



Mariposa County

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MILES MENETREY, CHAIR
WAYNE FORSYTHE, VICE-CHAIR
ROSEMARIE SMALLCOMBE
SHANNON POE
DANETTE TOSO

DISTRICT V
DISTRICT IV
DISTRICT I
DISTRICT II
DISTRICT III

BOARD OF SUPERVISORS ACTION SUMMARY MINUTES SEPTEMBER 23, 2024

A. 9:00 AM Called to Order and Roll Call

Chair Menetrey called the special meeting to order.

Attendee Name	Title	Status	Arrived
Rosemarie Smallcombe	District I Supervisor	Present	9:00 AM
Shannon Poe	District II Supervisor	Present	9:00 AM
Danette Toso	District III Supervisor	Present	9:00 AM
Wayne Forsythe	District IV Supervisor	Present	9:00 AM
Miles Menetrey	District V Supervisor	Present	9:00 AM

B. Pledge of Allegiance

Chair Menetrey led the pledge.

Recess Board of Supervisors

9:02 AM Chair Menetrey recessed the Board into the Joint Study Session.

C. Joint Study Session with the Planning Commission

1. Planning

Mariposa County Development Code Update (Zoning and Subdivision Ordinance), Joint Workshop - Board of Supervisors and Planning Commission

Mintier Harnish gave a PowerPoint Presentation.

10:01 AM Chair Menetrey recessed the study session for a brief break and reconvened at 10:13 AM.

PowerPoint continued. Questions from the Planning Commission and Board were discussed.

Floyd Davis/Resident provided public comment. He noted that he was a registered Civil Engineer interested in Accessory Dwelling Units (ADUs). He expressed concern about adding duplexes to residential loans and felt we should adopt our own definition before the State does.

Ken Melton/Resident noted he was involved with the General Plan and felt it was a circus. He felt the consultants had identified issues with it and noted it could be tweaked up to four times a year.

Mike Brusa/Resident noted he agreed that this will determine the future. He noted, looking at the track record, the more individuals get involved, the “crappier” it becomes. He noted that during the depression, milkers were able to purchase homes. He noted that people with tech jobs can't even afford homes in California because of inflation and the rules the government has created. He then discussed King George.

Colleen Rhodes/Resident/Phone Caller noted this was a complicated subject. She noted that she was a lawyer, and this was oppressive. She further noted that the table of contents was incorrect, and many of the numbers were incorrect. She found this document useless and misleading and noted that it was a waste of the Board and Planning Commission's time.

Unknown Caller asked how much money had been spent drafting this document.

Michael/Mintier Harnish noted they were aware of the inaccuracies in the cross-reference but noted they would correct them before they are released for formal public view.

Steve Engfer noted it cost about 395,000, but 160,000 were in grants.

11:39 AM the Planning Commission adjourned.

Reconvene as Board of Supervisors

11:40 AM Chair Menetrey reconvened the Board meeting for the study session.

D. Closed Session

11:41 AM Chair Menetrey read the closed session note. No public comment was received. He then recessed the Board for lunch and noted they would reconvene for a Closed Session.

1. Board of Supervisors

CLOSED SESSION: Public Employment: Title of Position to be Filled: County Counsel

RESULT: CLOSED SESSION HELD

Report Out

3:11 PM Chair Menetrey reconvened the Board and noted that information was received and direction was given.

E. Adjournment

3:13 PM Chair Menetrey adjourned the special meeting.

Respectfully submitted,

Deanna Stickles
Deputy Clerk of the Board II

Danielle Bondshu
Clerk of the Board

Miles Menetrey
Chair, Board of Supervisors



MARIPOSA COUNTY

Board of Supervisors



Agenda Item – No Resolution Requested

MEETING: September 23, 2024
TO: The Board of Supervisors
FROM: Steve Engfer, Planning Director
RE: Mariposa County Development Code Update (Zoning and Subdivision Ordinance),
Joint Workshop - Board of Supervisors and Planning Commission

RECOMMENDATION AND JUSTIFICATION

Mariposa County Development Code Update (Zoning and Subdivision Ordinance), Joint Workshop - Board of Supervisors and Planning Commission.

This is to conduct a Development Code Working Draft Joint Workshop with Board of Supervisors and Planning Commission: Mariposa County Zoning and Subdivision Ordinance Updates to Implement the General Plan.

The Mariposa County General Plan was adopted in December 2006. The General Plan provides the County with a long-range vision and policy direction defining what the County is and wants to become. The General Plan's implementation is described as the "foundation for the future" guiding the County's growth and development. According to the General Plan, the Board of Supervisors implements the General Plan through development and adoption of ordinances and standards. Title 17- Zoning Ordinance and Title 16 - Subdivision Ordinance make up the "Development Code" which implements the General Plan.

The Mariposa County General Plan, Strategic Implementation Plan was completed in February 2018, which included Implementation Tasks 1.5 and 1.6, Zoning and Subdivision ordinance updates as key priorities.

Mariposa County Planning Staff and consultants Mintier Harnish, began a comprehensive update to the County Development Code (Zoning and Subdivision Ordinances), to implement the General Plan and to comply with State Law. The project commenced in late March 2019. Significant background work was initially completed, including project kickoff (orientation with planning staff), area tour, and stakeholder interviews. A joint Board of Supervisors and Planning Commission public workshop was conducted in July 2019. A second public workshop for the project at the Planning Commission occurred in September 2020. Since that time, the draft of the Development Code has proceeded. (There were a few delays that impacted the project, including COVID, consultant contractor capacities and Planning Department staff capacities.) The Development Code working draft articles of the Zoning Ordinance are attached to this staff memorandum as Articles 1, 2, 3, 4, 6, 7 and 8. Article 5, the Title 16 Subdivision Ordinance update article is not attached but will be included for review at the upcoming future Planning Commission working sessions commencing on October 4, 2024.

At this joint workshop, the Board of Supervisors and Planning Commission will receive a presentation on the working draft of the Development Code, including a tentative project schedule. The workshop topics will cover a range of relevant Development Code working draft matters, including the local implementation ordinance of the state Accessory Dwelling Unit law, vacation rentals, wireless telecommunications facilities, sign permits, compliance with the County General Plan and compliance with state laws.

Attached are relevant past Development Code workshop memorandum, General Plan Implementation Tasks 1.5 and 1.6, and Stakeholder Summary report.

The primary purposes of this workshop are to obtain Board of Supervisors', Planning Commission and public input on issues in regard to the working draft of the Development Code. Discussion includes local topics of community interest and to provide an overview of the next steps planned for the Planning Commission and public engagement review opportunities of the draft Development Code. The public is welcome and encouraged to attend this workshop.

Additional Planning Commission and public engagement workshops are planned for review of the Development Code working draft after this joint workshop and before future consideration by the Board of Supervisors for initiation of the formal process of Development Code adoption. The next few months are designed to gather input on the draft with ample public engagement opportunities. No adoption of the Development Code is being considered at this workshop.

See attachments:

- A. Development Code Working Draft Articles (Title 17 - Zoning Ordinance)
- B. 2019 Joint Workshop & Stakeholder Engagement Documents
- C. General Plan Implementation Tasks 1.5 and 1.6

BACKGROUND AND HISTORY OF BOARD ACTIONS

February, 14 2018: Board approved General Plan Implementation Strategy

March 26, 2019: Board Resolution No. 2019-161, Agreement with Mintier Harnish Planning Consultants for County of Mariposa Zoning and Subdivision Ordinance Update.

June 11, 2019: Board Resolution No. 2019-325, First Amendment with Mintier Harnish Planning Consultants to include administrative enforcement procedures in Title 1 within the scope of work.

August 6, 2019: Board Resolution No. 2019-455. Second Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2019-2020 work.

August 4, 2020: Board Resolution No. 2020-477. Third Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2020-2021 work.

July 27, 2021: Board Resolution No. 2021-441. Fourth Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2021-2022 work.

August 23, 2022: Board Resolution No. 2022-492 Fifth Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2022-23 work.

April 16, 2024: Board Resolution No. 2024-161 Sixth Amendment with Mintier Harnish Planning Consultants to establish compensation for FY 2023-24 work.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION

No discussion would result in further delays in the Development Code Update project. This is a workshop, and no formal action is requested.

FINANCIAL IMPACT

No financial impact to the Count Budget. No budget action is a part of the joint workshop.

ATTACHMENTS

- 1. Attachment A. Development Code Working Draft Articles (Title 17 - Zoning Ordinance))**
- 2. Attachment B. 2019 Joint Workshop & Stakeholder Engagement Documents**
- 3. Attachment C. GP Implementation Tasks 1.5 and 1.6**
- 4. Presentation PPT**

Title 17 – Development Code

Revised Preliminary Draft

September 2024

TABLE OF CONTENTS

ARTICLE 1

Chapter 17.02 – Purpose and Applicability of Development Code ----- 1-1

<u>17.02.010 – Title -----</u>	1-1
<u>17.02.020 – Purpose, Intent, and Authority-----</u>	1-1
<u>17.02.030 – Applicability of Development Code-----</u>	1-2
<u>17.02.040 – Relationship to Prior Codes/Ordinances-----</u>	1-4
<u>17.02.050 – Relationship to General Plan -----</u>	1-4
<u>17.02.060 – Relationship to Area Plans-----</u>	1-5
<u>17.02.070 – Relationship to CEQA-----</u>	1-6
<u>17.02.080 – Effect of Development Code Amendments on Projects in Progress -----</u>	1-6
<u>17.02.090 – Violation Constitutes a Public Nuisance -----</u>	1-6
<u>17.02.100 – Severability, Partial Invalidation of Development Code -----</u>	1-7

Chapter 17.04 – Interpretation of Development Code Provisions ----- 1-8

<u>17.04.010 – Purpose-----</u>	1-8
<u>17.04.020 – Rules of Interpretation-----</u>	1-8
<u>17.04.030 – Procedures for Interpretation -----</u>	1-9
<u>17.04.040 – Uses Not Classified -----</u>	1-10
<u>17.04.050 – Headings and Illustrations-----</u>	1-10

Chapter 17.06 – Zones and Zoning Map -----1-12

<u>17.06.010 – Purpose-----</u>	1-12
<u>17.06.020 – Establishment of Zones-----</u>	1-12
<u>17.06.030 – Zoning Map -----</u>	1-15
<u>17.06.040 – Rights-of-Way and Vacated Boundary Lines -----</u>	1-16
<u>17.06.050 – Uncertainty of Boundaries-----</u>	1-16

ARTICLE 2

Chapter 17.10 – Agricultural and Resource Zones (AE, GF, MP, TE) ----- 2-1

<u>17.10.010 – Purpose of Agricultural and Resource Zones -----</u>	2-1
<u>17.10.020 – Agricultural and Resource Zones Land Use Regulations and Allowable Uses -</u>	2-2
<u>17.10.030 – Agricultural and Resource Zones Development Standards-----</u>	2-4
<u>17.10.040 – Additional Regulations-----</u>	2-6

Chapter 17.12 – Residential Zones (MG, MH, MT, RR) -----2-10

<u>17.12.010 – Purpose of Residential Zones -----</u>	2-10
<u>17.12.020 – Residential Zones Land Use Regulations and Allowable Uses -----</u>	2-10
<u>17.12.030 – Residential Zones Development Standards-----</u>	2-12
<u>17.12.040 – Additional Regulations -----</u>	2-15

Chapter 17.14 – Commercial Zones (CN, CR)-----2-16

17.14.010 – Purpose of Commercial Zones	2-16
17.14.020 – Commercial Zones Land Uses Regulations and Allowable Uses	2-16
17.14.030 – Commercial Zone Development Standards	2-19
17.14.040 – Site Design and Architectural Standards	2-21
17.14.050 – Additional Regulations	2-21
Chapter 17.16 – Area Plan Zone and Area Plans	2-24
17.16.010 – Area Plan (AP) Zone	2-24
17.16.020 – Area Plans	2-24
17.16.030 – Communities With Adopted Area Plans	2-28
17.16.040 – Land Use Regulations for Communities Without an Adopted Area Plan	2-28
Chapter 17.18 – Overlay Zones (AP, DR, HDR, MU, OW, and SH)	2-30
17.18.010 – Purpose of Overlay Zones	2-30
17.18.020 – Overlay Zones Land Use Regulations and Allowable Uses	2-31
17.18.030 – Overlay Zones Development Standards	2-33
Chapter 17.20 – Public Domain Zone (PDZ)	2-40
17.20.010 – Purpose of Public Domain Zone	2-40
17.20.020 – Public Domain Zone Land Use Regulations and Allowable Uses	2-40
 ARTICLE 3	
Chapter 17.30 – Site Planning and Development Standards	3-1
17.30.010 – Purpose and Applicability	3-1
17.30.020 – Height Measurement and Exceptions	3-1
17.30.030 – Minimum Parcel Size Standards	3-3
17.30.040 – Setback Measurement and Exceptions	3-3
17.30.050 – Allowed Projections and Encroachments	3-8
Chapter 17.32 – Accessory Structures	3-11
17.32.010 – Purpose and Intent	3-11
17.32.020 – Permit Requirements	3-11
17.32.030 – Development Standards	3-11
Chapter 17.34 – Fences and Walls	3-13
17.34.010 – Purpose and Applicability	3-13
17.34.020 – Permit Requirements	3-13
17.34.030 – Fence and Wall Standards	3-13
Chapter 17.36 – Landscaping	3-15
17.36.010 – Purpose and Intent	3-15
17.36.020 – Applicability	3-15
17.36.030 – Landscaping Standards	3-15
Chapter 17.38 – Parking Standards	3-17
17.38.010 – Purpose and Applicability	3-17
17.38.020 – Permit Requirements	3-17
17.38.030 – Exemptions	3-17
17.38.040 – On-Site Parking Space Requirements	3-18
17.38.050 – Parking Facility Design Standards	3-22
17.38.060 – Compact and Tandem Parking Spaces	3-23
17.38.070 – Joint Use of Off-Site Parking Facilities	3-23
17.38.080 – Off-Site Designated Parking: Alternate Parking Location	3-25

17.38.090 – On-Street Parking Spaces-----	3-25
Chapter 17.40 – Sign Standards -----	3-27
17.40.010 – Purpose -----	3-27
17.40.020 – Applicability -----	3-27
17.40.030 – Sign Permit Requirements -----	3-28
17.40.040 – Exemptions from Sign Review Permit Requirements-----	3-28
17.40.050 – Prohibited Signs -----	3-29
17.40.060 – General Requirements for All Signs -----	3-30
17.40.070 – Sign Standards by Zone -----	3-33
17.40.080 – Standards for Specific Sign Types -----	3-35
17.40.090 – Nonconforming Signs-----	3-38
17.40.0100 – Public Nuisance, Abatement, and Violation -----	3-39
17.40.0110 – Judicial Review-----	3-40
Chapter 17.42 – Solid Waste and Recycling Enclosures-----	3-41
17.42.010 – Purpose and Applicability-----	3-41
17.42.020 – Number and Location-----	3-41
17.42.030 – Development and Design Standards -----	3-41
Chapter 17.44 – Surface Mining and Reclamation -----	3-43
17.46.010 – Purpose and Intent-----	3-43
17.46.020 – Incorporation by Reference and Other Provisions of Law -----	3-43
17.46.030 – Definitions -----	3-44
17.46.040 – Mining Permit/Reclamation Plan Required-----	3-44
17.46.050 – Exempt Activities -----	3-45
17.46.060 – Designation of SMARA Lead Agency -----	3-45
17.46.070 – Vested Rights-----	3-46
17.46.080 – Process for Submittal of Surface Mining Permit Applications, Amendments to Surface Mining Permits, Reclamation Plans, and/or Amendments to Reclamation Plans -----	3-46
Chapter 17.46 – Performance Standards -----	3-55
17.46.010 – Purpose and Applicability-----	3-55
17.46.020 – Noise and Vibration -----	3-55
17.46.030 – Odors -----	3-56
17.46.040 – Outdoor Light and Glare -----	3-56
Chapter 17.48 – Special Use Provisions for Historic Structures -----	3-59
17.48.010 – Special Use Standards for Historic Structures -----	3-59
 ARTICLE 4	
Chapter 17.50 – Purpose and Applicability -----	4-1
17.50.010 – Purpose and Applicability-----	4-1
Chapter 17.52 – Specific Land Uses -----	4-3
17.52.010 – Accessory Uses-----	4-3
17.52.020 – Adult-Oriented Businesses/Entertainment Uses -----	4-4
17.52.030 – Agriculture -----	4-5
17.52.040 – Agritourism -----	4-6
17.52.050 – Alcoholic Beverage Sales -----	4-9
17.52.060 – Bed and Breakfast Inns and Vacation Rentals -----	4-10
17.52.070 – Campgrounds -----	4-13
17.52.080 – Emergency Shelters -----	4-14
17.52.090 – Home Enterprise-----	4-15
17.52.0100 – Rural Home Industry-----	4-16

17.52.100 –	<u>Mobile Food Vendors</u> -----	4-16
17.52.110 –	<u>Mobile and Manufactured Homes</u> -----	4-17
17.52.120 –	<u>Model Homes</u> -----	4-17
17.52.130 –	<u>Outdoor Dining</u> -----	4-18
17.52.140 –	<u>Planned or Cluster Residential Development and Preservation of Open Space</u> -----	4-19
17.52.150 –	<u>Recreational Vehicle Parks</u> -----	4-20
17.52.160 –	<u>Single Room Occupancy Unit (SRO) and Facility</u> -----	4-21
17.52.170 –	<u>Mining and Small-Scale Mining</u> -----	4-22
17.52.180 –	<u>Special Event Facility</u> -----	4-23
17.52.190 –	<u>Storage Facilities, Personal</u> -----	4-27
17.52.200 –	<u>Temporary Camping</u> -----	4-27
17.52.210 –	<u>Vehicle Fueling Stations</u> -----	4-28

Chapter 17.54 – Accessory Dwelling Units -----4-30

17.54.010 –	<u>Purpose and Applicability</u> -----	4-30
17.54.020 –	<u>General</u> -----	4-30
17.54.030 –	<u>Application, Filing, Processing, and Review</u> -----	4-31
17.54.040 –	<u>Types</u> -----	4-31
17.54.050 –	<u>Number and Type of Units Allowed Per Parcel</u> -----	4-32

Chapter 17.56 – Density Bonuses-----4-36

17.56.010 –	<u>Purpose and Intent</u> -----	4-36
17.56.020 –	<u>Requirements</u> -----	4-36
17.56.030 –	<u>Density Bonus Amount</u> -----	4-38
17.56.040 –	<u>Continued Affordability</u> -----	4-42
17.56.050 –	<u>Allowed Incentives and Concessions</u> -----	4-43
17.56.060 –	<u>Standards for Affordable Units</u> -----	4-44
17.56.070 –	<u>Donations of Land</u> -----	4-45
17.56.080 –	<u>Waivers or Reduction of Development Standards</u> -----	4-45
17.56.090 –	<u>Parking Requirements in Density Bonus Projects</u> -----	4-46
17.56.100 –	<u>Housing with Childcare Facilities</u> -----	4-47
17.56.110 –	<u>Application and Review</u> -----	4-48
17.56.120 –	<u>Density Bonus Housing Agreement</u> -----	4-49

Chapter 17.58 – Wireless Telecommunications Facilities Standards -----4-53

17.58.010 –	<u>Purpose and Intent</u> -----	4-53
17.58.020 –	<u>Applicability</u> -----	4-53
17.58.030 –	<u>Exempt Facilities</u> -----	4-53
17.58.040 –	<u>Permitting Process</u> -----	4-54
17.58.050 –	<u>Application for Administrative Use Permit</u> -----	4-55
17.58.060 –	<u>General Development and Design Standards</u> -----	4-57
17.58.070 –	<u>Service Gaps</u> -----	4-58
17.58.080 –	<u>Noise</u> -----	4-58
17.58.090 –	<u>Co-Located and Multiple User Facilities</u> -----	4-58
17.58.100 –	<u>Abandonment of Facility</u> -----	4-59
17.58.110 –	<u>Agreement and Security to Maintain and Remove</u> -----	4-59

ARTICLE 6

Chapter 17.90 – General Nonconforming Provisions 6-1

17.90.010 –	<u>Purpose and Intent</u>	6-1
17.90.020 –	<u>Establishment of Legal Nonconforming Status</u>	6-2
17.90.030 –	<u>Continuation and Maintenance</u>	6-2
17.90.040 –	<u>Continuation of Incidental Nonconformity</u>	6-3
17.90.050 –	<u>Prior Permits</u>	6-3

Chapter 17.90 – General Nonconforming Provisions	6-1
17.90.010 – Purpose and Intent	6-1
17.90.020 – Establishment of Legal Nonconforming Status	6-2
17.90.030 – Continuation and Maintenance	6-2
17.90.040 – Continuation of Incidental Nonconformity	6-3
17.90.050 – Prior Permits	6-3
Chapter 17.92 – Nonconforming Uses	6-5
17.92.010 – Continuation of Legal Nonconforming Uses	6-5
17.92.020 – Modifications or Expansion of Legal Nonconforming Uses	6-6
17.92.030 – Discontinuance of Legal Nonconforming Uses	6-6
Chapter 17.94 – Nonconforming Structures	6-8
17.94.010 – Continuation of Legal Nonconforming Structures	6-8
17.94.020 – Destruction of Legal Nonconforming Structures	6-8
17.94.030 – Residential Exceptions	6-9
17.94.040 – Discontinuance of Legal Nonconforming Structures	6-9
Chapter 17.96 – Nonconforming Parcels	6-11
17.96.010 – Continuation of Legal Nonconforming Parcels	6-11
17.96.020 – Modification of Legal Nonconforming Parcels	6-11

ARTICLE 7

Chapter 17.100 – General Provisions	7-5
17.100.010 – Purpose and Intent	7-5
17.100.020 – Discretionary Permits and Actions	7-5
17.100.030 – Additional Permits May Be Required	7-8
17.100.040 – Burden of Proof and Precedence	7-8
Chapter 17.102 – Application Processing Procedures	7-9
17.102.010 – Purpose and Intent	7-9
17.102.020 – Authority for Land Use and Zoning Decisions	7-9
17.102.030 – Application Preparation and Filing	7-11
17.102.040 – Concurrent Processing	7-13
17.102.050 – Eligible Applicants	7-13
17.102.060 – Submittal Requirements	7-13
17.102.070 – Filing Fees and Requirements	7-14
17.102.080 – Initial Application Completeness Review	7-15
17.102.090 2.– Environmental Assessment	7-18
Chapter 17.104 – Conditional and Administrative Use Permits	7-21
17.104.010 – Purpose and Intent	7-21
17.104.020 – Applicability	7-22
17.104.030 – Application Filing, Processing, and Review	7-22
17.104.040 – Review Authority	7-22
17.104.050 – Project Notice and Hearing	7-22
17.104.060 – Findings and Decision	7-23
17.104.070 – Conditions of Approval	7-24
17.104.080 – Permit to Run with the Land	7-25
17.104.090 – Post Decision Procedures	7-25
Chapter 17.106 – Planned Development Permits	7-27
17.106.010 – Purpose and Intent	7-27
17.106.020 – Applicability	7-28

