. Where boundaries approximately follow streets, alleys or highways.

Where any district boundary is indicated as approximately following the center line or right-of-way line of any street, alley or highway, the centerline of said street, alley or highway shall be construed to be the boundary of said district.

B. Where boundaries approximately follow lot lines

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.

C. Where boundaries approximately follow section lines, half section lines, quarter section lines or other legally describable portions of a legal section or projected section.

Where any district boundaries are indicated as approximately following a legally definable section, half section, quarter section, quarter-quarter section or other divisible portion of an established section or projected section line, such lines shall be construed to be the boundary of said district.

D. Submerged areas not included in district.

All areas within the unincorporated area of the county which are under water and are not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the submerged area.

E. Vacation of public ways

Whenever any street, alley or other public right-of-way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
3.800 WASTE DISPOSAL FACILITIES AND FLOOD AREA

A. State law requires that a land use element designate solid and liquid waste disposal facilities and sites. Within the Mariposa County land use map, sewage treatment facility sites are identified by the reference signal “SPS” and solid waste facility sites by reference symbol “DPS”.

B. Specific flood area designations are contained in the Safety Element of the Mariposa County General Plan. Such flood area designations are based upon the Housing and Urban Development Department Flood Prone and Flood Hazard maps of the County. The original maps of these areas are available for public inspection and are maintained by the Mariposa County Planning Office.