<u>Chapter 17.108 – Reasonable Accommodation</u>	7-33
17.108.010 – Purpose and Intent	7-33
17.108.020 – Applicability	7-33
17.108.030 – Application Filing, Processing, and Review	7-34
17.108.040 – Review Authority	7-35
17.108.050 – Findings and Decision	7-35
17.108.060 – Conditions of Approval	7-36
17.108.070 – Rescission of Approval of Reasonable Accommodation	7-36
17.108.080 – Post Decision Procedures	7-36
<u>Chapter 17.110 – Design Review</u>	7-38
17.110.010 – Purpose and Intent	7-38
17.110.020 – Application Filing, Processing, and Review	7-38
17.110.030 – Conditions of Approval	7-44
17.110.040 – Issuance of Other Required Permits and Approvals	7-44
17.110.050 – Minor Changes by Director	7-45
17.110.060 – Post Decision Procedures	7-45
<u>Chapter 17.112 Temporary Use Permits</u>	7-46
17.112.010 – Purpose and Intent	7-46
17.112.020 – Definitions	7-46
17.112.030 – Applicability	7-46
17.112.040 – Exempt Temporary Uses	7-47
17.112.050 – Allowed Temporary Uses	7-48
17.112.060 – Application Filing and Processing	7-49
17.112.070 – Director's Review	7-50
17.112.080 – Findings and Decision	7-50
17.112.090 – Conditions of Approval	7-51
17.112.100 – Condition of Site Following Temporary Use	7-52
17.112.110 – Post Decision Procedures	7-52
<u>Chapter 17.114 – Variances and Minor Variances</u>	7-54
17.114.010 – Purpose and Intent	7-54
17.114.020 – Applicability	7-54
17.114.030 – Review Authority	7-55
17.114.040 – Application Filing, Processing, and Review	7-55
17.114.050 – Findings and Decision	7-55
17.114.060 – Precedents	7-56
17.114.070 – Conditions of Approval	7-56
17.114.080 – Post Decision Procedures	7-56
<u>Chapter 17.116 – Zoning Clearances</u>	7-58
17.116.010 – Purpose and Intent	7-58
17.116.020 – Applicability/Permit Requirement	7-58
17.116.030 – Review Procedures	7-59
17.116.040 – Post Decision Procedures	7-59
<u>Chapter 17.118 – Demolition Permit – Historic Structures</u>	7-60
17.118.010 – Applicability/Permit Requirement	7-60
17.118.020 – Application and Processing Procedures	7-60
17.118.030 Demolition Permit Findings	7-61
<u>Chapter 17.120 – Permit Implementation, Time Limits, and Extensions</u>	7-62
17.120.010 – Purpose and Intent	7-62
17.120.020 – Conformance to Approved Plans	7-62

Chapter 17.100 – General Provisions	7-5
17.100.010 – Purpose and Intent	7-5
17.100.020 – Discretionary Permits and Actions	7-5
17.100.030 – Additional Permits May Be Required	7-8
17.100.040 – Burden of Proof and Precedence	7-8
Chapter 17.102 – Application Processing Procedures	7-9
17.102.010 – Purpose and Intent	7-9
17.102.020 – Authority for Land Use and Zoning Decisions	7-9
17.102.030 – Application Preparation and Filing	7-11
17.102.040 – Concurrent Processing	7-13
17.102.050 – Eligible Applicants	7-13
17.102.060 – Submittal Requirements	7-13
17.102.070 – Filing Fees and Requirements	7-14
17.102.080 – Initial Application Completeness Review	7-15
17.102.090 2.– Environmental Assessment	7-18
Chapter 17.104 – Conditional and Administrative Use Permits	7-21
17.104.010 – Purpose and Intent	7-21
17.104.020 – Applicability	7-22
17.104.030 – Application Filing, Processing, and Review	7-22
17.104.040 – Review Authority	7-22
17.104.050 – Project Notice and Hearing	7-22
17.104.060 – Findings and Decision	7-23
17.104.070 – Conditions of Approval	7-24
17.104.080 – Permit to Run with the Land	7-25
17.104.090 – Post Decision Procedures	7-25
Chapter 17.106 – Planned Development Permits	7-27
17.106.010 – Purpose and Intent	7-27
17.106.020 – Applicability	7-28
17.106.030 – Application Filing, Processing, and Review	7-28
17.106.040 – Review Authority	7-29
17.106.050 – Project Notice and Hearing	7-29
17.106.060 – Findings and Decision	7-29
17.106.070 – Planned Development Permit Amendment	7-31
17.106.080 – Conditions of Approval	7-31
17.106.090 – Post Decision Procedure	7-31
Chapter 17.108 – Reasonable Accommodation	7-33
17.108.010 – Purpose and Intent	7-33
17.108.020 – Applicability	7-33
17.108.030 – Application Filing, Processing, and Review	7-34
17.108.040 – Review Authority	7-35
17.108.050 – Findings and Decision	7-35
17.108.060 – Conditions of Approval	7-36
17.108.070 – Rescission of Approval of Reasonable Accommodation	7-36
17.108.080 – Post Decision Procedures	7-36
Chapter 17.110 – Design Review	7-38
17.110.010 – Purpose and Intent	7-38
17.110.020 – Application Filing, Processing, and Review	7-38
17.110.030 – Conditions of Approval	7-44
17.110.040 – Issuance of Other Required Permits and Approvals	7-44
17.110.050 – Minor Changes by Director	7-45

<u>Chapter 17.140 – Area Plans (Town Planning Areas, Community Planning Areas, and Special Planning Areas)</u>	8-25
17.140.010 – Purpose and Intent	8-25
17.140.020 – Applicability	8-26
17.140.030 – Initiation of Area Plans	8-27
17.140.040 – Application Filing, Processing, and Review	8-27
17.140.050 – Preparation and Content	8-28
17.140.060 – Adoption or Amendment of an Area Plan	8-28
<u>Chapter 17.142 – Permit Modifications and Revocations</u>	8-29
17.142.010 – Purpose and Intent	8-29
17.142.020 – Modifications	8-29
17.142.030 – Revocations	8-29
17.142.040 – Findings to Modify or Revoke	8-30
17.142.050 – Notice and Hearing Required	8-30
17.142.060 – Appeals	8-30
<u>Chapter 17.144 – Enforcement</u>	8-33
17.144.010 – Purpose	8-33
17.144.020 – Zoning Enforcement Administration	8-33
17.144.030 – Extent of Zoning Enforcement	8-33
17.144.040 – Unabated Code Violations	8-33
17.144.050 Lawfulness of Permits and Licenses	8-34
17.144.060 – Declaration of Public Nuisance	8-34
17.144.070 – Violation Constitutes Infraction	8-34
17.144.080 – Role of the Director	8-34
17.144.090 – Right to Appeal	8-35
17.144.100 – Role of the Commission – Appeal Hearing	8-35
17.144.110 – Role of the Board – Appeal Hearing	8-36

Article 1 – Enactment and Applicability

Title 17 – Development Code

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.02 – Purpose and Applicability of Development Code	1-1
17.02.010 – Title	1-1
17.02.020 – Purpose, Intent, and Authority	1-1
17.02.030 – Applicability of Development Code	1-2
17.02.040 – Relationship to Prior Codes/Ordinances	1-4
17.02.050 – Relationship to General Plan	1-4
17.02.060 – Relationship to Area Plans	1-5
17.02.070 – Relationship to CEQA	1-6
17.02.080 – Effect of Development Code Amendments on Projects in Progress	1-6
17.02.090 – Violation Constitutes a Public Nuisance	1-6
17.02.100 – Severability, Partial Invalidation of Development Code	1-7
Chapter 17.04 – Interpretation of Development Code Provisions	1-8
17.04.010 – Purpose	1-8
17.04.020 – Rules of Interpretation	1-8
17.04.030 – Procedures for Interpretation	1-9
17.04.040 – Uses Not Classified	1-10
17.04.050 – Headings and Illustrations	1-10
Chapter 17.06 – Zones and Zoning Map	1-12
17.06.010 – Purpose	1-12
17.06.020 – Establishment of Zones	1-12
17.06.030 – Zoning Map	1-15
17.06.040 – Rights-of-Way and Vacated Boundary Lines	1-16
17.06.050 – Uncertainty of Boundaries	1-16

Tables

Table 1-1 Zones Implementing the General Plan 1-13

Chapter 17.02 – Purpose and Applicability of Development Code

Sections

- 17.02.010 – Title
- 17.02.020 – Purpose, Intent, and Authority
- 17.02.030 – Applicability of Development Code
- 17.02.040 – Relationship to Prior Codes/Ordinances
- 17.02.050 – Relationship to General Plan
- 17.02.060 – Relationship to Area Plans
- 17.02.070 – Relationship to CEQA
- 17.02.080 – Effect of Development Code Amendments on Projects in Progress
- 17.02.090 – Violation Constitutes a Public Nuisance
- 17.02.100 – Severability, Partial Invalidation of Development Code

17.02.010 – Title

Title 17, containing the County’s zoning and subdivision regulations, shall be known as the “Mariposa County Development Code” and referred to as this “Development Code.”

17.02.020 – Purpose, Intent, and Authority

- A. Purpose.** This Development Code is intended to carry out the policies of the Mariposa County General Plan. More specifically, the purpose of this Development Code is as follows:
1. Provide standards for the orderly development of the County and continue a stable pattern of land uses;
 2. Conserve and protect the historical integrity and character of the County's historic communities and neighborhoods;
 3. Maintain and protect the value of property;
 4. Ensure the provision of adequate and properly maintained open space for light, air, rural character, small town character, quality of life, agricultural preservation and fire safety;
 5. Promote the economic stability of existing land uses that conform to the General Plan and protect them from intrusions by inharmonious or harmful land uses;
 6. Permit the development of residential, office, commercial, mixed-use, industrial, and transportation-related land uses in compliance with the General Plan to strengthen the County's economic base; and
 7. Ensure compatibility between land uses.

- B. Intent.** The intent of this Development Code is to promote the orderly development of the County; promote and protect the public comfort, convenience, health, morals, peace, safety, and general welfare; protect the character, social diversity, and economic vitality of communities and neighborhoods; conserve natural resources; preserve agricultural lands; and ensure the beneficial development of the County.
- C. Authority.** This Development Code is enacted based on the authority vested in Mariposa County and the State of California, including but not limited to the State Constitution, Planning and Zoning Law (California Government Code Section 65000 et seq.), Subdivision Map Act (California Government Code Section 66410 et seq.), California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), the California Health and Safety Code, and the County Code.

17.02.030 – Applicability of Development Code

- A. Applicability.** The regulations established by this Development Code shall apply to all uses of land and structures, subdivisions, and development of properties located within the boundaries or the agreed upon line of assessment of Mariposa County, except for those properties that may be specifically excluded from County land use regulations by Federal statute or regulations.
- B. Compliance Required.** No structure shall be altered, enlarged, erected, or reconstructed in any manner, nor shall any structure or land be used for any purpose, other than as allowed by this Development Code, except that the County shall be exempt from the provisions of this Development Code when the Planning Director (hereinafter referred to as the “Director”) makes any one of the following findings.
1. Reasonable attempts have been made to comply with the regulations contained in this Development Code to the maximum extent possible;
 2. The strict and literal interpretation and enforcement of this Development Code would inhibit the County’s ability to maintain public health, safety, and general welfare; or
 3. The exemption would not be detrimental to the public health, safety, and general welfare or materially injurious to properties or improvements in the vicinity.
- C. Uses listed.**
1. **Uses listed as Allowed.** Uses listed as allowed within any zone may be established provided all other applicable Development Code requirements are adhered to.
 2. **Uses listed as Not Allowed.** No use listed as prohibited or not allowed be allowed under any circumstances on a subject parcel of land unless the use is legally existing prior to application of the use regulations of this Development Code, as specified in Article 6 (Nonconforming Uses, Structures, and Parcels) or unless the use was legally existing prior to adoption of prior development regulations and standards.
 3. **Uses not listed.** Uses which are not listed as allowed or conditionally allowed shall not be allowed unless the use is found to be similar to a listed use pursuant to **Section 17.04.040** of this Development Code.

D. Subdivisions.

1. A subdivision of land proposed within the County after the effective date of the ordinance adopting this Development Code shall comply with the minimum parcel size requirements specified in Article 2 (Zones, Allowable Land Uses, and Development Standards), and other applicable requirements of this Development Code, more specifically Article 5 (Subdivisions).
2. Minimum parcel size shall apply to all proposals or actions which will result in the creation of a parcel, or the modification of the dimensions or land area of a parcel except as provided below.
3. In a proposal to modify the boundaries of one (1) or more parcels where one or more of these parcels do not meet minimum parcel size or density of the applicable land use classification and/or zone, the County may approve the boundary modifications, provided the modifications will result in the improvement of the circumstances and/or design of both parcels and achieve the goals and policies of the General Plan and the purpose of the applicable land use classification and zone.

E. Continuation of an Existing Land Use. An existing land use is lawful and not in violation of this Development Code only when operated and maintained in compliance with applicable provisions of this Development Code and any condition(s) imposed on a discretionary application. However, the requirements of this Development Code are not retroactive in their effect on a land use that was lawfully established before the effective date of the ordinance adopting this Development Code or any applicable amendment, except as otherwise provided by Article 6 (Nonconforming Uses, Structures, and Parcels).

F. Minimum Requirements. The provisions of this Development Code shall be considered the minimum requirements, unless stated as the maximum requirements, for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a Review Authority, the discretion may be exercised to impose more stringent requirements than required by this Development Code, if determined necessary by the applicable Review Authority to protect property owners and the public interest, promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

G. Conflicting Requirements. Conflicts between the different requirements of this Development Code, or between this Development Code and other regulations, shall be resolved in compliance with [Section 17.04.020 \(Rules of Interpretation\)](#).

H. Other Requirements May Apply. Nothing in this Development Code eliminates the need for obtaining other permits required by the County, or a permit approval or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The County shall not issue any permit or other approval if the structure or land use would violate the provisions of this Development Code.

I. Permits Issues in Error. Any approval or permit issued in error may be summarily revoked by the County upon written notice, to the holder, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place. Permits issued in error shall be void and eligible for revocation.

17.02.040 – Relationship to Prior Codes/Ordinances

The provisions of this Development Code, as it existed before the effective date of **Ordinance No. (Insert Ordinance number to adopt this update)**, are repealed and superseded as provided in the ordinance enacting this Development Code. No provision of this Development Code shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of this Development Code as they existed before repeal by the ordinance enacting this Development Code, except as addressed by Article 6 (Nonconforming Uses, Structures, and Parcels).

17.02.050 – Relationship to General Plan

A. Development Code is the Primary Implementation Method. This Development Code is the primary method used by the County to implement the goals, policies, implementation measures, and programs of the General Plan.

1. **General Plan.** The General Plan is a comprehensive, long-range, general policy statement for the entire County. The General Plan designates appropriate locations and densities/intensities for agricultural, residential, mixed use, commercial, industrial, public, and open space uses.
2. **Development Code.** This Development Code is a specific statement of allowable uses of land and associated development standards by zone designed to control the use, type, scale, height, space, and location of structures and land. This Development Code is intended to be applied to the County based on land use classifications established in the General Plan.

B. Consistency with the General Plan. The Board of Supervisors (hereinafter referred to as the “Board”) intends that this Development Code be consistent with the General Plan, and that any development, land use, or subdivision approved in compliance with this Development Code shall also be consistent with the General Plan. A proposed use is considered to be compatible, conforming, and consistent with the General Plan when all of the following conditions exist:

1. **Compatible.** The proposed use is compatible with the description of the Land Use classification in which the use is located, as shown by the Land Use Diagram, and as described in the text of the General Plan;
2. **Conformance.** The proposed use is in conformance with the goals, objectives, policies, implementation measures, programs, maps, and the intent of the General Plan; and
3. **Consistent.** The proposed use is to be established and maintained in a manner which is consistent with all elements of the General Plan and all applicable provisions contained in the General Plan.

C. Where Inconsistencies Exist.

1. The Mariposa County codes, policies, regulations, and ordinances were adopted over a quarter century period prior to the adoption of the General Plan. The General Plan is the written policy of the Board.
2. It is known and understood that inconsistencies may exist between prior practice, existing ordinances, and the policies of the General Plan. Under California law and the County’s past practice, the updated adopted General Plan is the controlling and prevailing document.

17.02.060 – Relationship to Area Plans

- A. Development Code as an Implementation Method.** This Development Code is a method used by the County to provide guidance for the development and implementation of the goals, policies, and actions of any adopted Area Plan.
- 1. Area Plans.**
 - a.** An Area Plan is a comprehensive, long-range, general policy statement for an identified limited area of the County.
 - b.** When referred to in this Development Code, the term “Area Plan” shall also include the terms Community Plan, Special Plan, and Town Plan.
 - c.** Town planning areas represent the rural scale “urban” development centers for the County. Town planning areas are specifically designated as locations in the County where policy mandates a broad and comprehensive mixture of land uses and zoning. A mixture of housing types and styles for all economic segments of the County are disbursed throughout the Town planning areas.
 - d.** Community planning areas or special planning areas represent separate policy approaches. A planning area’s character and values are generally based in the character of the General Plan land use classifications in which it is situated. At the policy level, Area Plans are developed specifically to reflect community values.
 - e.** The Area Plan designates appropriate locations and densities/intensities for agricultural, residential, mixed use, commercial, industrial, public, and/or open space uses for that limited area.
 - 2. Development Code.** In compliance with Government Code Section 65455, all zoning, tentative maps, parcel maps, and public works projects shall be consistent with adopted Area Plans.
- B. Consistency with the Adopted Area Plans.** The Board intends that this Development Code be consistent with the adopted Area Plans, and that any development, land use, or subdivision approved in compliance with this Development Code shall also be consistent with the adopted Area Plan for that limited area, except where an adopted Area Plan contains development, land use or subdivision standards that address specific issues related to that limited area or implement the desires of the populace of that limited area. A proposed use is considered to be compatible, conforming, and consistent with the adopted Area Plan when all of the following conditions exist:
- 1. Compatible.** The proposed use is compatible with the description of the Land Use Plan classification in which the use is located, as shown by the Land Use Plan Map, and as described in the text of the Area Plan;
 - 2. Conformance.** The proposed use is in conformance with the goals, policies, implementation measures, programs, and maps, and the intent of the Area Plan; and
 - 3. Consistent.** The proposed use is to be established and maintained in a manner which is consistent with the Area Plan and all applicable provisions contained in the Area Plan.
- C. Where Inconsistencies Exist.**
- 4.** The Mariposa County codes, policies, regulations, and ordinances were adopted over a quarter century period prior to the adoption of the Area Plans. The Area Plans are the written policy of the Board.

5. It is known and understood that inconsistencies may exist between prior practice, existing ordinances, and the policies of the Area Plans. Under California law and the County's past practice, the updated adopted Area Plans are the controlling and prevailing document.

17.02.070 – Relationship to CEQA

When a project application filed in compliance with the provisions of the Development Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed for compliance with the provisions of the Development Code, the California Environmental Quality Act (CEQA - Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the County.

17.02.080 – Effect of Development Code Amendments on Projects in Progress

- A. **Applicable Provisions.** The enactment of this Development Code, or an amendment to this Development Code, may have the effect of imposing different standards on a new land use than those that applied to existing development. (For example, this Development Code or a future amendment could require more off-street parking spaces for a particular land use than the former regulations.) The following provisions determine how the requirements of this Development Code will apply to a development project that is in progress at the time this Development Code or an amendment goes into effect.
- B. **Application Complete.** A planning permit application which has been accepted by the Department as complete before the effective date of this Development Code or any amendment in compliance with **Chapter 17.102 (Application Processing Procedures)**, shall be processed in compliance with the requirements in effect when the application was accepted as complete.
- C. **Projects Under Construction.**
 1. A project for which a Building Permit has been issued under the provisions of former County ordinances which are in conflict with this Development Code, may be continued and completed in compliance with the plans and specifications upon which the Building Permit was issued.
 2. Nothing contained in this Development Code shall require any change in the plans, construction, or designated use of a structure for which a Building Permit has been issued and which is still valid and unexpired.
- D. **Subdivision Maps.** Subdivision maps shall be processed in compliance with the Subdivision Map Act (Government Code Section 66410 et seq.) and Article 5 (Subdivisions). Area Plans may provide additional standards for the processing of subdivision maps.

17.02.090 – Violation Constitutes a Public Nuisance

Any violation of any provision of this Development Code, as determined by the Board, Planning Commission (hereinafter referred to as the "Commission"), Director, Code Compliance Technician, or County Counsel, shall constitute a public nuisance, as that term is defined in **MCC Section 1.42.030 (Public Nuisance – Defined)**.

17.02.100 – Severability, Partial Invalidation of Development Code

If any portion of this Development Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Development Code. The Board hereby declares that this Development Code and each article, chapter, section, subsection, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Development Code may be declared invalid, unconstitutional, or unenforceable.

Chapter 17.04 – Interpretation of Development Code Provisions

Sections

- 17.04.010 – Purpose
- 17.04.020 – Rules of Interpretation
- 17.04.030 – Procedures for Interpretation
- 17.04.040 – Uses Not Classified
- 17.04.050 – Headings and Illustrations

17.04.010 – Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Development Code, and to ensure its consistent interpretation and application.

17.04.020 – Rules of Interpretation

- A. Authority.** The Director has the authority to interpret the provisions of this Development Code in compliance with **Section 17.04.030 (Procedures for Interpretation)**, below. Whenever the Director determines that the meaning or applicability of a Development Code provision/requirement is subject to interpretation, the Director shall issue a written interpretation and notice such interpretation in compliance with **Section 17.04.040.D (Noticing of Director's Determination)**. The Director may also refer any issue of interpretation to the Commission for a determination. A decision of the Director may be appealed to the Commission and/or Board in compliance with **Chapter 17.134 (Appeals)**.
- B. Terminology.** When used in this Development Code, the following rules shall apply to all provisions of this Development Code:
- 1. Language.**
 - a. “Shall”.** “Shall” means mandatory. The word “shall” means that the directives or requirements are mandatory and may not be waived or modified. If used within the text, “will” and “must” also mean “shall.”
 - b. “May”.** “May” means permissive. The word “may” means that the directives or requirements are permissive or selective and are imposed at the option of the decision-maker. “Can,” “should,” and “strive” also mean “may.”
 - c. “And”.** “And” means that each item identified in a list shall be required by the decision-makers.
 - d. “Or”.** “Or” means any combination of one or more of the identified items may be required by the decision-makers.
 - 2. Tense.** The present tense includes the past and future tense, and the future tense includes the present.

3. **Numbers.** Any reference to a singular number also includes the plural number, and any reference to a plural number also includes the singular number, unless the natural construction of the words indicates otherwise. For example, a reference to a tree includes a single tree or multiple trees.
 4. **Calculations.**
 - a. **Residential Density.** When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number.
 - b. **All Other Calculations.** For all calculations other than residential density, the fractional/decimal results of calculations exceeding .500 shall be rounded to the next highest whole number, unless otherwise specified. Calculations less than .500 shall be rounded to the next lowest whole number.
 - c. **All Measurements.** Any measurement requirement (e.g., a setback or height measurement) shall be as stated, with no further calculations required.
 5. **Conjunctions.** “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to”.
 6. **Local Reference.** “County” as used in this Development Code means Mariposa County and all public officials, bodies, and agencies referenced in this Code are those of the County, unless otherwise stated.
 7. **Definitions.** All terms used in this Development Code shall be as defined in Article 9 (Definitions) and/or as determined/interpreted by the Director, in compliance with this Chapter.
- C. **Number of Days.** Whenever the number of days is specified in this Development Code, or in any permit, condition of approval, or notice issued or given as provided in this Development Code, the number of days shall be interpreted as calendar days, unless specifically stated otherwise. When the last of the specified number of days falls on a weekend or County holiday, time limits shall extend to the end of the next working day.
- D. **State Law Requirements.** Where this Development Code refers to provisions of State law (for example, the California Government Code, Subdivision Map Act, and Public Resources Code), the references shall be interpreted to be to the applicable State law provisions as they may be amended from time to time.
- E. **Minimum Requirements.** When interpreting and applying the regulations of this Development Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise. Please also [see Subsection 17.02.030 F. \(Minimum Requirements\)](#), above.

17.04.030 – Procedures for Interpretation

- A. **Authority of Director to Interpret; Referral to Commission.** Whenever the Director determines that the meaning or applicability of any of the provisions/requirements of this Development Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Commission for determination.

- B. Request for Interpretation.** Any party may file a request for an interpretation or determination of this Development Code with the Director and shall include with the request the specific provisions in question and any other information deemed necessary by the Director to assist in the review.
- C. Record of Interpretations/Determinations.** All interpretations and determinations by the Director and Commission shall be made in writing, and a permanent record of the interpretations and determinations shall be kept.
- D. Appeals.** Any interpretation or determination of this Development Code by the Director or Commission may be appealed in compliance with **Chapter 17.134 (Appeals)**.

17.04.040 – Uses Not Classified

The Director shall make interpretations regarding land uses which are not listed in this Development Code.

- A. Director's Review.** Where a proposed land use is not specifically listed as permitted or conditional, the Director shall review the proposed use when requested to do so in writing and based upon the characteristics of the use, determine if the use proposed is similar to those permitted or conditionally permitted.
- B. Finding of Similarity.** Before making a similar use determination, the Director shall find that the use is similar to the listed use in areas including, but not limited to, intensity, density, traffic, noise, and other environmental factors as specified by State law.
- C. Treated in Same Matter as a Listed Use.** Upon a written determination by the Director that a proposed unlisted use is similar in its nature and intensity to a permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required and, what standards affect its establishment. Once an unlisted use is found to be equivalent to a listed use, the proposed use shall be added to the allowed use table(s) as part of a future update to the Development Code.
- D. Noticing of Director's Determination.** All Director determinations shall be noticed in a newspaper of general circulation within the County at least once before the end of the appeal period and posted in not less than three (3) public places within twenty-four (24) hours after the determination is made and shall remain posted during the length of the appeal period. The Department shall maintain a list of sites where notice in neighborhoods or communities will be posted.

17.04.050 – Headings and Illustrations

- A. Headings.** The headings of the articles, chapters, sections, subsections, subparagraphs, and clauses of this Development Code, together with the accompanying diagrams, examples, illustrations, images, and explanatory notes, are inserted as a matter of convenience and in no way define, limit, or enlarge the scope or meaning of this Development Code or its provisions.
- B. Illustrations.** In case of a conflict between the Development Code text and any diagram, example, illustration, or image contained in this Code, the text shall control.

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Chapter 17.06 – Zones and Zoning Map

Sections

- 17.06.010 – Purpose
- 17.06.020 – Establishment of Zones
- 17.06.030 – Zoning Map
- 17.06.040 – Rights-of-Way and Vacated Boundary Lines
- 17.06.050 – Uncertainty of Boundaries

17.06.010 – Purpose

The purpose of this Chapter is to establish the zones applied to property located within the County and adopts the County's Official Zoning Map.

17.06.020 – Establishment of Zones

- A. General.** The County is divided into zones to allow for the orderly, planned development of the County and to implement the General Plan. **Table 1-1 (Zones Implementing the General Plan)** below identifies all zones adopted by the County. All zones shall be listed and appropriately designated on the County's Official Zoning Map.
- B. Base Zones.** Every parcel shall have a base or principal zone that establishes the primary type and density/intensity of land use allowed, along with development regulations for that particular type and density/intensity of land use.
- C. Combining/Overlay Zones.** A combining/overlay zone supplements the underlying base zone for the purpose of establishing special land use allowances or limitations or development standards and regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the combining/overlay zone regulations, the provisions of the combining/overlay zone shall control.
- D. Content.** The Zoning Map establishes various zones which specify that:

 - 1. Within some, all, or none of which shall it be lawful to alter, construct, erect, locate, maintain, or move certain structures;
 - 2. Within some, all, or none of which shall it be lawful to carry on certain trades or occupations or conduct certain uses of land or of a structure;
 - 3. Within which the height and scale of future structures or expansions of existing structures shall be limited;
 - 4. Within which certain open space areas shall be required within/around future developments/structures; and
 - 5. Within which appropriate regulations are to be enforced in the zones or as otherwise may be specified in this Development Code.

- E. Application of Zoning Map.** The Zoning Map is intended to apply to all private, public, quasi-public, institutional, and public utility properties and all other lands and structures within the County.
- F. Application of Zones.** The classes of zones, primary areas and subareas and certain combinations of zones as designated in Article 2 (Zones, Allowable Uses, and Development Standards) and the regulations pertaining to the zones are applied to the land areas, and the designated land areas shall be subject to the provisions and regulations of this Development Code.

Table 1-1 Zones Implementing the General Plan			
Zoning Map Symbol	Zone Name	Allowable Density or Intensity (for primary residences)	Corresponding General Plan Land Use Designation(s)
Countywide Zones			
Agriculture and Resource Zones			
AE	Agriculture Exclusive	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape
GF	General Forest	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
MP	Mountain Preserve	0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
TE	Timber Exclusive	0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
Residential Zones			
MG	Mountain General	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
MH	Mountain Home	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape

**Table 1-1
Zones Implementing the General Plan**

Zoning Map Symbol	Zone Name	Allowable Density or Intensity (for primary residences)	Corresponding General Plan Land Use Designation(s)
		0.025 DU/AC See note 6	Natural Resource
MT	Mountain Transition	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
RR	Rural Residential	One dwelling unit per parcel	Residential
		0.0125 DU/AC See note 4	Agriculture/Working Landscape
		0.025 DU/AC See note 6	Natural Resource
Commercial and Office Zones			
CN	Neighborhood Commercial	See note 1	Rural Economic/Commercial
CR	Resort Commercial	See note 3	Rural Economic/Recreation
		See note 2	Rural Economic/Resort
Special Purpose Zones			
PDZ	Public Domain Zone	One dwelling unit per parcel	Interim Community Center
		One dwelling unit per parcel	Residential
		One dwelling unit per parcel for privately owned parcels, until rezoned	Agriculture/Working Landscape
		One dwelling unit per parcel for privately owned parcels, until rezoned	Natural Resource
Overlay Zones			
AP	Airport Overlay	Established by base zone	
DR	Design Review Overlay	Established by base zone	

**Table 1-1
Zones Implementing the General Plan**

Zoning Map Symbol	Zone Name	Allowable Density or Intensity (for primary residences)	Corresponding General Plan Land Use Designation(s)
HDR	Historic Design Review Overlay	Established by base zone	HDR
OW	Open Watershed Overlay	Established by base zone or 0.05 DU/AC See note 5	
SH	Scenic Highway Overlay	Established by base zone	

Notes:

1. One (1) dwelling unit supporting each retail or commercial use will be allowed. Additional dwelling units per project approval and use permits will not exceed a density equal to the number of employees on largest shift of the primary use divided by 2.45.
2. Applications to site a Resort land use will incorporate an analysis of the housing market to ensure there is adequate housing for the total number of employees.
3. Applications to site a Recreation land use will incorporate an analysis of the housing market to ensure there is adequate housing for the total number of employees.
4. Two dwelling units per one hundred and sixty (160) acres of gross land area or a legal quarter section of land; or one dwelling unit per legally existing parcel of less than one hundred and sixty (160) acres of gross land area or a legal quarter section of land. Lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contracts.
5. Established by base zone or one dwelling unit per twenty (20) acres of gross land area, whichever is more restrictive.
6. One dwelling unit per forty (40) acres of gross land area or a legal quarter quarter section of land; or one dwelling unit per legally existing parcel of less than forty (40) acres of gross land area or a legal quarter quarter section of land.

17.06.030 – Zoning Map

- A. Mariposa County Zoning Maps.** A series of maps, known as the Mariposa County Zoning Maps, shall be established to show the designations and boundaries of each zone in the County. A series of maps, known as Area Plan Zoning Maps, may be used to show the designations and boundaries of zones within certain community areas with adopted Area Plans in more detail. Together, these maps constitute the Official Zoning Maps of Mariposa County. The Official Zoning Maps may be in digital format.
- B. Official Zoning Maps.** The Official Zoning Maps and all notations, references, and other information shown thereon are included by reference as part of this Development Code as though they were all fully described and set forth herein. The Official Zoning Maps shall be maintained by the Department and shall be available for public review and purchase.
- C. Allowable Number of Zoning Designations.**
1. Parcels which are forty (40) acres or a legal quarter-quarter section in size or less shall be assigned only one zoning designation.
 2. Parcels which are greater than forty (40) acres or a legal quarter-quarter section in size may be assigned more than one zoning designation.

17.06.040 – Rights-of-Way and Vacated Boundary Lines

Where a public road is officially abandoned or vacated, the property encompassed by areas associated with the abandoned/vacated road shall be included within the zone(s) of the adjoining properties. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former road and the extension of the side yard lines of the abutting properties. In the event the road or right-of-way was a boundary between two or more different zones, the new zone or zone boundary shall be the property line that is created by the abandonment or vacation.

17.06.050 – Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the Zoning Map, the Director shall determine the precise location of the boundary in the following manner, except as provided in **Section 17.06.040 (Rights-of-Way and Vacated Boundary Lines)**, above:

- A. Road Lines.** Where a zone or area boundary approximately follows a road line, the road centerline shall be construed as the zone boundary.
- B. Parcel Lines.** Where a zone or area boundary approximately follows a parcel line, the parcel line shall be construed as the zone boundary.
- C. Zone Boundary Divides a Parcel.** In unsubdivided property and where a zone boundary divides a parcel, the location of a zone boundary may be determined and/or adjusted within a single parcel by the Director, upon written application. The Director shall consider the Public Land Survey System in making a determination.
- D. Use of Scale.** Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the subject map, the location of the boundary shall be determined by using the scale appearing on the map.
- E. If Further Uncertainty Exists.** If further uncertainty exists, the Director, upon written application or upon its own motion, shall determine the location of the boundaries.

Article 2 – Zones, Allowable Uses, and Development Standards

Title 17 – Development Code

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.10 – Agricultural and Resource Zones (AE, GF, MP, TE) -----	1
17.10.010 – Purpose of Agricultural and Resource Zones -----	1
17.10.020 – Agricultural and Resource Zones Land Use Regulations and Allowable Uses ----	2
17.10.030 – Agricultural and Resource Zones Development Standards -----	4
17.10.040 – Additional Regulations -----	6
Chapter 17.12 – Residential Zones (MG, MH, MT, RR) -----	10
17.12.010 – Purpose of Residential Zones -----	10
17.12.020 – Residential Zones Land Use Regulations and Allowable Uses -----	10
17.12.030 – Residential Zones Development Standards-----	12
17.12.040 – Additional Regulations -----	15
Chapter 17.14 – Commercial Zones (CN, CR) -----	16
17.14.010 – Purpose of Commercial Zones-----	16
17.14.020 – Commercial Zones Land Uses Regulations and Allowable Uses-----	16
17.14.030 – Commercial Zone Development Standards -----	19
17.14.040 – Site Design and Architectural Standards-----	21
17.14.050 – Additional Regulations -----	21
Chapter 17.16 – Area Plan Zone and Area Plans-----	24
17.16.010 – Area Plan (AP) Zone -----	24
17.16.020 – Area Plans.-----	24
17.16.030 – Communities With Adopted Area Plans. -----	28
17.16.040 – Land Use Regulations for Communities Without an Adopted Area Plan.-----	28
Chapter 17.18 – Overlay Zones (AP, DR, HDR, MU, OW, and SH) -----	30
17.18.010 – Purpose of Overlay Zones -----	30
17.18.020 – Overlay Zones Land Use Regulations and Allowable Uses -----	31
17.18.030 – Overlay Zones Development Standards-----	33
Chapter 17.20 – Public Domain Zone (PDZ) -----	40
17.20.010 – Purpose of Public Domain Zone-----	40
17.20.020 – Public Domain Zone Land Use Regulations and Allowable Uses -----	40

FIGURES

No table of figures entries found.

TABLES

Table 2-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements	2
Table 2-2 Agricultural and Resource Zones Development Standards	5
Table 2-3 Residential Zones Allowed Uses and Permit Requirements	11
Table 2-4 Residential Zones Development Standards	13
Table 2-5 Commercial Zones Allowed Uses and Permit Requirements.....	17
Table 2-6 Commercial Zones Development Standards	20
Table 2-7 SHO Open Space Requirements.....	35

Chapter 17.10 – Agricultural and Resource Zones (AE, GF, MP, TE)

Sections

- 17.10.010 – Purpose of Agricultural and Resource Zones
- 17.10.020 – Agricultural and Resource Zones Land Use Regulations and Allowable Uses
- 17.10.030 – Agricultural and Resource Zones Development Standards
- 17.10.040 – Additional Regulations

17.10.010 – Purpose of Agricultural and Resource Zones

- A. Purpose.** The purpose of this Chapter is to describe the character and intent of each of the County's agricultural and resource zones, describe allowed land uses and permit requirements in agricultural and resource zones, identify any supplemental land use regulations applicable to agricultural and resource zones, and establish development standards for the same.
- B. Zone Purpose Statement.** The purpose of the agricultural and resource zones and the manner in which they are applied are as follows:
1. **Agriculture Exclusive Zone (AE).** The purpose of the Agriculture Exclusive Zone (AE) is to preserve the agricultural industry of Mariposa County as a viable economic activity. This zone is applied to land considered to be most desirable for agricultural use. This zone implements the Residential, Agriculture/Working Landscape, and Natural Resource land use classifications in the General Plan.
 2. **General Forest Zone (GF).** The purpose of the General Forest Zone (GF) is to preserve lands that are best suited for low density residential, timber management, agriculture and mining. This zone is applied to lands under private ownership located primarily within the boundaries of national forest lands. This zone implements the Residential, Agriculture/Working Landscape, and Natural Resource land use classifications in the General Plan.
 3. **Mountain Preserve Zone (MP).** The purpose of the Mountain Preserve Zone (MP) is to provide for areas that are suitable for extremely low-density residential development due to terrain and lack of accessibility. This zone is applied to lands under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and may include timber cover. This zone implements the Agriculture/Working Landscape land use classification in the General Plan.
 4. **Timber Exclusive Zone (TE).** The purpose of the Timber Exclusive Zone (TE) is to provide for areas that are suitable for the growing and harvesting of timber and for uses which are an integral part of a timber management operation. Land designated as Timber Exclusive (TE) shall be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses as defined by California Government Code Section 51104(h). This zone implements the Agriculture/Working Landscape land use classification in the General Plan.

17.10.020 – Agricultural and Resource Zones Land Use Regulations and Allowable Uses

- A. Table 2-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements.** Table 2-1, below, indicates the uses allowed within each agricultural and resource zone and any permits required to establish the use, in compliance with Article 7 (Permit Processing Procedures) and Article 8 (Development Code Administration).
- B. Other Additional Regulations.** Where the last column in the Table 2-1 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Development Code or adopted Area Plans may also apply.
- C. Definitions.** See Article 9 (Definitions) for land use definitions and explanations.
- D. Zoning Clearance Required.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with Chapter 17.118 (Zoning Clearances).
- E. Uses Not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 17.04.040 (Uses Not Classified), otherwise any use not listed is prohibited.
- F. Lands Under Contract.** Lands under a Williamson Act contract or Timber Preserve contract are also subject to the terms and conditions of the contracts.

Table 2-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements	Agricultural and Resource Zones Permit Requirements				
	P	Allowed by Right			
	AUP	Administrative Use Permit (Chapter 17.104)			
	CUP	Conditional Use Permit (Chapter 17.104)			
	TUP	Temporary Use Permit (Chapter 17.114)			
	—	Not allowed			
Land Use	AE	GF	MP	TE	Other Additional Regulations
Agricultural and Resource Uses					
Agricultural Intensive Commercial	CUP	—	—	—	17.10.040(B)(1) 17.10.040(B)(6)
Agritourism, Large	AUP	AUP	AUP	—	17.62.030
Agritourism, Limited	P	P	P	—	17.62.030
Agritourism, Unlimited	CUP	CUP	CUP	—	17.62.030
Animal Husbandry	P	P	P	P	17.10.040(B)(2) 17.10.040(B)(6)
Crop/Orchard/Vineyard Production	P	P	P	—	17.10.040(B)(6)
Firewood Harvesting and Sales	P	P	P	P	17.10.040(B)(6)
Mineral or Construction Material Processing	CUP	CUP	CUP	CUP	17.44
Mines, Quarries, and Gravel Pits	CUP	CUP	CUP	CUP	17.10.040(B)(5) 17.10.040(B)(6) 17.44 17.62.140
Small Scale Mining	AUP	AUP	AUP	AUP	17.10.040(B)(5) 17.44 17.62.290
Sustained Yield Timber Management	—	P	—	P	17.10.040(B)(6)

Table 2-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements	Agricultural and Resource Zones				
	Permit Requirements				
	P	Allowed by Right			
	AUP	Administrative Use Permit (Chapter 17.104)			
	CUP	Conditional Use Permit (Chapter 17.104)			
	TUP	Temporary Use Permit (Chapter 17.114)			
	—	Not allowed			
Land Use	AE	GF	MP	TE	Other Additional Regulations
Timber Growing and Harvesting Facilities	—	—	—	P	17.10.040(B)(6)
Timber Processing Facilities	—	—	—	CUP	17.10.040(B)(6)
Wildlife Management Areas	P	P	P	P	17.10.040(B)(6)
Residential Uses					
Accessory Dwelling Units (ADUs)/Secondary Dwellings	P	P	P	P	17.10.040(B)(6) 17.62.020 17.62.280
Accessory Dwelling Units, Junior (JADUs)	P	P	P	P	
Accessory Structures	P	P	P	P	17.10.040(B)(6) 17.32
Bed and Breakfast Inns	P	P	P	—	17.62.060
Community Care Facility, Small (6 or less persons)	P	P	P	—	17.62.080
Employee Housing, Agricultural (up to 12 units or 36 employees)	P	—	—	—	
Employee Housing, Large (7 to 15 persons)	AUP	AUP	AUP	—	
Employee Housing, Small (6 or less persons)	P	P	P	—	
Day Care Homes	P	P	P	—	
Home Enterprises	AUP	AUP	AUP	—	17.52.080 17.106
Home Occupations	P	P	P	P	17.10.040(B)(6)
Rural Home Industry	AUP	AUP	AUP	—	17.62.270
Single-Family Dwellings	P	P	P	P	17.10.040(B)(6) 17.10.040(B)(9)
Transitional and Supportive Housing	P	P	P	—	17.62.340
Vacation Rentals	P (if permanent resident on- site); otherwise CUP	P	P	—	17.10.040(B)(7) 17.62.360
Recreation, Education, and Public Assembly Uses					
Guest Ranches	CUP	CUP	—	CUP	
Hunting Clubs	CUP	CUP	—	CUP	
Places of Assembly	CUP	CUP	—	—	
Special Event Facilities, Small	AUP	AUP	AUP	—	17.10.040(B)(10) 17.62.260
Special Event Facilities, Medium	AUP	AUP	AUP	—	17.10.040(B)(10) 17.62.260

Table 2-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements	Agricultural and Resource Zones Permit Requirements				
	P	Allowed by Right			
	AUP	Administrative Use Permit (Chapter 17.104)			
	CUP	Conditional Use Permit (Chapter 17.104)			
	TUP	Temporary Use Permit (Chapter 17.114)			
	—	Not allowed			
Land Use	AE	GF	MP	TE	Other Additional Regulations
Special Event Facilities, Large	CUP	CUP	CUP	—	17.10.040(B)(10) 17.62.260
Schools, Private	CUP	CUP	CUP	—	
Schools, Private *Located within Residential Dwellings (12 or fewer students)	P	P	P	—	
Schools, Public	P	P	P	—	
Temporary Camping	P	P	P	P	17.62.310
Utility, Transportation, and Communication Uses					
Airstrips and Helicopter Pads, Private	P	—	—	—	17.10.040(B)(2)
Public or Quasi-Public uses	P	P	P	P	
Utility Facilities and Infrastructure	P	P	P	P	
Utilities Substations	AUP	AUP	AUP	AUP	
Wireless Telecommunications, Towers	P	P	P	P	17.10.040(B)(8) 17.58
Wireless Telecommunications, Co- Location	P	P	P	P	17.10.040(B)(8) 17.58
Retail, Service, and Office Uses					
Nursery/Greenhouse	P	AUP	—	—	
Produce Stands/Markets	P	—	—	—	Products sold to be grown on-site
Industrial, Manufacturing, and Processing Uses					
Wineries	P	—	—	—	

17.10.030 – Agricultural and Resource Zones Development Standards

- A. Table 2-2 Agricultural and Resource Zones Development Standards.** The intent of the agricultural and resource zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all development in each of the agricultural and resource zones. The table also indicates where additional site and structure requirements including, but not limited to, off-street parking, landscaping, signing, fences and obstructions, and performance standards, apply to agricultural and resource zones.
- B. Density.** Maximum density standards shall be consistent with the General Plan or applicable Specific Plan or Area Plan.
- C. Zoning Map.** The boundaries, designations, and locations of the zones established by this Development Code shall be shown upon the map(s) entitled "Zoning Map for the County of Mariposa " and referred to in this Development Code as the Zoning Map.
- D. Setbacks.** Structures less than one hundred and twenty (120) square feet are exempt from the established setback standards.

E. Parcel Area. Acreage listed in **Table 2-2** shall mean the following:

1. **160 Acres.** Shall mean and include a legal quarter section of land.
2. **40 Acres.** Shall mean and include a legal quarter-quarter section of land.
3. **20 Acres.** Shall mean and include one-half of a legal quarter-quarter section of land.

Table 2-2
Agricultural and Resource Zones Development Standards

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	AE	GF	MP	TE	Other Additional Regulations
General Standards						
Residential	Parcel Area	160 acres	40 acres	160 acres	40 acres	
	Allowable Density	See Table 1-1				17.10.040(A)(2)(b)
	Structure Coverage (Max.)	10 percent per 5 acres	10 percent per 5 acres	10 percent per 5 acres	10 percent per 5 acres	17.10.040(A)
Agriculture and Working Landscape	Parcel Area	160 acres	40 acres	160 acres	40 acres	
	Allowable Density	See Table 1-1				
	Structure Coverage (Max.)	10 percent	10 percent	10 percent	10 percent	17.10.040(A)(3)(b)
Natural Resources	Parcel Area	160 acres	40 acres	160 acres	40 acres	
	Allowable Density	See Table 1-1				
	Structure Coverage (Max.)	10 percent	10 percent	10 percent	10 percent	17.10.040(A)(3)(a) 17.10.040(A)(4)
Setbacks and Height						
Front Setback (Min.)		25 ft. and 55 ft. from centerline of dedicated access easement				
Side Setback (Min.)		25 ft. or 10 percent of parcel width, whichever is less.				
Rear Setback (Min.)		25 ft. or 10 percent of parcel depth, whichever is less.				
Height (Max.)		35 ft.				Chapter 17.30
Applicable Regulations						
Accessory Structures			Chapter 17.32			
Fences and Walls			Chapter 17.34			
Landscaping Standards			Chapter 17.36			
Off-Street Parking and Loading Standards			Chapter 17.38			
Sign Standards			Chapter 17.40			
Solid Waste and Recycling Enclosures			Chapter 17.42			
Surface Mining and Reclamation			Chapter 17.44			
Performance Standards			Chapter 17.46			

17.10.040 – Additional Regulations

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Regulations for Specific Land Uses), the following other regulations shall be applicable in the specified agricultural and resource zones:

A. Additional Development Standards Regulations.

1. **All Zones.** Lands under Williamson Act Contracts are also subject to the terms and conditions of the contracts.
2. **Agricultural Exclusive Zone.**
 - a. **Agricultural Advisory Committee.** The Director shall refer any application for rezoning property to or remove property from the AE zone to the Agricultural Advisory Committee. The Agricultural Advisory Committee shall review each application and may, if necessary, inspect the property in question to determine if the property is bona fide agricultural land appropriate for the AE zone and if such action is consistent with the General Plan. The Agricultural Advisory Committee shall forward their recommendation for action on the rezoning application to the Commission.
 - b. **Structure Coverage.** Ten (10) percent lot coverage or maximum of seven hundred thousand (700,000) square feet with the approval of a discretionary permit. Parcels that are less than one hundred and sixty (160) acres in size, for which an agriculture use is proposed, may be allowed up to thirty (30) percent lot coverage with approval of a discretionary permit.
3. **General Forest Zone.**
 - a. **Natural Resource Land Use Classification Parcels.** The maximum structure coverage for parcels in the GF zone designated as Natural Resource Land Use in the General Plan is either ten (10) percent for residential or recreation development, or per an approved discretionary permit. A Conditional Use Permit is required for resource-related, non-residential structure coverage to exceed twenty-five (25) percent.
 - b. **Agricultural and Working Landscape Land Use Classification Parcels.** The maximum structure coverage for parcels in the GF zone designated as Agriculture and Working Landscape Land Use in the General Plan is either ten (10) percent or per an approved discretionary permit to a maximum structure of seven hundred thousand (700,000) square feet per parcel.
4. **Mountain Preserve Zone.** The maximum structure coverage for parcels in the MP zone designated as Natural Resource Land Use in the General Plan is either ten (10) percent for residential or recreation development or per an approved discretionary permit to a maximum structure size of seven hundred thousand (700,000) square feet per parcel. A Conditional Use Permit is required for resource-related, non-residential structure coverage to exceed twenty-five (25) percent.
5. **Timber Exclusive Zone.** In addition to Sections 51100 – 51104 Timberland of the California Government Code, the following parcel development standards shall apply to all land and structures in the TE zone:
 - a. Each parcel prior to acceptance into the TE zone, shall have a minimum of ten thousand (10,000) board feet per acre, or meet the minimum timber stocking standards of the State within five (5) years.

- b. The subject parcel shall currently meet the timber stocking standards as specified in Section 4561 of the Public Resources Code and the forest practice rules adopted by the California State Board of Forestry for the zone in which the subject parcel is located or, the parcel owner shall execute an agreement with the Board to meet such stocking standards and forest practice rules within five (5) years. If the subject parcel fails to meet such stocking standards and forest practice rules within this time period, the Board shall have a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code.
- c. Listed conditional uses shall only be allowed if the use is secondary or incidental to timber growing and harvesting on the parcel as determined by the Director in compliance with **Chapter 17.04 (Interpretation of Development Code Provisions)**.
- d. Property owners shall provide the Department with a biennial report confirming that the subject property meets the minimum thresholds for timber stocking per the State. The Department will actively monitor and review these parcels and biennial report to determine the subject property is in compliance.
- e. The Department and Assessor's Office shall actively monitor this program by periodically reviewing biennial reports on the property to determine whether property owners are complying with the program and their approved timber management plan by using their property for commercial operations involving the growing and harvesting of timber and forest products and to assure the intent of the program to encourage commercial timber production is being carried out. When it appears to the Department or the Assessor's Office that a landowner is not complying with State law, these rules, their approved timber management plan or other County policies for the TE zone, the County will formally notify the property owner about the potential violation(s). The County will provide one (1) year for the property owner to develop a plan to bring their property into compliance, before beginning the enforcement proceedings described below.
- f. The timber management plan shall be prepared by a registered professional forester and shall establish a program to ensure the property will comply with minimum stocking standards within five (5) years. It will be the property owner's responsibility to implement the program as recommended, and to provide objective evidence to the Department and Assessor's Office of such implementation. Evidence shall be submitted on an annual basis until compliance has been reached.

If the property cannot be brought into compliance with the required stocking standards, or the property owner is not willing to pursue and implement a program to bring the property into compliance, the County shall commence the process to rezone the property to remove it from the TE zone.

B. Additional Allowable Use Regulations.

1. **Agricultural Intensive Commercial.** Slaughterhouses shall have a minimum setback of one thousand five hundred (1,500) feet from State highways and adjacent property lines. Greater setbacks may be **appropriate** as determined through the discretionary permit process.
2. **Airstrips and Helicopter Pads.** Private airstrips and helicopter pads are allowed on privately owned AE zoned property for personal use by the property owner.
3. **Mines, Quarries, Gravel Pits, and Small-Scale Surface Mining.** Mining, quarries, gravel pits, rock and mineral processing, and small-scale mining activities may be allowed when in compliance with the Surface Mining and Reclamation Act (SMARA) and **Chapter 17.44** of this Development Code.

5. **Timber Management Plan Requirement in the Timber Exclusive Zone.** Any proposed use within the TE zone may be required to provide a Timber Management Plan or an updated Timber Management Plan that shall be subject to the review and approval by the Department or the Commission. If required, this Plan shall be prepared by a registered professional forester and shall establish that the property is currently in compliance with productivity requirements and that the proposed use does not impact the timber productivity of the subject parcel.
6. **Residences and Accessory Structures in the Timber Exclusive Zone.** Residences, including Accessory Dwelling Units, and accessory structures and uses shall be permitted in the TE zone if the residence or accessory structure is necessary for the management of land zoned as timberland production.
7. **Vacation Rentals in the Agriculture Exclusive Zone.** Vacation rentals shall be permitted in the AE zone subject to there being a permanent resident on-site manager living on the property. Otherwise, vacation rentals shall be subject to a Conditional Use Permit.
8. **Wireless Telecommunications.** Wireless telecommunication facilities shall not be allowed within five hundred (500) feet of the following:
 - a. A parcel zoned Design Review Overlay (DR);
 - b. A parcel zoned Scenic Highway Overlay (SH); or
 - c. An existing residence on an offsite or adjacent parcel.
9. **Duplexes.** In the agricultural and resources zones, duplexes are permitted where single-family residential is allowed only when the units of the duplex serve as the primary dwelling unit and allowed secondary dwelling unit/accessory dwelling unit. Stand-alone duplexes using both dwellings as the primary dwelling are prohibited.
10. **Special Event Facilities.** Special event facilities shall not be allowed on parcels governed by an LCA or Williamson Act Contract, or on parcels in the TE zone.

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Chapter 17.12 – Residential Zones (MG, MH, MT, RR)

Sections

- 17.12.010 – Purpose of Residential Zones
- 17.12.020 – Residential Zones Land Use Regulations and Allowable Uses
- 17.12.030 – Residential Zones Development Standards
- 17.12.040 – Additional Regulations

17.12.010 – Purpose of Residential Zones

- A. Purpose.** The purpose of this Chapter is to describe the character and intent of each of the County's residential zones, describe allowed land uses and permit requirements in residential zones, identify any supplemental land use regulations applicable to residential zones, and establish development standards for the same.
- B. Zone Purpose Statements.** The purpose of the individual residential zones and the manner in which they are applied are as follows:
1. **Mountain General Zone (MG).** The purpose of the Mountain General Zone (MG) is to designate lands characterized by terrain that is unsuitable for moderate or high residential densities, intense uses, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this zone. This zone implements the Residential and Natural Resource land use classifications in the General Plan.
 2. **Mountain Home Zone (MH).** The purpose of the Mountain Home Zone (MH) is to preserve land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and services areas. This zone accommodates the major portion of the rural homesite growth of the County. This zone implements the Residential land use classification in the General Plan.
 3. **Mountain Transition Zone (MT).** The purpose of the Mountain Transition Zone (MT) is to designate lands with limited development potential. This zone implements the Residential land use classification in the General Plan.
 4. **Rural Residential Zone (RR).** The purpose of the Rural Residential Zone (RR), is to preserve lands best suited for rural residential development uses of a moderately high density, located within, adjacent to, or near Town Planning Areas, Community Planning Areas, or Special Planning Areas, or in isolated rural areas with community sewer and/or water systems. This zone implements the Residential land use classification in the General Plan.

17.12.020 – Residential Zones Land Use Regulations and Allowable Uses

- A. Table 2-3 Residential Zones Allowed Uses and Permit Requirements.** Table 2-3, below, indicates the uses allowed within each residential zone and any permits required to establish the use, in compliance with Article 7 (Permit Processing Procedures) and Article 8 (Development Code Administration).
- B. Other Additional Regulations.** Where the last column in Table 2-3 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Development Code or an adopted Area Plan may also apply.

- C. Definitions.** See Article 9 (Definitions) for land use definitions and explanations.
- D. Zoning Clearance Required.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with [Chapter 17.118 \(Zoning Clearance\)](#).
- E. Uses Not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with [Section 17.04.040 \(Uses Not Classified\)](#), otherwise any use not listed is prohibited.

Table 2-3 Residential Zones Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P	Allowed by Right			
AUP	Administrative Use Permit	(Chapter 17.104)			
CUP	Conditional Use Permit	(Chapter 17.104)			
TUP	Temporary Use Permit	(Chapter 17.114)			
—	Not allowed				
Land Use	MG	MH	MT	RR	Other Additional Regulations
Agricultural and Resource Uses					
Animal Husbandry	P	P	P	P	18.04 Right to Agriculture
Crop/Orchard/Vineyard Production	P	P	P	P	18.04 Right to Agriculture
Firewood Harvesting and Sales	P	P	P	P	
Mineral or Construction Material Processing	CUP	CUP	CUP	—	17.62.150 17.44
Mines, Quarries, and Gravel Pits	CUP	CUP	CUP	—	17.12.040(B)(1) 17.44
Small Scale Mining	AUP	AUP	AUP	—	17.62.290 17.44
Residential Uses					
Accessory Dwelling Units (ADUs)/Secondary Dwellings	P	P	P	P	17.62.020 17.62.280
Accessory Dwelling Units, Junior (JADUs)	P	P	P	P	
Accessory Structures	P	P	P	P	17.32
Bed and Breakfast Inns	P	P	P	P	17.52.050
Community Care Facility, Large (7 to 20 persons)	—	AUP	—	AUP	
Community Care Facility, Small (6 or less persons)	P	P	P	P	
Employee Housing, Large (7 to 15 persons)	AUP	AUP	AUP	AUP	
Employee Housing, Small (6 or less persons)	P	P	P	P	
Day Care Homes	P	P	P	P	
Home Enterprises	AUP	AUP	AUP	AUP	17.52.080
Home Occupations	P	P	P	P	
Mobile Home Parks	—	CUP	—	CUP	
Model Homes	P	P	P	P	17.62.180
Rural Home Industry	AUP	AUP	AUP	—	
Single-Family Dwellings	P	P	P	P	
Single Room Occupancy	—	CUP	—	CUP	17.52.160

Table 2-3 Residential Zones Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P	Allowed by Right			
AUP	Administrative Use Permit	(Chapter 17.104)			
CUP	Conditional Use Permit	(Chapter 17.104)			
TUP	Temporary Use Permit	(Chapter 17.114)			
—	Not allowed				
Land Use	MG	MH	MT	RR	Other Additional Regulations
Transitional and Supportive Housing	P	P	P	P	
Vacation Rentals	P	P	P	P	17.62.370
Workforce Housing	—	CUP	—	CUP	
Recreation, Education, and Public Assembly Uses					
Guest Ranches	CUP	—	—	—	
Hunting Clubs	CUP	—	—	—	
Places of Assembly	CUP	CUP	CUP	CUP	
Recreational Vehicle Parks, Extended Stay (longer than 30-day)	—	CUP	—	CUP	
Special Event Facilities, Small	AUP	AUP	AUP	—	17.62.260
Special Event Facilities, Medium	AUP	AUP	AUP	—	17.62.260
Special Event Facilities, Large	CUP	CUP	CUP	—	17.62.260
Schools, Private	CUP	CUP	CUP	CUP	
Schools, Private *Located within Residential Dwellings (12 or fewer)	P	P	P	P	
Schools, Public	P	P	P	P	
Temporary Camping	P	P	P	P	17.62.320
Temporary Events	TUP	TUP	TUP	TUP	17.62.330 17.114
Utility, Transportation, and Communication Uses					
Public or Quasi-Public uses	P	P	P	P	
Utility Facilities and Infrastructure	P	P	P	P	
Utilities Substations	CUP	CUP	CUP	CUP	
Wireless Telecommunications, Towers	AUP	AUP	AUP	AUP	17.12.040(B)(3) 17.66
Wireless Telecommunications, Co- Location	P	P	P	P	17.12.040(B)(3) 17.66
Retail, Service, and Office Uses					
Agritourism, Large	AUP	—	—	—	17.52.030
Agritourism, Limited	P	—	—	—	17.52.030
Agritourism, Unlimited	CUP	—	—	—	17.52.030

17.12.030 – Residential Zones Development Standards

- A. **Table 2-4 Residential Zones Development Standards.** The intent of the residential zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the residential zones.

- B. Density.** Maximum Density standards shall be consistent with the General Plan, applicable Specific Plan, or adopted Area Plan.
- C. Zoning Map.** The boundaries, designations, and locations of the zones established by this Development Code shall be shown upon the map(s) entitled “Zoning Map for County of Mariposa” and referred to in this Development Code as the Zoning Map.
- D. Parcel Area.** Acreage listed in **Table 2-4** shall mean the following:
1. **40 Acres.** Shall mean and include a legal quarter-quarter section of land.
 2. **20 Acres.** Shall mean and include one-half of a legal quarter-quarter section of land.

Table 2-4
Residential Zones Development Standards

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	MG	MH	MT	RR	Other Additional Regulations
General Standards						
Residential	Parcel Area for New Subdivisions (gross)	40 acres	2.5 acres for minimum density subdivisions ; otherwise 1 per 5 acres	20 acres	2.5 acres if served by community sewer system 5 acres if not served by community sewer system	17.12.040(A)(2)
	Allowable Density (gross)	2:40 acres (parcels 40 acres or more) 1 per parcel (parcels less than 40 acres)	1:5 acres for new subdivisions -only 1 per parcel	1:20 acres (parcels 20 acres or more) 1 per parcel (parcels less than 20 acres)	1 per parcel	
	Structure Coverage (max.)	10 percent	10 percent	10 percent	10 percent	17.12.040(A)(1)(b)
Agriculture and Working Landscape	Parcel Area for New Subdivisions (gross)	40 acres	5 acres	20 acres	2.5 acres if served by community sewer system 5 acres if not served by community sewer system	
	Allowable Density	2:40 acres (parcels 40 acres or more) 1 per parcels (parcels	1:5 acres for new subdivisions -only 1 per parcel	1:20 acres (parcels 20 acres or larger) 1 per parcel (parcels	1 per parcel	

**Table 2-4
Residential Zones Development Standards**

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	MG	MH	MT	RR	Other Additional Regulations
		less than 40 acres)		less than 20 acres)		
	Structure Coverage (max.)	10 percent	10 percent	10 percent	10 percent	17.12.040(A)(1)(b)
Natural Resources	Parcel Area for New Subdivisions (gross)	40 acres	5 acres	20 acres	2.5 acres if served by community sewer system	
					5 acres if not served by community sewer system	
	Allowable Density (gross)	2:40 acres (parcels less than 40 acres)	1:5 acres for new subdivisions -only 1 per parcel	1:20 acres (parcels 20 acres or larger)	1 per parcel	
		1 per parcel (parcels less than 40 acres)		1 per parcel (parcels less than 20 acres)		
	Structure Coverage (max.)	10 percent	10 percent	10 percent	10 percent	17.12.040(A)(1)(b)
Setbacks and Height						
Front Setback (Min.)		25 ft. and 55 ft. from centerline of dedicated access easement				
Side Setback (Min.)		25 ft. or 10 percent of parcel width, whichever is less.				17.30.040
Rear Setback (Min.)		25 ft. or 10 percent of parcel depth, whichever is less.				17.30.040
Height (Max.)		35 ft.				17.30.020
Additional Regulations						
Fences and Walls		17.34				
Landscaping Standards		17.36				
Performance Standards		17.46				
Off-Street Parking Standards		17.38				
Sign Standards		17.40				
Solid Waste Enclosure		17.42				

17.12.040 – Additional Regulations

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Regulations for Specific Land Uses), the following other regulations shall be applicable in the specified residential zones:

A. Additional Development Standards Regulations.

1. Mountain General Zone.

- a. Agriculture and Working Landscape Designation Structure Coverage.** The allowable structure coverage can be increased to seven hundred thousand (700,000) square feet per parcel if approved by a Conditional use Permit.
- b. Natural Resources General Plan Land Use Classification.**
 - (1) Residential or Recreation Development Structure Coverage.** The maximum allowable structure coverage of ten (10) percent shall apply only to residential or recreation uses.
 - (2) Non-Residential Resource-Related Development Lot Coverage.** A Conditional Use Permit shall be required when the structure coverage exceeds twenty-five (25) percent for a non-residential, resource-related use.

- 2. Mountain Home Zone.** Average density shall not exceed one (1) dwelling per five (5) acres of land.

B. Additional Allowable Use Regulations.

- 1. Mines, Quarries, and Gravel Pits.** Mining, rock, and mineral processing uses shall be in compliance with the Surface Mining and Reclamation Act and **Chapter 17.44** of this Development Code.
- 2. Recreation and Entertainment.** In addition to the allowed listed uses in Table 2-3, permitted recreation and entertainment uses shall be limited to the following:
 - a.** Places of assembly; and
 - b.** Public stables and arenas on parcels of fifteen (15) acres in size or greater, where arenas may be used for organized competitive events.
- 3. Wireless Telecommunications.** Wireless telecommunication facilities shall not be permitted within five hundred (500) feet of the following:
 - a.** A parcel zoned Design Review Overlay (DR);
 - b.** A parcel zoned Scenic Highway Overlay (SH); and
 - c.** An existing residence, on an offsite or adjacent parcel.

Chapter 17.14 – Commercial Zones (CN, CR)

Sections

- 17.14.010 – Purpose of Commercial Zones
- 17.14.020 – Commercial Zones Land Uses Regulations and Allowable Uses
- 17.14.030 – Commercial Zone Development Standards
- 17.14.040 – Site Design and Architectural Standards
- 17.14.050 – Additional Regulations

17.14.010 – Purpose of Commercial Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's rural commercial zones, describe allowed land uses and permit requirements in commercial zones, identify any supplemental land use regulations applicable to commercial zones, and establish development standards for the same.
- B. **Zone Purpose Statements.** The individual commercial uses and the manner in which they are applied are as follows:
 - 1. **Neighborhood Commercial (CN).** The purpose of the Neighborhood Commercial Zone (CN) is to provide areas for rural retail services primarily related to the needs of a small residential community while not being in conflict with adjoining land uses. Such uses may support arts and culture activities and regional tourism incidental to the primary use. Accessory uses that may be developed after the primary use is established and that do not conflict with adjoining land uses or County character are those that provide enhancements to the primary use. Residential uses are accessory to the primary use. This zone implements the Rural Economic/Commercial land use classification in the General Plan.
 - 2. **Resort Commercial (CR).** The purpose of the Resort Commercial Zone (CR) is to provide areas for rural highway-related and tourist services, including self-contained mixed-use destinations that support regional tourism and that can be developed compatibly with adjoining land uses. Mixed use destinations are those where the primary attraction is the lodging property and its onsite developed recreation activities, conference facilities, full-service restaurants, catering, accessory gift shops, spa treatment, recreation equipment sales, rental, and service. Standards require that traffic will not unnecessarily be impeded by such locations and a broad range of services will be available. This zone implements the Rural Economic/Recreation and Rural Economic Resort land use classifications in the General Plan.

17.14.020 – Commercial Zones Land Uses Regulations and Allowable Uses

- A. **Table 2-5 Commercial Zones Allowed Uses and Permit Requirements.** Table 2-5, below, indicates the uses allowed within each commercial zone and any permits required to establish the use, in compliance with Article 7 (Permit Processing Procedures) and Article 8 (Development Code Administration).
- B. **Additional Regulations.** Where the last column in Table 2-5 includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Development Code or a Town Planning Area may also apply.
- C. **Definitions.** See Article 9 (Definitions) for land use definitions and explanations.

- D. Zoning Clearance Required.** Each land use specified in the following land use table as allowed with a “P” as a use permitted-by-right that involves/contains construction activities (e.g., additions, alterations, constructions, reconstruction, or remodeling) shall require the issuance of a Zoning Clearance in compliance with [Chapter 17.118 \(Zoning Clearance\)](#).
- E. Uses Not Listed.** Uses not listed below may be reviewed by the Director to determine if they are similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with [Section 17.04.040 \(Uses Not Classified\)](#), otherwise any use not listed is prohibited.
- F. Commercial in Interim Planning Areas.** Commercial uses within interim community center land uses in planning areas as listed in [Section 17.16.010\(G\)](#), allow for commercial uses prior to the adoption of a Board approved area plan. These commercial uses require the approval of a Conditional Use Permit for any use listed in the CR zone and an Administrative Use Permit for any use listed in the CN zone.

Table 2-5 Commercial Zones Allowed Uses and Permit Requirements	Commercial Use Zones		
	Permit Requirements		
	P	Allowed by Right	
	AUP	Administrative Use Permit (Chapter 17.104)	
	CUP	Conditional Use Permit (Chapter 17.104)	
	TUP	Temporary Use Permit (Chapter 17.114)	
	—	Not allowed	
Land Use	CN	CR	Other Additional Regulations
Agricultural and Resource Uses			
Crop/Orchard/Vineyard Production	P	—	
Residential Uses			
Accessory Dwelling Units (ADU's)/Secondary Dwellings	P	CUP	17.62.020 17.62.290
Accessory Dwelling Units, Junior (JADU's)	P	CUP	
Accessory Structures	P	CUP	17.14.050(B)(1) 17.32
Community Care Facility, Small (6 or less persons)	P	—	17.62.080
Duplex Dwelling	P	CUP	
Employee Housing, Large (7 to 15 persons)	AUP	CUP	
Employee Housing, Small (6 or less persons)	P	CUP	
Day Care Homes	P	—	
Home Occupations	P	—	
Single-Family Dwellings	P	CUP	17.14.050(B)(3)
Single Room Occupancy	—	CUP	17.52.060
Workforce Housing (16 or more persons)	—	CUP	17.14.050(B)(5)
Human Services Uses			
Day Care Facilities	AUP	—	17.62.100
Emergency Shelters	P	—	17.62.110
Hospitals	CUP	—	
Urgent Care Facilities	P	—	
Recreation, Education, and Public Assembly Uses			
Campgrounds	CUP	CUP	

Table 2-5 Commercial Zones Allowed Uses and Permit Requirements	Commercial Use Zones		
	Permit Requirements		
	P	Allowed by Right	
	AUP	Administrative Use Permit (Chapter 17.104)	
	CUP	Conditional Use Permit (Chapter 17.104)	
	TUP	Temporary Use Permit (Chapter 17.114)	
	—	Not allowed	
Land Use	CN	CR	Other Additional Regulations
Guest Ranches	—	CUP	
Hunting Clubs	—	CUP	
Libraries	P	—	
Places of Assembly	P	CUP	
Recreation and Entertainment, Major	CUP	CUP	
Recreation and Entertainment, Minor	AUP	CUP	
Recreational Vehicle Parks, Resort (less than 30-day)	—	CUP	17.96.050
Temporary Events	TUP	TUP	17.62.330 17.114
Utility, Transportation, and Communication Uses			
Public or Quasi-Public uses	P	—	
Utility Facilities and Infrastructure	P	CUP	
Utilities Substations	AUP	CUP	
Wireless Telecommunications, Towers	P	CUP	17.14.050(B)(6) 17.66
Wireless Telecommunications, Co-Location	P	CUP	17.14.050(B)(6) 17.66
Retail, Service, and Office Uses			
Alcoholic Beverage Sales	P	CUP	17.62.050
Art Studio/Gallery	P	CUP	
Athletic Clubs	AUP	CUP	
Banks/Financial Centers	P	—	
Bars	P	CUP	
Building Materials and Lumber Sales	P	—	
Hotels/Motels	—	CUP	
Kennels, if no outside activity	P	—	
Laundromat, Self-Service	P	—	
Mobile Food Vendors	P	CUP	17.62.160
Mortuaries and Funeral Homes	AUP	—	
Outdoor Dining	P	CUP	17.62.190
Outdoor Displays and Sales	P	—	17.62.200
Offices	P	—	
Offices, Accessory	—	CUP	

Table 2-5 Commercial Zones Allowed Uses and Permit Requirements	Commercial Use Zones		
	Permit Requirements		
	P	Allowed by Right	
	AUP	Administrative Use Permit (Chapter 17.104)	
	CUP	Conditional Use Permit (Chapter 17.104)	
	TUP	Temporary Use Permit (Chapter 17.114)	
	—	Not allowed	
Land Use	CN	CR	Other Additional Regulations
Personal Service, General	P	—	
Photography Studio	P	—	
Resorts	—	CUP	17.62.260
Restaurants	P	CUP	
Retail Sales, General	P	CUP	
Retail Sales, Restricted	AUP	—	
Veterinarians	P	—	
Vehicle Oriented Uses			
Recreational Vehicle Storage	CUP	—	17.62.240
Vehicle Fueling Station	P	—	17.62.380
Vehicle Rental Facilities	P	—	
Vehicle Repair and Service, Minor	AUP	—	
Vehicle Repair and Service, Major	CUP	—	
Vehicle Sales, New and Used	P	—	
Industrial, Manufacturing, and Processing Uses			
Recycling Facilities	AUP	—	17.050(B)(4) 17.62.250
Storage Facility, Personal	CUP	—	17.62.310

17.14.030 – Commercial Zone Development Standards

- A. **Table 2-6 Commercial Zone Development Standards.** The intent of the Neighborhood Commercial and Commercial Resort zone development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the zones.
- B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Specific Plan or adopted Area Plan.
- C. **Zoning Map.** The boundaries, designations, and locations of the zones established by this Development Code shall be shown upon the map(s) entitled "Zoning Map for County of Mariposa" and referred to in this Development Code as the Zoning Map.

**Table 2-6
Commercial Zones Development Standards**

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	CN	CR	Other Additional Regulations
General Standards				
Interim Community Center	Max. Parcel Area (gross)	20 acres	-	
	Min. Parcel Area (gross)	2.5 acres	2.5 acres	
	Allowable Density	One residential dwelling per commercial use	One residential dwelling per commercial use	17.14.050(B)(3)(a)
	Structure Coverage (max.)	10% lot coverage per 2.5 acres of gross land area	-	
Rural Economic/Resort	Parcel Area (gross)	20 acres	30 acres	
	Individual Parcel Area	2.5	-	
	Allowable Density	-	1 dwelling unit per retail or commercial use	17.14.050(B)(3)(b)
	Structure Coverage (max.)	35 percent	35 percent	
	Developable Area	-	-	
Rural Economic/Commercial	Parcel Area (gross)	20 acres	20 acres	
	Individual Parcel Area (acres) (min.)	2.5	2.5	
	Allowable Density	-	-	
	Structure Coverage (max.)	35 percent	35 percent	
	Developable Area (acres) (min.)	-	-	
Rural Economic/Recreation	Parcel Area (acres) (min.)	20 acres	30 acres	
	Individual Parcel Area (acres) (min.)	2.5	15 acres	
	Allowable Density	-	-	
	Structure Coverage (max.)	35 percent	35 percent	
	Developable Area (min.)	-	5 acres	
Setbacks and Height				
Front Setback (min.)		25 ft. and 55 ft. from centerline of dedicated access easement		17.14.050
Side Setback (min.)		25 ft. or 10 percent of parcel width, whichever is less.		
Rear Setback (min.)		25 ft. or 10 percent of parcel depth, whichever is less.		
Height (max.)		35 ft.		

**Table 2-6
Commercial Zones Development Standards**

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	CN	CR	Other Additional Regulations
Additional Regulations				
	Fences and Walls	17.34		
	Landscaping Standards	17.36		
	Performance Standards	17.46		
	Off-Street Parking Standards	17.38		
	Sign Standards	17.40		
	Solid Waste Enclosure	17.42		
	Viewsheds and Open Space Standards	17.14.040.B		

17.14.040 – Site Design and Architectural Standards

The following site design and architectural standards shall apply to all parcels located in the CN and CR zones.

- A. Frontage on Maintained Road.** All structures shall front on a road that meets County road standards. Multiple driveway encroachments to State Highways or County arterials shall be limited where use of shared driveways or direct access to frontage roads is feasible.
- B. Viewsheds/Open Space.** The bulk or height of any structure shall not obstruct a foreground, middle ground, or background viewshed by more than thirty-three (33) percent as viewed from a public right-of-way.
- C. Structure Design, Landscaping and Scenic Environment.** The colors, structure materials, texture and architecture of structures shall complement the area in which it is located with regard to:
 - 1. Construction Materials.** Materials used in the construction or placement of all structures, and appurtenant mechanical and electrical equipment shall be designed so as to minimize their visual impact on the surrounding environment. The goal for overall design is for materials and colors selected for the exterior of all structures, and equipment to blend into the surrounding environment. Use of natural materials such as wood and stone shall be encouraged but are not required. Use of modern materials which closely resemble natural materials is also encouraged. Reflective materials are prohibited.
 - 2. Compatibility with Rural Character.** Significant natural features, including vegetation, boulders and rock outcroppings, natural waterways and drainages and existing topography or topographic features shall be preserved and incorporated into site development.
 - 3. Landform Grading.** Grading and site design will reflect natural topography with terracing and building design into the topography rather than use of significant cuts and fills.
 - 4. Grading Permits.** No grading permit will be issued prior to approval of a design review application (if required) or Zoning Clearance.

17.14.050 – Additional Regulations

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Regulations for Specific Land Uses), the following other regulations shall be applicable in the specified commercial zones:

- A. Additional Development Standards Regulations.**
 - 1. All Zones.**

- a. **Setback from Residential Zones.** There shall be a minimum fifty (50) feet setback from any property line that abuts a residential zone. In addition to structures, the following uses are prohibited within the setback area:
 - (1) Vehicle Parking
 - (2) Campsites
 - (3) Recreational Vehicle Camping
- b. **Slope.** The parcel slope within the CN and CR zones shall not exceed an average of fifteen (15) percent, whether existing or graded. Average slope is expressed in percent as a ratio of vertical rise to horizontal distance on a specific area of land.
- c. **Water and Waste Disposal.** Applicants shall demonstrate that all water and waste disposal systems developed on the parcel meets all laws and standards of the State of California and the County.

B. Additional Allowable Use Regulations.

- 1. **Accessory Uses.**
 - a. Water and wastewater treatment facilities and systems shall be permitted in conjunction with an established permitted use.
 - a. Additional accessory uses developed after the primary use is established which provide enhancements to the primary use and which are not in conflict with adjoining zone require the approval of an Administrative Use Permit as described in **Chapter 17.104** of this Development Code.
- 2. **Single-Family Dwellings.** Single-family dwellings in the commercial zones shall comply with the following standards:
 - a. **Neighborhood Commercial Zone.** Residential uses shall not exceed a maximum density of one dwelling unit supporting each retail or commercial use, except as permitted for workforce housing. Additional dwelling units not associated with a commercial land use on-site requires the approval of an Administrative Use Permit in compliance with **Chapter 17.104**.
 - b. **Resort Commercial Zone.** One (1) single-family dwelling per business is permitted if the dwelling is an integral part of the structure which houses the business, and if the dwelling is occupied by the owner or operator of the business. No more than one (1) dwelling per subsequent parcel is permitted, except as allowed for workforce housing.
- 3. **Recycling Facilities.** Recycling facilities located within the CN zone shall be limited to drop off kiosk facilities only. Processing facilities shall not be permitted. See **Section 17.62.250 (Recycling Facilities)** for outdoor storage and requirements.
- 4. **Workforce Housing.** Workforce housing uses in the CR zone shall be accessory to the primary resort commercial development.
- 5. **Wireless Telecommunications.** Wireless telecommunication facilities shall not be permitted within five hundred (500) feet of the following:
 - a. A parcel zoned Design Review Overlay (DR);
 - b. A parcel zoned Scenic Highway Overlay (SH); and
 - c. An existing residence on an adjacent or offsite parcel.

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Chapter 17.16 – Area Plan Zone and Area Plans

Sections

- 17.16.010 – Area Plan (AP) Zone
- 17.16.020 – Area Plans.
- 17.16.030 – Communities With Adopted Area Plans.
- 17.16.040 – Land Use Regulations for Communities Without an Adopted Area Plan.

Purpose. The purpose of this Chapter is to describe the character and intent of the Town Planning Area (TPA) zone and each of the County's Area Plans (i.e., Community Plans, Special Planning Areas, Town Planning Areas) and identify where land use regulations for this Area Plans are located.

17.16.010 – Area Plan (AP) Zone

Throughout the County, specific areas have been designated as Area Plan (AP) zones. These AP zones are used to identify communities that have adopted a comprehensive area plan to guide their development, land use, and policy decisions. The AP zoning designation ensures that these communities align with the goals and objectives outlined in their respective area plans, fostering cohesive growth and development strategies tailored to the unique characteristics and needs of each community.

17.16.020 – Area Plans.

A. Catheys Valley Community Plan. The following zones implement the Catheys Valley Community Plan.

1. **Agriculture Exclusive Zone (AE).** The purpose of the Agriculture Exclusive Zone (AE) is to preserve the agricultural industry of Mariposa County as a viable economic activity. This zone is applied to land considered to be most desirable for agricultural use. This zone implements the Residential, Community Residential and Agriculture/Working Landscape land use classifications in the Catheys Valley Community Plan. The AE zone for Cathey's Valley is consistent with the AE Countywide Base zone.
2. **Mountain General Zone (MG).** The purpose of the Mountain General Zone (MG) is to provide for areas characterized by terrain that is less suitable for moderate or high residential densities or intense use or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification. In keeping with the rural community setting, this zone allows agricultural activities that are compatible with residential uses. The MG zone for Cathey's Valley is consistent with the MG Countywide Base zone.
3. **Mountain Home Zone (MH).** The purpose of the Mountain Home Zone (MH) is to provide areas for household living in a rural setting. In keeping with the rural community setting, this zone allows agricultural activities that are compatible with residential uses. This zone implements the Residential, Community Residential and Agriculture/Working Landscape land use classifications in the Catheys Valley Community Plan.

4. **Neighborhood Commercial Zone 3 (CN-3).** The purpose of Neighborhood Commercial Zone 3 is to provide areas for primarily locally-oriented small scale commercial and supporting agricultural businesses, service and commerce with the primary purpose of serving the local needs of the population of Catheys Valley and vicinity while not restricting “drive-by” or “capture” shopping traffic. This area is the location of the community center of Catheys Valley, and standards for this zone promote the clustering of the type of commercial and economic activity that can function to serve primarily the needs of the local community but also highway traffic and the touring public at an appropriate site scale. This zone implements the Community Commercial land use classification in the Catheys Valley Community Plan.
 5. **Neighborhood Residential Zone (NR).** The purpose of the NR Neighborhood Residential Zone (NR) is to provide areas suitable for household living in a rural community setting but in close proximity to the commercial core of Catheys Valley. In keeping with the rural community setting, this zone allows agricultural activities that are compatible with residential uses. This zone implements the Community Residential land use classification in the Catheys Valley Community Plan.
 6. **Public Sites Zone (PS).** The purpose of the Public Sites Zone (PS) is to provide areas for the location of or expansion to public and private uses serving the general public's health, safety, and welfare. This zone implements the Community Commercial and Public Facilities and Services land use classifications in the Catheys Valley Community Plan.
 7. **Rural Residential Zone (RR).** The purpose of the Rural Residential Zone (RR) is to provide areas for household living in a rural setting but in close proximity to the commercial core of Catheys Valley. In keeping with the rural community setting, this zone allows agricultural activities that are compatible with residential uses. This zone implements the Community Residential land use classification in the Catheys Valley Community Plan.
- B. Coulterville Town Planning Area and Specific Plan.** The following zones implement the Coulterville Town Planning Area and Specific Plan.
1. **Central Commercial (CC).** The purpose of the Central Commercial Zone (CC) is to provide areas for general commercial development, as well as residential development and uses.
 2. **Limited Commercial (LC).** The purpose of the Light Commercial Zone (LC) is to provide areas for light commercial development, as well as residential development and uses.
 3. **Highway Service Commercial (HSC).** The purpose of the Highway Service Commercial Zone (HSC) is to provide areas for highway related service commercial development, as well as residential development and uses.
 4. **Multi-Family Residential (MFR).** The purpose of the Multi-Family Residential Zone (MFR) is to provide areas for multi-family residential development and uses.
 5. **Medium Density Residential (MDR).** The purpose of the Medium Density Residential Zone (MDR) is to provide areas for medium density residential development and uses.
 6. **Single Family Residential (SFR).** The purpose of the Single Family Residential Zone (SRF) is to provide areas for small lot residential development and uses.
 7. **Single Family Residential ¼ Acre (SFR - ¼).** The purpose of the Single Family Residential ¼ Acre Zone (SFR – 1/4) is to provide areas for quarter acre lot residential development and uses.
 8. **Rural Residential (RR).** The purpose of the Rural Residential Zone (RR) is to provide areas for large lot residential development and uses.

C. Fish Camp Town Planning Area Specific Plan. The following zones implement the Fish Camp Town Planning Area Specific Plan.

1. **Resort Commercial (RC).** The purpose of the Resort commercial zone (RC) is to provide areas for resort commercial development of a mountain resort nature, commercial recreational uses, and other supportive and accessory uses. Limited residential uses are also allowed.
2. **Pubic-Quasi-Public (PQP).** The purpose of the Public-Quasi-Public zone (PQP) is to provide areas for residential development and uses, as well as public and institutional uses.
3. **Rural Residential 5.0 Acre (RR-5.0).** The purpose of the Single Family Residential 5.0 Acre zone (SFR-5.0) is to provide areas for five acre parcel residential development and accessory uses.
4. **Rural Residential 2.5 Acre (RR-2.5).** The purpose of the Single Family Residential 2.5 Acre zone (SFR-2.5) is to provide areas for two- and one-half acre lot residential development and accessory uses.
5. **Single Family Residential 1.0 Acre (SFR-1.0).** The purpose of the Single Family Residential 1.0 Acre zone (SFR-1.0) is to provide areas for one acre lot residential development and accessory uses.
6. **Single Family Residential 0.5 Acre (SFR-0.5).** The purpose of the Single Family Residential 0.5 Acre zone (SFR-0.5) is to provide areas for half acre lot residential development and accessory uses.
7. **Multi-Family Residential (MFR).** The purpose of the Multi-Family Residential zone (MFR) is to provide areas for higher density residential development and accessory uses.

D. Mariposa Town Planning Area Specific Plan. The following zones implement the Mariposa Town Planning Area Specific Plan.

1. **Single-Family Residential 9,000 Square Feet (SFR-9.0).** The purpose of the Single-Family Residential 9,000 Square Feet Zone (SFR-9.0) is to provide single-family housing on smaller parcels based upon the availability of community water and sewer systems. Development within this zone shall be limited to single-family residential structures and appurtenant accessory structures and similar uses and activities compatible with the surrounding neighborhood.
2. **Single-Family Residential 0.5 Acre (SFR-0.5).** The purpose of the Single-Family-Residential 0.5 Acre Zone (SFR-0.5) is to provide single-family housing on larger parcels based upon the availability of community water and sewer systems. Development within this classification shall be limited to single family residential structures and appurtenant accessory structures and similar uses and activities compatible with the surrounding neighborhood.
3. **Multi-Family Residential (MFR).** The purpose of the Multi-Family Residential Zone (MFR) is to designate areas for higher density housing in and around the commercial core of the community. Housing within this classification may include apartments, condominiums, townhouses, zero parcel line homes, mobile home parks, extended stay RV parks, or detached single family homes.
4. **Professional Office (PO).** The purpose of the Professional Office Zone (PO) is to provide areas for the development of business and professional office uses with related business and institutional uses, excluding retail business uses. Uses in the PO zone must be compatible with and convenient to residential and the general business uses.
5. **General Commercial (GC).** The purpose of the General Commercial Zone (GC) is to provide the commercial services necessary and desirable to residents within the Mariposa Town Planning Area, the surrounding region, and tourists.

6. **Light Industrial (LI).** The purpose of the Light Industrial Zone (LI) is to provide areas for essential uses but not allow residential or commercial uses. The LI zone allows for uses that generate employment opportunities for residents of Mariposa and the surrounding area. Uses typically allowed within LI zone are not appropriate in the commercial zones due to space and access demands and potential land use conflicts.
7. **Public-Quasi-Public (PQP).** The Public-Quasi-Public Zone (PQP) is to provide for areas in public ownership, areas where improvements are used by the public, or areas in private ownership but planned for public use. All private land within PQP zone must be compatible with adjacent uses, as determined by the Director.
8. **Scenic Resource 5 Acre (SR-5).** The Scenic Resource 5 Acre Zone (SR-5) designates areas of limited development potential, including very steep slopes that have adverse conditions for roads, surface drainage, septic systems, and grading. The SR-5 zone is applied to the steep hillside areas surrounding Mariposa and are generally outside of the service area for community water and sewer, and to parcels in existence at the time the zoning district is applied which are less than twenty (20) acres in size.
9. **Scenic Resource (SR).** The Scenic Resource Zone (SR) designates areas of limited development potential due to very steep slopes with adverse conditions for roads, surface drainage, septic systems, and grading. The SR zone is applied to the steep hillside areas surrounding Mariposa and are generally outside of the service area for community water and sewer.

E. Wawona Town Planning Area Specific Plan. The following zones implement the Wawona Town Planning Area Specific Plan.

1. **Mountain Residential (MR-1).** The purpose of the Mountain Residential Zone (MR-1) is to provide areas for low-density residential housing for permanent and seasonal residents, employees, and Yosemite National Park visitors in a manner that maintains the mountain residential character. The MR-1 zone applies to all areas south of the South Fork of the Merced River.
2. **Mountain Residential (MR-2).** The purpose of the Mountain Residential Zone (MR-2) is to provide areas for low-density residential housing for permanent and seasonal residents, employees, and Yosemite National Park visitors in a manner that maintains the mountain residential character. The MR-2 zone applies to all areas north of the South Fork of the Merced River.
3. **Limited Commercial (LC).** The purpose of the Limited Commercial Zone (LC) is to provide areas for selected services and convenience goods and retail items. The LC zone is intended to stabilize and protect the essential characteristics of the mountain residential character of the area while providing a suitable delivery of essential and convenience goods to the residents and vacation rental occupants. Uses in the LC zone are limited to restricted commercial and low-density residential uses.
4. **Environmental Protection (EP).** The purpose of the Environmental Protection Zone (EP) is to designate areas which, due to their environmental sensitivity and hazards, are not conducive to further human settlement and are used for protection of persons and property, to facilitate natural drainage of the land, and to maintain natural and open space resource areas for recreation and ecological balance. The EP zone includes the Chilnualna Creek Corridor and areas containing a slope of thirty (30) percent or greater.
5. **Floodplain Overlay (FP-O).** The purpose of the Floodplain Overlay Zone (FP-O) is to designate areas that, due to their environmental sensitivity and hazards, are not conducive to human settlements and are designated for the purpose of protecting persons and their property, to aid the natural drainage of the land and maintain natural and open space resource areas for recreation and ecological balance. The area included in Floodplain Overlay is the one hundred (100) -year floodplain of the South Fork of the Merced River.

F. Communities Without an Adopted Area Plan. The following communities are identified by the County as individual communities, but do not yet have an adopted Area Plan which govern land use and development. Land use and development decisions for this communities shall comply with **Section 17.16.030 (Land Use Regulations for Communities Without an Adopted Area Plan)**, below.

1. Bear Valley;
2. Buck Meadows;
3. Bootjack;
4. El Portal;
5. Foresta;
6. Greely Hill;
7. Hornitos;
8. Lake Don Pedro;
9. Midpines;
10. Mount Bullion; and
11. Yosemite West.

17.16.030 – Communities With Adopted Area Plans.

Communities which are governed by an adopted area plan, as established in **Section 17.16.010 (Purpose of Area Plan Zones)**, shall comply with all applicable land use regulations (e.g., allowable land uses, permit requirements, development standards, etc.) contained in that communities respective area plan. All adopted Area Plans shall be made accessible by the Department.

17.16.040 – Land Use Regulations for Communities Without an Adopted Area Plan.

- A. General.** For communities where specific land use policies or area plans have not been developed, the land use regulations of the Rural Residential Zone (RR) contained in **Chapter 17.16** shall apply as interim land use regulations. In addition to the RR uses, the uses described as allowed uses in Neighborhood Commercial Zone CN contained in **Chapter 17.76** shall be considered subject to the Administrative Use Permit process established in **Chapter 17.116**. The uses described as allowed uses in the Resort Commercial Zone (CR) contained in **Chapter 17.96** may be considered subject to the Conditional Use Permit specified in **Chapter 17.112**. This interim land use policy shall remain in effect until such time as specific land use policies are adopted for each community respectively.
- B. Interim Community Planning Areas.** See Section 5.3.01(I) Regulations for Planning Areas of the Mariposa County General Plan for further regulations pertaining to Interim Community Land Uses and Planning Areas.

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Chapter 17.18 – Overlay Zones (AP, DR, HDR, MU, OW, and SH)

Sections

17.18.010 – Purpose of Overlay Zones

17.18.020 – Overlay Zones Land Use Regulations and Allowable Uses

17.18.030 – Overlay Zones Development Standards

17.18.010 – Purpose of Overlay Zones

- A. Purpose.** The purpose of this Chapter is to describe the character and intent of each of the County's overlay zones, identify any supplemental land use regulations applicable to the overlay zones, and establish development standards for the same.
- B. Zone Purpose Statements.** The purpose of the individual overlay zones and the way they are applied are as follows:
- 1. Airport Overlay Zone (AP).** The purpose of the Airport Overlay Zone (AP) is to designate areas subject to airport-related hazards and restrict land uses to protect public health, safety, and general welfare. Typical uses in the AP zone are low intensity, non-residential uses, that do not include areas for large gatherings of people or hazardous materials. The AP zone modifies any specific uses, standards, and regulations of the base zone in compliance with this Chapter.
 - 2. Design Review Overlay Zone (DR).** The purpose of the Design Review Overlay Zone (DR) is to designate areas with desirable characteristics or qualities that should be protected by regulating the design of new structures and changes in the appearance of existing structures. The purpose of the DR overlay zone is to ensure that proposed structures, signs, site work (including grading, retaining walls and fencing) and landscaping and modifications to structures, signs, site work (including grading, retaining walls and fencing) and landscaping are in harmony with the surrounding areas. The intent of the DR overlay zone is to enhance tourism and to stabilize and increase property values. The overlay zone may be applied to areas containing public or private structures and lands exhibiting unique architectural themes and/or scenic beauty. Within any DR overlay zone, the specific uses, standards, and regulations of the base zone with which the DR overlay zone is combined, are modified in compliance with this Chapter.
 - 3. Historic Design Review Overlay Zone (HDR).** The purpose of the Historic Design Review Overlay Zone (HDR) is to designate areas containing a substantial number of historic structures whose overall appearance and integrity should be protected by preserving existing structures and regulating the design of new structures and site development, and changes in the appearance of existing structures and site development. The purpose of the HDR overlay zone is to ensure that proposed structures, signs, site work and landscaping and modifications to structures, signs, site work (including grading, retaining walls and fencing) and landscaping within these areas are in harmony with the historic nature of the area. The intent of the overlay zone is to promote the overall economic vitality of an area, enhance tourism and to stabilize and increase property values. This overlay zone may be applied to areas containing public or private structures determined to be historically significant. Within any HDR overlay zone, the specific uses, standards, and regulations of the base zone with which the HDR overlay zone is combined, are modified in compliance with this Chapter.

4. **Open Watershed Overlay Zone (OW).** The purpose of the Open Watershed Overlay Zone (OW) is to designate areas used or proposed to be used as watersheds for public or community surface water supply. Within any OW overlay zone, the specific uses, standards and regulations of the base zone with which the OW overlay zone is combined, are modified in compliance with this Chapter.
5. **Scenic Highway Overlay Zone (SH).** The purpose of the Scenic Highway Overlay Zone (SH) is to protect the scenic qualities of public highways or roadways designated a scenic highway by the State of California or the Board. The purpose of the SH overlay zone is to maintain the recreational, social, and economic values of the county by protecting and enhancing the designated highway, for the benefit of residents and visitors. The SH overlay zone will function to promote the overall economic vitality of a district, enhance tourism, and stabilize and increase property values. Within any SH overlay zone, the specific uses, standards, and regulations of the base zone with which the SH overlay zone is combined, are modified in compliance with this Chapter.

17.18.020 – Overlay Zones Land Use Regulations and Allowable Uses

- A. **General.** All specific standards, allowable uses, and regulations of the base zone with which the overlay zone is combined shall be enforced, except as modified by this Section.
- B. **Airport Overlay Zone (AP).**
 1. **Permitted Uses.** In addition to the uses allowed by the base zone, the following additional land uses may be permitted by right on airport property in the AP overlay zone, subject to compliance with Federal Aviation Agency (FAA) standards applicable to the airport property:
 - a. Accessory Structures, including aircraft and aviation accessory sales;
 - b. Aircraft fueling facilities;
 - c. Aircraft storage, service, and repair hangars;
 - d. Lighting, radio, and radar facilities;
 - e. On-site managers residence;
 - f. Runways, taxiways, and aprons;
 - g. Freight terminal facilities; and
 - h. Passenger terminal facilities.
 2. **Conditionally Permitted Uses.** Manufacturing, logistics, and storage uses are permitted through a Conditional Use Permit when directly related to or compatible with airport operations. These uses are conditionally permitted on both the airport property and surrounding parcels. Such development and uses shall not exceed fifty (50) percent of the total land area and are encouraged to cluster development.
 3. **Prohibited Uses.** The uses permitted by the base zone shall be modified as follows (A map showing properties within the Zones A, B, and C can be found in the adopted Mariposa-Yosemite Airport Comprehensive Land Use Plan located at the Mariposa County Planning Department):
 - a. **Zone A.** No structures are permitted.

- b. **Zone B.** Uses that include flammable materials or processes, major public utility distribution centers, or places intended for the public to gather in which a population density of greater than fifty (50) persons per acre will occur (including hotels, motels, restaurants, bars, churches, schools, hospitals, government services, concert halls, auditoriums, stadiums, arenas, or other similar uses per approval by the Review Authority) are prohibited. For all other uses not listed above, the maximum structural coverage shall not exceed fifty (50) percent of the total land area and clustering of development is encouraged.
 - c. **Zone C.** Residential uses and places of public assembly should be clustered to avoid placing structures under the most heavily used flight patterns.
 4. **Use Limitations.** No use may be made of any parcel within any primary surface, horizontal surface, conical surface, or transition surface, in such a manner as to create electrical interference with radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights, use lights which will produce glare in the eyes of the pilots using the airport, impairing pilot visibility, or otherwise endangering the landing, takeoff or maneuvering of aircraft.
- C. **Design Review Overlay Zone (DR).** Except as provided in this Section, no commercial, industrial, institutional, or multi-unit dwelling residential use shall be established, no development (including site development and grading) shall occur, no exterior advertising display installed, no exterior lighting shall be installed and no Building or Grading Permit shall be issued for any commercial, industrial, institutional, or multi-unit dwelling residential use or development in the DR overlay zone until an application for design review plan has been submitted to and approved by the Director in compliance with the procedures established in this Section.
- D. **Historic Design Review Overlay Zone (HDR).** Except as provided in this Section, no commercial, industrial, institutional, or multi-unit dwelling residential use shall be established, no development (including site development and grading) shall occur, no exterior advertising display installed, no exterior lighting shall be installed and no Building or Grading Permit shall be issued for any commercial, industrial, institutional, or multi-unit dwelling residential use or development in the HDR overlay zone until an application for design review plan has been submitted to and approved by the Director in compliance with the procedures established in this Section.
- E. **Open Watershed Overlay Zone (OW).**
1. **Permitted Uses.** In addition to the uses allowed by the base zone, Timber growing and harvesting facilities are allowed when in compliance with the standards for special treatment areas established by Title 14, California Administrative Code, Section 953.4 and upon approval of a timber harvest plan as described in Public Resources Code 4582.
 2. **Conditional Uses.** None.
- F. **Scenic Highway Overlay Zone (SH).**
1. **Permitted Uses.** In addition to the uses allowed by the base zone, timber growing and harvesting facilities are permitted when in compliance with the standards for special treatment areas established by Title 14, California Administrative Code, Section 953.4 and upon approval of a timber harvest plan as described in Public Resources Code 4582.
 2. **Conditional Uses.** The following uses shall be conditionally permitted within the SH zone:
 - a. Mines, quarries, and gravel pits;
 - b. Mineral and construction material processing;
 - c. Outdoor storage;
 - d. Portable sawmills; and
 - e. Rural home industries.

3. **Conflicts.** In the instance that a permitted use and/or development standard of the base zone conflicts with a standard of the SH zone, the more restrictive standard shall apply.

17.18.030 – Overlay Zones Development Standards

A. General Development Standards. Overlay zones shall comply with the following general development standards.

1. **Overlay Zones Development Standards.** The intent of the following overlay zones development standards is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the overlay zones. All specific standards, allowable uses, and regulations of the base zone with which the overlay zone is combined shall be enforced, except as modified by these provisions.
2. **Establishment of Architectural Themes and Guidelines.** Development in the DR, HDR, and SH overlay zones shall conform to architectural theme and development guidelines established by the Board. In reviewing and approving the application for design review, the Director shall determine if the application complies with the architectural theme and development guidelines established by the Board.
3. **Conflicts.** If a development standard established by this Section conflicts with a development standard of the base zone, the development standard established by this Section shall prevail.
4. **Density.** Maximum density standards shall be consistent with the General Plan or applicable adopted Area Plan, except as modified by this Section
5. **Zoning Map.** The boundaries, designations, and locations of the overlay zones established by this Development Code shall be shown upon the map(s) entitled "Zoning Map for County of Mariposa " and referred to in this Development Code as the Zoning Map.

B. Airport Overlay Zone (AP).

1. **Height limits.** To protect the safety of aircraft as well as facilities and people on the ground, the following height limitations are imposed.
 - a. In areas in which the ground surface is below the imaginary surface, the height of all structures shall be limited to the elevation of the imaginary surface or thirty-five (35) feet, whichever is less.
 - b. In areas in which the ground surface penetrates the imaginary surface the height of all structures shall be limited to thirty-five (35) feet.
2. **Exception to Height Limitations.** No development shall prohibit the growth, construction, or maintenance of any tree or structure to a height up to twenty-five (25) feet above the surface of the land except in the Primary Surface.
3. **Multiple Coverages.** Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.
4. **Noise Standards.** New residential development and major renovations to existing residential development (exceeding fifty (50) percent of the value of the existing dwelling) located within the sixty to sixty-five (60-65) CNEL contours (as contained in the Mariposa-Yosemite Airport Comprehensive Land Use Plan) shall provide a noise analysis of their project site to determine the level of noise insulation required to reduce the indoor noise levels to below forty-five (45) CNEL and shall incorporate the noise insulation into dwelling construction. The Mariposa-Yosemite Airport noise map shall be maintained in the Department and available for public examination.

5. **Airport Surfaces.** In order to carry out the purpose of this Chapter, all land within the boundaries of the Mariposa-Yosemite Airport, and other land in the vicinity of the airport is divided into: horizontal surfaces, conical surfaces, transitional surfaces, approach surfaces and primary surfaces, the boundaries of which are on a map designated as the Mariposa-Yosemite Airport surfaces map.

C. Open Watershed Overlay Zone (OW).

1. For the purposes of insuring adequate protection of water quality within an area zoned OW, the following improvement standards shall be required for all Building Permits, planning permits, and subdivisions:
 - a. For the purposes of regulating grading, land located within an OW overlay zone shall be designated as an "erosion hazard area" in compliance with provisions of this Development Code.
 - b. All development proposals shall require approved percolation tests.
 - c. Septic systems may be installed only on land for which a percolation test has been conducted and approved in compliance with the provisions of this Development Code.
2. **Density.** The density within the OW zone is one single family residence per twenty (20) acres.
3. **Modification.** If an applicant demonstrates that a parcel, or part of a parcel, lies outside a watershed, the OW overlay zone may 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 Director.
4. **Surveyed Line.** Whenever a parcel line adjustment or land division is completed where the watershed becomes a surveyed line, the OW overlay zone 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 of the OW overlay zone. The development policy and improvement standards of the OW overlay zone shall not apply to those lands outside the watershed during the land division or parcel line adjustment application process.

D. Scenic Highway Overlay Zone (SH).

1. **Multi-Family Residential, Commercial, and Industrial Development Standards.** All multi-family residential, commercial, and industrial development (including home enterprises not entirely operated within a residential structure) in the SH zone shall comply with the following standards:
 - a. **Grading.** Grading shall be minimized by developing multiple parking areas and multiple or stepped structures which conform to the natural topography; and by design of access and interior roads or routes which conform to the natural topography.
 - b. **Earthmoving.** All earthmoving activities which expose soil surfaces shall be followed by the application of soil stabilization and revegetation measures to prevent further erosion and revegetation of exposed surfaces. Revegetation and soil stabilization methods shall comply with current adopted Building Codes. The Director may require preparation of an engineered plan (for grading, revegetation and soil stabilization), based on the significance of the project's grading activities.

- c. **Preservation of Natural Features.** Significant natural features which contribute to the corridor's scenic quality including vegetation, boulders and rock outcroppings, natural waterways and drainages, and existing topography or topographic features shall be preserved. Incorporation of these natural features into the proposed site grading and development is encouraged, in compliance with the approved site plan process and review.
- d. **Open Space.** The minimum open space required per parcel shall be determined by parcel size and topography as established in **Table 2-7 (SHO Open Space Requirements)**.

Table 2-7 SHO Open Space Requirements		
Parcel Size	Open Space	
	Averages Slopes < 30%	Average Slope > 30%
0-99 acres	20%	40%
1.0-1.99 acres	30%	50%
2.0 acres or more	40%	60%

- e. **Grouping of Structures.** The location and grouping of structures shall have an appropriate scale which is harmonious with the scenic quality of the corridor and the area immediately surrounding the parcel in compliance with the approved site plan process and review.
- f. **Location of Structures.** Location of structures shall not unnecessarily obstruct views from a designated scenic highway, including all views of rivers and streams in compliance with the approved site plan process and review.
- g. **Transition Area.** A transition area shall be required from the designated scenic highway to structures to minimize the views of the structures from the highway. Use of existing topography, existing vegetation, and landscaping are appropriate to achieve this standard.
- h. **Undergrounding Utilities.** All utilities, except for propane storage, shall be located underground on the subject parcel.
- i. **Screening Requirements.** Refuse storage areas, solid waste storage receptacles, service yards, exterior work areas, mechanical equipment and propane tanks shall be screened from view from a designated scenic highway by landscaping or other methods which meet the standards established for this overlay zone.
- j. **Exterior Lighting.** Exterior lighting shall be designed to minimize all off-site impacts. Methods to minimize impacts may include, but not be limited to, directing light fixtures downward and locating fixtures so that the sphere of lighting remains entirely on the subject parcel. For additional regulations pertaining to exterior lighting and International Dark Sky Standards, see **Section 17.46.50 (Outdoor Lighting and Glare)**.

- k. Electrical and Communication Facilities.** All new electric and communication facilities within one thousand (1,000) feet from each edge of the right-of-way of a designated scenic highway shall be located underground if those facilities would be visible from a designated scenic highway if erected above ground. This requirement shall not apply to the upgrading of existing above ground lines or to the installation of additional lines on existing poles which support operating lines. An exception to this requirement may be granted upon a finding by the Director that such undergrounding is infeasible. Standards which may be required as conditions of the exception include, but are not limited to, the following:
- (1) Avoid prominent ridge lines and barren sides of mountains or hills.
 - (2) Keep alignment along the bottom or lower slopes and valleys between hills.
 - (3) Avoid crossing hill contours at right angles.
 - (4) Avoid steep grades which expose the right-of-way to view from the designated highway.
 - (5) Substations, pad-mounted transformer facilities, and similar pad-mounted equipment operating within the distribution facility voltages may be located above ground but shall not be visible from the scenic highway.
- l. Structure Design.** Structures and appurtenant mechanical and electrical equipment shall be designed to minimize their visual impact on a scenic highway. The goal for overall design is for materials and colors selected for the exterior of all structures, and equipment to blend into the surrounding environment. Use of natural materials such as wood and stone shall be encouraged but are not required. Reflective materials are prohibited.
- m. Landscaping.**
- (1) Landscaping shall include existing and planned vegetation, berms, and irrigation systems.
 - (2) Landscaping shall screen views of site development from the scenic highway and shall be used to revegetate soils exposed by grading activities. Vegetation used for screening shall be equally effective at all times of the year.
 - (3) The use of indigenous and/or water conserving plants shall be strongly encouraged. Utilization of plants which are susceptible to insects and disease shall be prohibited.
 - (4) Landscaping shall be required for all new parking lots where the aggregate size of all new parking lots on the parcel is greater than two thousand (2,000) square feet, or expansion of existing parking lots which exceed fifty (50) percent of the original parking lot size.
 - (5) A differentiation between requirements for parking lot perimeter landscaping and interior landscaping is made in these standards. The purpose of perimeter landscaping is to screen parking areas and vehicles utilizing parking areas from the designated highway. The purpose of interior landscaping is to break up the expanse of paved or graveled surfaces. Where the applicant can demonstrate that the proposed parking area and vehicles used the proposed parking area are not visible from the designated highway, no perimeter or interior landscaping shall be required.

- (6) Planting areas for perimeter landscaping shall be designed to maximize the effectiveness of the landscaping as a screen. Plant species and spacing shall be chosen such that full screening from the road is achieved within five (5) years of project completion. Planting areas for perimeter landscaping shall be a minimum of three feet wide.
 - (7) Planting areas for interior landscaping shall be designed to break up the surface of parking areas. The minimum area for interior landscaping shall be ten (10) percent of the total parking area, including drive aisles, curbs and gutters.
 - (8) Shrub materials shall be a minimum of five (5) gallons in size at the time of planting. Trees shall be selected from the planning department's approved tree list and shall be a minimum of fifteen (15) gallons in size at the time of planting. Landscaping plans shall consider the full growth of vegetation.
 - (9) Landscaping shall be designed so that it will not obstruct sightlines necessary for safe vehicular and pedestrian circulation and will not interfere with public utilities.
 - (10) Planting areas subject to damage from pedestrian or vehicular traffic shall be protected by curbing, fencing or walls.
 - (11) Provisions for irrigation shall be provided within all landscaped areas where necessary. Drip irrigation systems shall be encouraged as a water conservation measure.
 - (12) The property owner shall be responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat and orderly appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet size requirements. Grades for berms used in perimeter landscaping areas shall not exceed thirty-three (33) percent.
2. **Single-Family Residential Development Standards.** All single-family residential development in the SH overlay zone (including home enterprises entirely operated within a residential structure) shall comply with the following standards:
- a. **Grading.** Grading shall be minimized by developing multiple parking areas and multiple or stepped structures which by parcel access design conform to the natural topography and by design of access and interior roads or routes which conform to the natural topography.
 - b. **Earthmoving.** All earthmoving activities which expose soil surfaces shall be followed by the application of soil stabilization and revegetation measures to prevent further erosion and revegetation of exposed surfaces. Revegetation and soil stabilization methods shall comply with current adopted Building Codes. The Director may require preparation of an engineered plan (for grading, revegetation and soil stabilization), based on the significance of the project's grading activities.
 - c. **Preservation of Natural Features.** Significant natural features which contribute to the scenic corridor quality, including vegetation, boulders and rock outcroppings, natural waterways and drainages, and existing topography or topographic features shall be preserved. Incorporation of these natural features into the proposed development is encouraged but not required.

- d. **Electrical and Communication Facilities.** All new electric and communication facilities within one thousand (1,000) feet from each edge of the right-of-way of a designated scenic highway shall be located underground if those facilities would be visible from a designated scenic highway if erected above ground. This requirement shall not apply to the upgrading of existing above ground lines, or to the installation of additional lines on existing poles which support operating lines. An exception to this requirement may be granted upon a finding by the Director that such undergrounding is infeasible. Standards which may be required as conditions of the exception include, but are not limited to, the following:
- (1) Avoid prominent ridge lines and barren sides of mountains or hills.
 - (2) Keep alignment along the bottom or lower slopes and valleys between hills.
 - (3) Avoid crossing hill contours at right angles
 - (4) Avoid steep grades which expose the right-of-way to view from the designated highway.
 - (5) Substations, pad-mounted transformer facilities, and similar pad-mounted equipment operating within the distribution facility voltages may be located above ground but shall not be visible from the scenic highway.

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Chapter 17.20 – Public Domain Zone (PDZ)

Sections

17.20.010 – Purpose of Public Domain Zone

17.20.020 – Public Domain Zone Land Use Regulations and Allowable Uses

17.20.010 – Purpose of Public Domain Zone

- A. Purpose.** The purpose of this Chapter is to describe the character and intent of the Public Domain Zone, and establish allowable uses, development standards, and ownership transfer regulations.
- B. Applicability.** The Public Domain Zone (PDZ) is applied to lands under Federal and State ownership used primarily for a public purpose. Such land is not subject to zoning regulations by the County.

17.20.020 – Public Domain Zone Land Use Regulations and Allowable Uses

- A. Ownership Transfers.** In the event that a Federal or other public agency transfers land to a private individual or non-public entity, the property shall be rezoned to a designation consistent with the predominant zoning of privately owned parcels in the surrounding area. Until such rezoning is approved by the County, any development proposals, subdivision applications, or use requests will be deemed inconsistent with the land use designation and cannot be approved.
- B. Allowed Uses, Development Standards, and Additional Regulations.** Upon the rezoning of the subject parcel(s) after completing an ownership transfer, all allowable uses, development standards, and additional regulations pertaining to the zone designated to the parcel shall apply. See **Chapter 17.10 (Agricultural and Resource Zones)**.

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Article 3 – Regulations Applicable to All Zones

Chapter 17 – Zoning Ordinance

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.30 – Site Planning and Development Standards	1
17.30.010 – Purpose and Applicability	1
17.30.020 – Height Measurement and Exceptions	1
17.30.030 – Minimum Parcel Size Standards	3
17.30.040 – Setback Measurement and Exceptions	3
17.30.050 – Allowed Projections and Encroachments	8
Chapter 17.32 – Accessory Structures	11
17.32.010 – Purpose and Intent	11
17.32.020 – Permit Requirements	11
17.32.030 – Development Standards	11
Chapter 17.34 – Fences and Walls	13
17.34.010 – Purpose and Applicability	13
17.34.020 – Permit Requirements	13
17.34.030 – Fence and Wall Standards	13
Chapter 17.36 – Landscaping	15
17.36.010 – Purpose and Intent	15
17.36.020 – Applicability	15
17.36.030 – Landscaping Standards	15
Chapter 17.38 – Parking Standards	17
17.38.010 – Purpose and Applicability	17
17.38.020 – Permit Requirements	17
17.38.030 – Exemptions	17
17.38.040 – On-Site Parking Space Requirements	18
17.38.050 – Parking Facility Design Standards	22
17.38.060 – Compact and Tandem Parking Spaces	23
17.38.070 – Joint Use of Off-Site Parking Facilities	23
17.38.080 – Off-Site Designated Parking: Alternate Parking Location	25
17.38.090 – On-Street Parking Spaces	25
Chapter 17.40 – Sign Standards	27
17.40.010 – Purpose	27
17.40.020 – Applicability	27
17.40.030 – Sign Permit Requirements	28

17.40.040 – Exemptions from Sign Review Permit Requirements -----	28
17.40.050 – Prohibited Signs -----	29
17.40.060 – General Requirements for All Signs -----	30
17.40.070 – Sign Standards by Zone -----	33
17.40.080 – Standards for Specific Sign Types -----	35
17.40.090 – Nonconforming Signs -----	38
17.40.0100 – Public Nuisance, Abatement, and Violation -----	39
17.40.0110 – Judicial Review -----	40
Chapter 17.42 – Solid Waste and Recycling Enclosures -----	41
17.42.010 – Purpose and Applicability -----	41
17.42.020 – Number and Location -----	41
17.42.030 – Development and Design Standards -----	41
Chapter 17.44 – Surface Mining and Reclamation -----	43
17.46.010 – Purpose and Intent -----	43
17.46.020 – Incorporation by Reference and Other Provisions of Law -----	43
17.46.030 – Definitions -----	44
17.46.040 – Mining Permit/Reclamation Plan Required -----	44
17.46.050 – Exempt Activities -----	45
17.46.060 – Designation of SMARA Lead Agency -----	45
17.46.070 – Vested Rights -----	46
17.46.080 – Process for Submittal of Surface Mining Permit Applications, Amendments to Surface Mining Permits, Reclamation Plans, and/or Amendments to Reclamation Plans -----	46
Chapter 17.46 – Performance Standards -----	55
17.46.010 – Purpose and Applicability -----	55
17.46.020 – Noise and Vibration -----	55
17.46.030 – Odors -----	56
17.46.040 – Outdoor Light and Glare -----	56
Chapter 17.48 – Special Use Provisions for Historic Structures -----	59
17.48.010 – Special Use Standards for Historic Structures -----	59

FIGURES

Figure 3-1 Measurement of Height	2
Figure 3-2 Setbacks for Typical Parcels	4
Figure 3-3 Setbacks for Corner Parcels	5
Figure 3-4 Setbacks for Flag Shaped Parcels	5
Figure 3-5 Setbacks for Interior Parcels	6
Figure 3-6 Setbacks for Parcels with no Rear Yard	6
Figure 3-7 Rear Property Line for Irregular Parcels	8
Figure 3-8 Fence and Wall Height Measurement	14
Figure 3-9 Sign Area Measurement	31
Figure 3-10 Use of Icons and Symbols	37

TABLES

Table 3-1 On-Site Parking Requirements	21

Chapter 17.30 – Site Planning and Development Standards

Sections

- 17.30.010 – Purpose and Applicability
- 17.30.020 – Height Measurement and Exceptions
- 17.30.030 – Minimum Parcel Size Standards
- 17.30.040 – Setback Measurement and Exceptions
- 17.30.050 – Allowed Projections and Encroachments

17.30.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to ensure that development is consistent with the General Plan, complies with the standards of this Chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.
- B. Applicability.** The standards established in this Chapter shall apply to the following:
- 1. Application.** The standards in this Chapter apply to all zones.
 - 2. Conformance.** All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Director.
 - 3. Conflicts.** These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 4 (Regulations for Specific Land Uses). Where a conflict exists between the standards in this article and either Article 2 or Article 3, the standards in Article 2 or Article 3 shall control development.

17.30.020 – Height Measurement and Exceptions

- A. Maximum Height Allowed.** Structure height shall not exceed the standards established by the applicable zone in Article 2 (Zones, Allowable Uses, and Development Standards), except as otherwise provided in **Subsection 17.30.020(D) (Exceptions)**, below.
- B. Height Measurement.** Height shall be measured as the vertical distance from the natural grade nearest the uphill side of a structure to the highest point of a structure. See **Figure 3-1 (Measurement of Height)**.

Figure 3-1
Measurement of Height



- C. Allowed Structure Height Increases.** The maximum allowable height of any structure, except those specifically established in **Subsection D (Exceptions)**, below, may be increased by not more than ten (10) feet, provided the following requirements are met:
1. All required property line and roadway setbacks are increased by one (1) foot for each foot which the structure exceeds the height limit established by the applicable zone in Article 2 (Zones, Allowable Uses, and Development Standards), and
 2. The structure complies with all applicable Fire Code and Building Code requirements.
- D. Exceptions.** The structures specified in this Section shall be excepted from the maximum allowable height of all zones established in Article 2 (Zones, Allowable Uses, and Development Standards), except that such height shall not exceed the maximum heights established in the Airport Overlay Zone (AP):
1. **Exceptions Subject to a Conditional Use Permit.** **Exceptions** to the maximum height for following uses are subject to the Conditional Use Permit process as established in **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)**:
 - a. Structures in all Commercial Zones established in **Chapter 17.14 (Commercial Zones)**.
 - b. Town planning areas without an adopted area plan.
 - c. The following structures if over forty-five (45) feet in height:
 - (1) Cooling towers.
 - (2) Elevators.
 - (3) Monuments.
 - (4) Water towers and tanks.
 - (5) Ornamental towers and spires.

(6) Mechanical appurtenances.

2. Exceptions Allowed by Right and not Subject to a Conditional Use Permit.

- a. Chimneys and flues, but not to exceed five (5) feet above the ridgeline of the roof.
- b. Accessory farm structures, as defined in Article 9, but not to exceed sixty (60) feet in height.
- c. Flag poles in commercial zones, but not to exceed sixty (60) feet in height.
- d. Broadcasting towers.
- e. T.V. antennas.
- f. Utility transmission and distribution poles
- g. Wireless telecommunication facilities and towers.

17.30.030 – Minimum Parcel Size Standards

- A. **Applicability.** Minimum parcel size standards apply to new parcels or the modification of an existing parcel.
- B. **Minimum Parcel Size.** The minimum parcel size established for any zone shall not preclude the Commission or Board from determining that a larger parcel is necessary due to slope, terrain, or unique site characteristics; other standards contained in the General Plan, or such other applicable provisions of the County Code or State Law.
- C. **Modification Proposals.** In a proposal to modify the boundaries of one (1) or more parcels where one (1) or more of the parcels does not meet minimum parcel size standards of the applicable zone, the Commission or Board may approve such boundary modifications if they find that the circumstances or design of all resulting parcels will be improved. Under no other circumstances can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel.
- D. **Variances.** Variances are prohibited for reducing the minimum parcel size.
- E. **Special District, Public Utility, and Private Utilities.** The minimum parcel size established in a zone shall not apply to parcels conveyed to a special district, public utility, or private utilities such as a mutual water company for utility purposes. Such uses require a deed restriction on the subject parcel which restricts the use of the property to only utility distribution facilities, sewage systems, well sites, and utility storage buildings less than one hundred and forty-four (144) square-feet in floor area. Conveyances that create a non-utility parcel shall comply with the minimum parcels size standards of the zone in which it is located.

17.30.040 – Setback Measurement and Exceptions

- A. **Purpose.** This Section establishes standards to ensure the provision of open space around structures for visibility and traffic safety; access to and around structures; access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.
- B. **Applicability.** Unless otherwise noted, the following standards shall apply to all structures with a floor area exceeding one hundred and twenty (120) square-feet, except as otherwise provided in Subsections 17.30.040(E) (Uses Permitted in Setback Areas) and 17.30.040(F) (Uses Prohibited in Setback Areas).
- C. **Setback Regulations.** The location and setbacks of structures shall comply with the standards established by the applicable zone in Article 2 (Zones, Allowable Uses, and Development Standards), except as otherwise provided in Subsection 17.30.040(E) (Uses Permitted in Setback Areas).

D. Measurement of Setbacks. Setbacks shall be measured and applied as follows (see Figures 3-2 through 3-6), except that the Director may require different setback measurement methods where the Director determines that unusual parcel configuration makes compliance with the following infeasible. If the Review Authority determines that different setback measurement methods are required, a Variance establishing the alternative measurement method shall be required, in compliance with Chapter 17.116 (Variances and Minor Variances).

1. **Front Setback.** The front setback shall be measured at right angles from the nearest point on the front property line, edge of right-of-way or public street, or easement, to the nearest point of the structure.
2. **Side Setback.** The side setback shall be measured at right angles from the nearest point on the side property line, edge of right-of-way or public street, or easement, to the nearest point of the structure.
3. **Rear Setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest point of the structure.

Figure 3-2
Setbacks for Typical Parcels

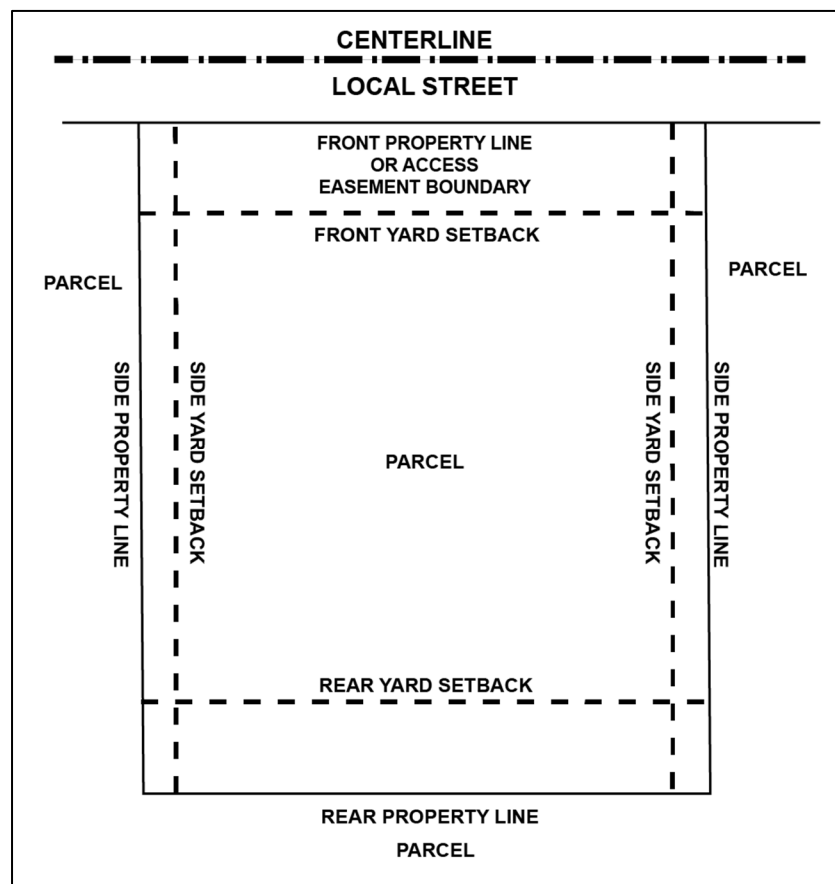


Figure 3-3
Setbacks for Corner Parcels

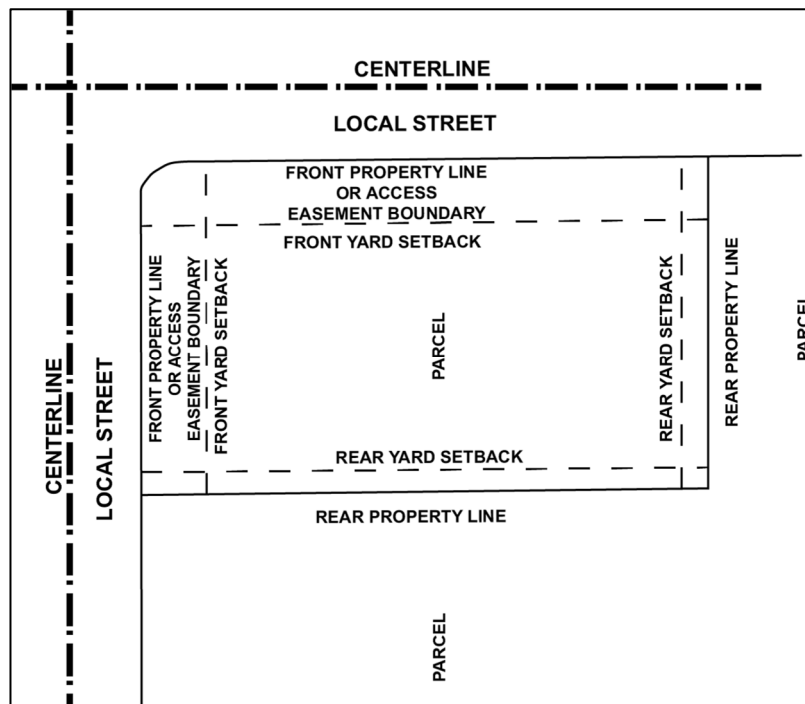


Figure 3-4
Setbacks for Flag Shaped Parcels

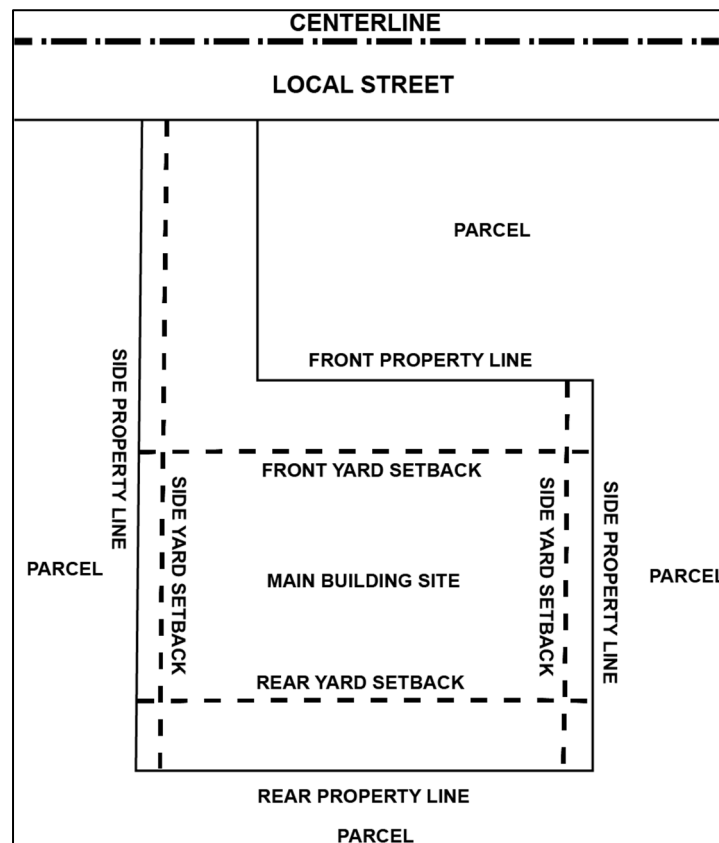


Figure 3-5
Setbacks for Interior Parcels

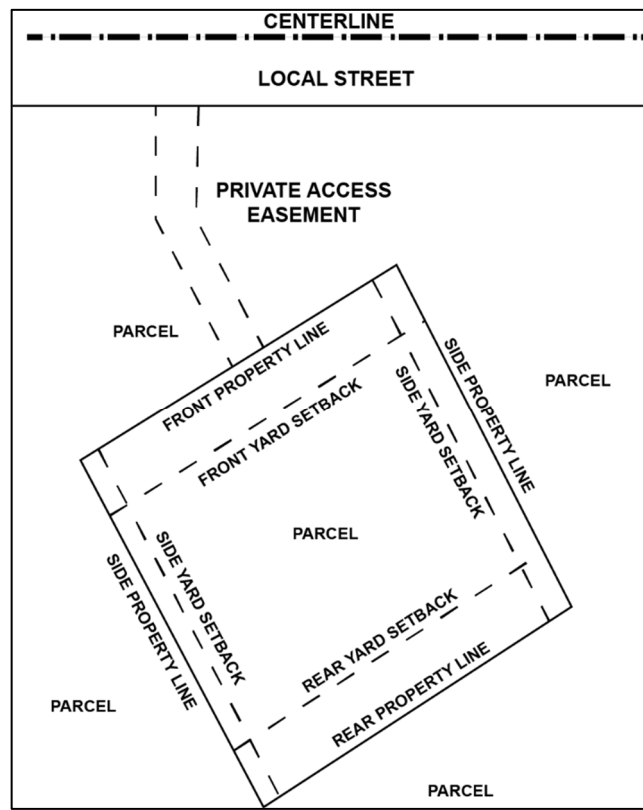
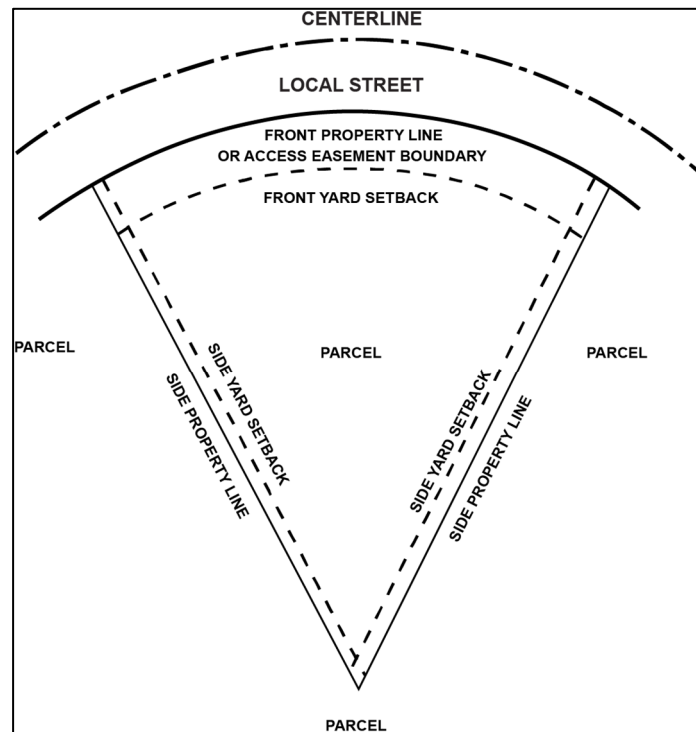


Figure 3-6
Setbacks for Parcels with no Rear Yard



E. Uses Permitted in Setback Areas. The following uses may be permitted in all setback areas:

1. Livestock loading structures:

- a. May be located within the front setback of any parcel located in the AE, MP, and GF zones.
- b. May be located in the front setback of parcels located in all other zones subject to the Director's review and approval.

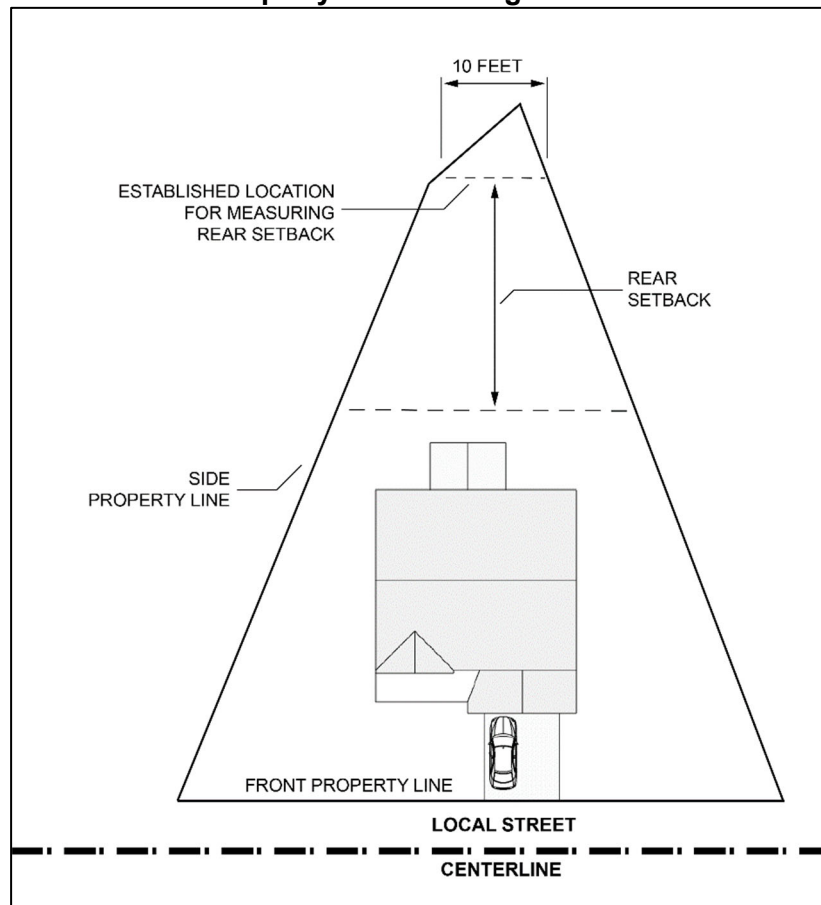
2. Garages, carports, and covered walkways may be constructed in front setbacks provided:

- a. The entire subject parcel is above four thousand (4,000) feet in elevation;
 - b. Carports shall have no enclosing walls higher than three (3) feet above ground level;
 - c. Garages may be allowed provided that the location is approved by the Public Works Department. A Variance to these standards shall not be approved;
 - d. The structure is located no closer than five (5) feet from the property line or the edge of the street easement or right-of-way offered for dedication; and
 - e. The structure is for the use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.
- 3.** Septic systems on parcels served by a public water system or a mutual water company, provided that no portion of the septic system is closer than five (5) feet to any property line or adjacent to a parcel that is not served by a public water system or mutual water company.

F. Uses Prohibited in Setback Areas. The following uses shall be prohibited in all setback areas:

- 1. Septic systems unless approved through the Variance process established in **Chapter 17.116 (Variances and Minor Variances)** or permitted in **Subsection 17.30.040(E)(4)**, above.
- 2. Stables or pens used for the raising or keeping of animals on parcels smaller than two and a half (2.5) acres.
- 3. Covered walkways except as permitted in **Subsection 17.30.040(E)(3)**, above.

G. Irregularly Shaped Parcels. In the case of an irregularly shaped parcel, where the rear property line is narrower than the front, a ten (10) -foot line drawn within the parcel, parallel to, and most distant from the front parcel line shall be considered the rear parcel line for the purpose of measuring the required rear setback. Rear setbacks shall be measured from this line to the nearest line of the structure envelope.

Figure 3-7**Rear Property Line for Irregular Parcels****17.30.050 – Allowed Projections and Encroachments**

- A. Projections in Setback Areas.** In applying the regulations of this Section, the following features shall not be included in the parcel coverage calculations and may project into a required setback to the extent specified. None of the identified exceptions shall be permitted if they encroach into an approved property line, right-of-way, or public use easement.
1. Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a structure may project up to three (3) feet into a required setback area.
 2. Fire escapes may project into a required setback area up to four (4) feet, six (6) inches.
 3. An uncovered stair, ramp (ADA), and landing that does not extend above a ground floor entrance, except for the railing, may project up to three (3) feet into a required setback area.
 4. Bay windows and chimneys may project up to three (3) feet into a required setback area provided that they do not occupy, in the aggregate, more than one-third ($1/3$) the length of the structure wall on which they are located.

5. Equipment and/or structures enclosing equipment that is/are attached to the primary structure or an accessory structure (e.g., solar panels, water storage tanks, heating and air conditioning equipment, or similar mechanical equipment) shall be permitted to encroach into a required rear or side setback area, provided they do not encroach more than fifty (50) percent into the required rear or side setback area.
- B. Encroachments.** Additions to existing structures or those structures established in **Subsection 17.30.040(F) (Uses Prohibited in Setback Areas)**, where such structure encroaches into a setback area, shall not be closer to the property line than one-half the width of the setback requirement or closer to the property line than any part of the existing structure, whichever constitutes the lesser encroachment.

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Chapter 17.32 – Accessory Structures

Sections

- 17.32.010 – Purpose and Intent
- 17.32.020 – Permit Requirements
- 17.32.030 – Development Standards

17.32.010 – Purpose and Intent

- A. Purpose.** The purpose of this Chapter is to provide regulations for subordinate structures, also known as accessory structures, the use of which is customarily associated with, but subordinate and incidental to the primary use of the primary structure.
- B. Applicability.** The provisions of this Chapter shall apply to all accessory structures. However, for Accessory Dwelling Unit regulations and standards see [Section 17.62.020 \(Accessory Dwelling Units\)](#).

17.32.020 – Permit Requirements

Accessory structures are permitted in all zones only when in compliance with the provisions of this Chapter. Accessory structures may be constructed only in conjunction with or after the construction of the structure associated with the primary use of the land, except as provided in [Paragraph 17.32.030\(A\)1 \(Construction Phasing\)](#), below. Accessory structures in commercial zones shall be built subject to the same development standards that apply to the primary structure on the parcel.

17.32.030 – Development Standards

- A. Accessory Structures in Agricultural and Resource Zones.** Accessory structures, including, but not limited to barns, pole barns, shops, storage buildings, cargo containers, decks and platforms, are permitted on any parcel within the agricultural and resource zones only when they comply with the following regulations:
- 1. Construction Phasing.** Accessory structures may be constructed prior to the primary structure only when in compliance with the following:
 - a.** The accessory structure(s) shall not be used for human habitation.
 - b.** The accessory structure(s) shall meet the requirements of the Uniform Building Code.
 - 2. Cargo Containers.** Cargo containers used as a temporary office on a construction site require the approval of a Temporary Use Permit, in compliance with [Chapter 17.114 \(Temporary Use Permits\)](#). The cargo container shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction of the project, whichever first occurs.

- B. Accessory Structures in Residential General Plan Land Use Designations.** Accessory structures, including, but not limited to, storage buildings, and cargo containers, are permitted on any parcel within residential General Plan land use designation, but which are outside Area Plan areas, only when they comply with the following regulations:
1. Storage structures and shelters must meet the requirements of the Uniform Building Code.
 2. Mobile homes, recreational vehicles, truck trailers, or cargo containers may not be used as storage structures on parcels less than two and a half (2.5) acres in size.
 3. Storage structures, including cargo containers, located on parcels larger than two and a half (2.5) acres shall be screened from view from public rights-of-way.
 4. Mobile homes not installed for occupancy in conformance with Title 25 of the California Code of Regulations are prohibited from being stored in Residential zones.
- C. Commercial Accessory Structures.** Commercial accessory structures shall comply with the following.
1. All accessory structures in commercial zones shall conform to all applicable primary structure development standards.
 2. Cargo containers used as accessory structures require the approval of an Administrative Use Permit in all commercial zones.
 3. **Development Standards.** Commercial accessory structures shall comply with the following.
 - a. Signs shall not be mounted or attached onto cargo containers.
 - b. Cargo containers, where permitted, shall not be stacked.
 - c. Except for temporary cargo containers for storage, moving, or in conjunction with an authorized construction project, cargo containers shall be painted a uniform earthen hue color (i.e., beige, tan, brown).
 4. **Exceptions.** Up to two (2) cargo containers are allowed as temporary offices on a construction site and require the approval of a Temporary Use Permit, in compliance with **Chapter 17.114 (Temporary Use Permits)**. The cargo container(s) shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction of the project, whichever first occurs.

Chapter 17.34 – Fences and Walls

Sections

- 17.34.010 – Purpose and Applicability
- 17.34.020 – Permit Requirements
- 17.34.030 – Fence and Wall Standards

17.34.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to establish regulations for fences and walls to ensure compliance with the General Plan.
- B. Applicability.** The standards in this Chapter shall apply to the following:
1. The regulations in this Chapter shall apply to all fences and walls (including retaining walls), unless otherwise stated. These regulations do not apply to fences and walls required by State or Federal agencies, or by the County for reasons of public safety.
 2. The maximum height standards shall not apply in the following instances:
 - a. Where a greater height is required by any other provision of this Development Code; and/or
 - b. Where a greater height or type of fence and wall is required by a condition of approval.

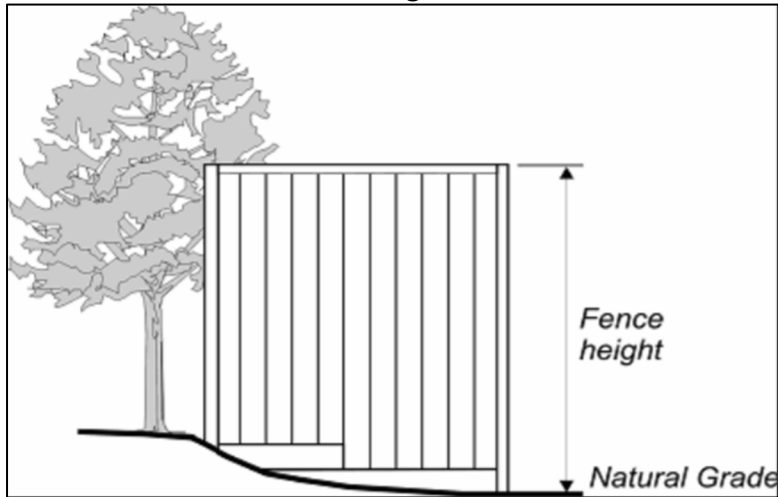
17.34.020 – Permit Requirements

- A. Permitted by Right.** Fences and walls seven (7) feet in height or less are permitted by right.
- B. Building Permit Required.** Fences and walls higher than seven (7) feet require a Building Permit.

17.34.030 – Fence and Wall Standards

- A. Height Measurement.** Fence and wall height shall be measured as the vertical distance between the natural grade of the ground abutting the fence and the top edge of the fence and/or wall. Adjacent grades shall not be artificially elevated to allow for a fence and/or wall that is higher than the allowable maximum height. See **Figure 3-8 (Fence and Wall Height Measurement)**.
- B. Fences and Walls Higher than Seven (7) Feet.** Fences and walls higher than seven (7) feet shall comply with the setback standards established for that zone in which the fence or wall is located. In compliance with **Section 17.34.020 (Permit Requirements)**, fences and walls higher than seven (7) feet shall require a Building Permit.
- C. Prohibited Fence and Wall Materials.** The following materials are prohibited as fence or wall material:
1. Shade cloth;
 2. Tarps;
 3. Roofing materials;
 4. Pallets; and/or
 5. Any other unconventional materials determined to be prohibited by the Director.

Figure 3-8
Fence and Wall Height Measurement



Chapter 17.36 – Landscaping

Sections

- 17.36.010 – Purpose and Intent
- 17.36.020 – Applicability
- 17.36.030 – Landscaping Standards

17.36.010 – Purpose and Intent

The purpose of this Chapter is to ensure compliance with applicable State standards and guidelines for landscaping.

17.36.020 – Applicability

The provisions of this Chapter shall apply to all landscaping installed in the County, including for those parcels located within adopted Planning Area.

17.36.030 – Landscaping Standards

The design, installation, and maintenance of all landscaped area within the County shall comply with State requirements for water efficient landscaping as contained in Title 23 Section 2.7 Model Water Efficient Landscape Ordinance of the California Code of Regulations.

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Chapter 17.38 – Parking Standards

Sections

- 17.38.050 – Parking Facility Design Standards
- 17.38.060 – Compact and Tandem Parking Spaces
- 17.38.070 – Joint Use of Off-Site Parking Facilities
- 17.38.080 – Off-Site Designated Parking: Alternate Parking Location
- 17.38.090 – On-Street Parking Spaces

17.38.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to promote land use compatibility, traffic safety, and to improve air quality by providing sufficient parking and maneuvering areas on appropriate surfaces for all uses.
- B. Applicability.** The standards in this Chapter shall apply as follows.
 - 1. Applicability of Standards.** Every use or addition to a use shall, prior to building occupancy provide required on-site parking, loading, and vehicle movement areas consistent with the provisions of this Chapter.
 - 2. Minimum Standards.** The standards in this Chapter are considered minimum, and more extensive parking provisions, such as project conditions of approval, may be required by a Review Authority for a discretionary permit.

17.38.020 – Permit Requirements

- A. New Parking Facilities.** The design of new parking facilities not otherwise exempt from the requirements of this Chapter shall be reviewed in conjunction with the Building Permit, Zoning Clearance, and any other land use or development permit required for a project. A site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance with the provisions of this Chapter.
- B. Modification of Existing Parking Facilities.** Modification or improvement to an existing parking facility that changes the parking space layout, configuration, number of stalls, or landscaping shall first require Director review and approval.

17.38.030 – Exemptions

The following parking facility improvements are considered minor in nature in that the number or configuration or parking spaces is not altered. These and similar improvements shall be exempt from permit requirements.

- A.** Resurfacing, slurry coating, and re-striping of a parking area with identical delineation of parking spaces;
- B.** Repair or replacement of damaged planters, wheel stops, and/or curbs in the same location; and
- C.** Repair of any defects in the surface of the parking area, including holes and cracks.

17.38.040 – On-Site Parking Space Requirements

- A. **Parking Spaces Required by Type of Use.** Table 3-__ (On-Site Parking Requirements) includes the number of on-site parking spaces required for specific land uses. These standards shall apply at the time a new structure is erected, when an existing structure is altered or enlarged, when a new land use is established, and/or when a land use is intensified by the addition of floor space, unless otherwise specified in this Chapter.
- B. **Uses not Listed.** Where the on-site parking requirements for a land use are not specifically listed in Table 3-__ (On-Site Parking Requirements), the parking requirements for the use shall be determined by the Director. The Director shall establish a parking standard based on the similarity to and parking demand of listed uses.
- C. **Calculation of Space Required.** Parking spaces shall be calculated as follows.
 - 1. **Gross Floor Area.** For this Chapter, “floor area” for retail or wholesale type of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area does not include areas used principally for non-public purposes, including kitchens, storage, incidental repair, processing or packaging of merchandise, show windows, offices incidental to the management, or maintenance of stores or structures.
 - 2. **Fractional Spaces.** Fractional parking space requirements shall be rounded up to the next whole space.
- D. **Parking Space Reduction.** The Director may grant a Minor Variance, in accordance with Chapter 17.116 (Variances and Minor Variances), to reduce the required number of parking spaces required up to ten (10) percent, but not to exceed three (3) spaces. Also see Section 17.____ (Joint Use of Off-Site Parking Facilities).
- E. **Parking Required on Site.** All required parking shall be located on the same parcel or development site as the uses served, except for parking located off-site in compliance with Section 18.38.140 (Off-site Designated Parking: Alternate Parking Location).
- F. **Permanent Availability Required.** Each required parking space shall be permanently available and maintained for parking purposes for the use it is intended to serve. Required parking spaces shall not be used for snow storage, trash dumpsters, loading/unloading areas, sandwich board signs, or any other non-parking uses.
- G. **Land Uses Not Listed.** If a land use is not specifically listed in Table 3-__ (Off-Street Parking Requirements) the Director shall determine the probable use and the number of parking and loading spaces required based on the operational characteristics of the proposed use. To make this determination, the Director may require the submission of survey data or other applicable studies from the applicant, prepared at the applicant’s expense.
- H. **Obstructions.** The parking of vehicles shall not obstruct sidewalks, pedestrian walkways, and vehicular driveways and aisles.
- I. **Nonconforming Parking and Loading.** Land uses and structures that are nonconforming due solely to the lack of on-site parking or loading facilities required by this Chapter, shall be subject to the provisions of Article 6 (Nonconforming Uses, Structures, and Parcels).
- J. **Accessory Dwelling Units (ADU) Parking.** Accessory dwelling units shall provide parking as follows.
 - 1. **Required Parking.** A minimum of one (1) additional on-site parking space shall be provided for an ADU, except that parking is not required for an ADU in any of the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit.

- b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or accessory structure.
 - d. When there is a car share vehicle located within one (1) block of the ADU.
 2. **Tandem Parking.** A parking space for an ADU or other single family residential use may be provided as tandem parking on an existing driveway or driveway.
 3. **Conversion.** When an existing garage is converted to an ADU, or when a carport or covered parking structure is demolished in conjunction with the construction of an ADU, the required replacement spaces must be located on the same parcel and may be covered, uncovered, or tandem spaces.
- K. **Bed and Breakfast Inns and Vacation Rentals.** Bed and breakfast inns and vacation rentals shall comply with the following parking standards.
 1. **Maintenance.** Parking provided shall be maintained so that it is usable, at all times during the year, when it is occupied.
 2. **Garage Parking Spaces.** Parking spaces in garages may be used to meet minimum parking standards.
 3. **Stacked Parking Spaces.** Stacked or tandem parking spaces may be allowed for individual vacation rental facilities but are not appropriate for bed and breakfast inns.
 4. **Parking Space Location.** All required parking spaces for bed and breakfast inns and vacation rental shall be provided on-site, except where allowed to be on-street as described in **Paragraph 17.38.040(J)(6)**.
 5. **Parking Space Access and Egress.** All required parking spaces for bed and breakfast inns and vacation rental facilities shall have adequate and safe access and egress from the nearest road. This includes adequate and safe turnaround areas (if a through road driveway isn't provided), as determined by the Public Works Department.
 6. **Yosemite West Subdivision Parking Location Exception.** Parcels in the Yosemite West Subdivision shall comply with the following.
 - a. In the Yosemite West Subdivision, Unit 1 (Record of Survey No. 1511, Parcels 1 through 294), on-street parking spaces may be approved to achieve the minimum parking standards where it is determined by the Director and Public Works Director that on-site parking is not feasible.
 - b. The use of on-street spaces within a right-of-way or access easement may only be allowed if the design of the parking spaces is approved by the Public Works Department through the Encroachment Permit process.
 - c. If allowed and approved, on-street spaces shall be within and along the project site's frontage.
- L. **Additional Regulations.** Parking for all uses shall comply with the following standards, unless otherwise specified.
 1. **Employee Parking.** For this Section, an owner of a business shall be considered an employee for the purpose of calculating on-site parking requirements.
 2. **Additional Parking Demand.** The minimum number of parking spaces required, as listed in **Table 3-1 (On-Site Parking Requirements)**, may be increased by the Commission if, after a hearing, the Commission determines that actual use of the site in question will require additional parking spaces.
 3. **Minimum.** The requirements specified in **Table 3-1 (On-Site Parking Requirements)** are considered the minimum number of parking spaces required.

4. **Businesses and Uses within a Parking District.** Businesses and uses which are located within an established Parking District, such as the Mariposa Parking District, shall not be required to provide parking for new uses and development, and/or for changes in uses and development.
5. **Accessible Parking Spaces.** Adequate accessible parking spaces shall be provided as required by Title 24 of the California Code of Regulations. Review of parking lot compliance with Title 24 shall be conducted through the building permit process.
6. **Pedestrian Safety.** Parking lots shall provide for pedestrian safety, between parking spaces and the use.

Table 3-1
On-Site Parking Requirements

Land Use	Number of Spaces Required
Residential Uses	
Accessory Dwelling Unit	1 space for the ADU, unless exempt
Agricultural Homestay	2 spaces per residential unit, plus 1 space per each bedroom available for rent
Bed and Breakfast Inn	2 spaces per residential unit, plus 1 space per each bedroom available for rent
Mobile Home	2 spaces per unit or 1 space for seniors in mobile home park (62 years or older), plus 1 guest space for every 5 units; spaces may be tandem
Multi-family	1.5 spaces per 1 bedroom, 2 spaces for each unit having 2–4 bedrooms, or 3 spaces for 5 or more bedrooms or rooms which could be used as bedrooms, plus 1 guest space for every 5 units
Single and Two-Family Dwelling	2 spaces per dwelling unit with up to 4 bedrooms, dwelling units with 5 or more bedrooms require 3 spaces (each space must be at least 9 feet by 19 feet)
Single Room Occupancy (SRO)	0.5 spaces per unit, plus 1 space for an on-site manager (if applicable)
Vacation Rental	1 space for each bedroom
Recreation, Education, and Places of Assembly Uses	
Community Care Facility, Large	0.5 space per residential unit, plus 1 space per every shift employee
Community Care Facility, Small	See “Single and Two-Family Dwelling”
Day Care Home	See “Single and Two-Family Dwelling”
Day Care Facility	1 space for every employee, plus 2 spaces, plus 1 loading/unloading space for every 5 children
Emergency Shelter	1 space per 6 beds, plus 1 space for each staff member
Hospital	2 spaces per bed
Library	1 space for every 350 square feet of gross floor area
Place of Assembly	1 space for every 4 fixed seats or 1 space for every 50 square feet of net floor area for assembly, whichever is greater
Recreation and Entertainment	1 space for every 4 persons of allowed maximum facility capacity or occupancy
School, Private and Public	
Elementary and Junior High School	1 space for each classroom and 1 space for each 4 fixed seats or 50 sq. ft. of area in the auditorium or gymnasium
High schools	6 spaces for each classroom and 1 space for each 4 fixed seats or 50 sq. ft. of area in the auditorium or gymnasium
Retail, Service, and Office Uses	
Athletic Club	1 space per 300 square feet of gross floor area
Beer and wine tasting rooms	1 space for each 100 sq. ft. of gross floor area

Table 3-1
On-Site Parking Requirements

Land Use	Number of Spaces Required
Banks/Financial Center	1 space for each 300 sq. ft. of gross floor area plus 2 additional spaces per automated teller unit if there are outside automated teller machines.
Hotels/Motel	1 space per guestroom, plus an additional 6 spaces
Personal Service	1 space per employee on maximum shift, plus 1.5 spaces for each chair and/or station
Restaurant	
Restaurant, fast food	1 space for each 100 sq. ft. of gross floor area
Restaurant, dine-in	1 space for each 150 sq. ft. of gross floor area or 1 for each 3 persons occupancy, whichever is greater
Outdoor Sales (including other open uses not in a structure)	1 space for every 3,000 square feet of gross floor area, 1 space for each facility vehicle, plus 1 space for each employee. There shall be a minimum of 4 spaces
Retail	1 space per 300 square feet, plus 1 space for each employee
Vehicle Sales and Repair	1 space for every 400 square feet of gross floor area
Wholesale	1 space per 1,000 square feet, plus 1 space for each employee
Industrial, Manufacturing, and Processing Uses	
Industrial Uses	1 space for each 1,000 square feet of gross floor area, plus 1 space for each facility vehicle
Public facility (e.g., communication equipment structure or electrical substation)	1 space for every shift employee
Storage Facility, Personal	Minimum of 3 parking spaces for customers, plus 1 space per shift employee on maximum shift.

17.38.050 – Parking Facility Design Standards

- A. Parking Space Dimensions.** Each parking space shall consist of a minimum area of twenty (20) feet in length by (9) nine feet in width of usable parking area, exclusive of aisles and access drives.
- B. Bus Parking Spaces.** Parking for buses shall comply with the following standards.
- For parking lots containing fifteen (15) or more parking spaces and serving tourist-oriented uses as determined by the Director, one (1) bus space shall be allowed to take the place of six (6) conventional parking spaces.
 - One (1) bus space shall be allowed in this manner for each fifteen (15) conventional parking spaces within a parking lot.
 - A bus parking space shall have a minimum dimension of fifty (50) feet in length by twelve (12) feet in width of usable parking area, exclusive of aisles and access drives.
 - Each bus parking space shall include adequate maneuvering room for safe ingress and egress.

- C. Spaces Adjacent to Structures and Walls.** In addition to the minimum parking area established in [Subsection 17.38.060\(A\) \(Parking Space Dimensions\)](#), spaces located adjacent to walls or structures shall incorporate an additional two (2) feet in width.
- D. Paving and Surface Access.**
- a.** All areas used for parking and access to such parking areas shall be completely paved with asphalt or concrete surfacing. When findings are made that the use is low intensity and that alternative surfacing materials are adequate for the use such alternative materials may be approved by the Director. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the Director. Any portion of the parking area not paved shall be landscaped.
 - b.** All areas used for parking and access to such parking areas for single family residences constructed on parcels greater than one (1) acre (net) may be surfaced with a minimum of two (2) inches of aggregate road base or equivalent with adequate drainage as approved by Director.
- E. Fences and Walls.** See [Chapter 17.34 \(Fences and Walls\)](#).
- F. Landscaping.** See [Chapter 17.36 \(Landscaping\)](#).
- G. Slope.** Parking lots shall not have a cross slope exceeding four and one half (4.5) percent, except for access ramps or driveways which shall not exceed a slope of sixteen (16) percent. These requirements shall not apply to single family residential development.

17.38.060 – Compact and Tandem Parking Spaces

- A. Maximum Number.** For any commercial, office, or multi-family development, up to forty (40) percent of the required number of on-site parking spaces may consist of compact parking spaces.
- B. Size.** Each compact parking space shall be not less than fifteen (15) feet in length and eight (8) feet in width, exclusive of aisles and access drives.
- C. Compact Space Designation.** All parking spaces for compact vehicles shall be designated with the word “Compact” on the pavement at the opening of the space.
- D. Tandem Parking.** No parking space shall be so located as to require the moving of any vehicle on the premises to enter or leave any other stall unless the parking facility has an attendant present during the use of the facility.

17.38.070 – Joint Use of Off-Site Parking Facilities

- E.** The Review Authority may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities.
- 1. Allowable Usage.** Up to fifty (50) percent of the parking facilities required by this Chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use and up to fifty (50) percent of the parking facilities required by this Chapter for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided that the parking area shall meet the conditions specified in [Subsection 17.38.080\(3\) \(Required Conditions\)](#).
 - 2. Daytime and Nighttime Uses.**
 - a. Daytime Uses.** The following uses are considered typical daytime uses: banks/financial centers, offices, retail sales, personal services, manufacturing and wholesale, and similar uses as determined by the Director.
 - b. Nighttime Uses.** The following uses are considered typical nighttime uses: theaters, bars, night clubs, and other similar or incidental uses as determined by the Director.

- 3. Required Conditions.** The following conditions are required for joint use parking:
- a.** The structures or uses sharing the on-site parking facilities must be located within two hundred (200) feet of a parking facility.
 - b.** There is no substantial conflict in the principal operating hours of the structures or uses sharing the on-site parking facilities.
 - c.** The applicant of the project proposing to use parking already established for another use shall submit a signed agreement between the applicant and the other property owner(s) providing the on-site parking spaces subject to the joint parking arrangement.
 - (1)** The agreement shall stipulate that the title and right to use the parcel(s) upon which the parking space is to be provided will be subservient to the title to the premises upon which the structure is to be erected and that the parcel(s) is not and will not be made subject to any other covenant or contract for use without prior written consent of the Director.
 - (2)** The agreement shall be subject to the approval of the Director.
 - (3)** The agreement shall also be subject to review by County Counsel, as to form and content.
 - (4)** The agreement shall be recorded in the office of the County Recorder.

F. Common Parking Facilities.

- 1. Sum of the Various Uses.** Common parking facilities serving two or more structures or uses may be provided in place of the separate facilities and shared between the uses they serve provided the total number of on-site parking spaces is not less than the sum of the individual structures or uses if computed separately, taking into consideration allowable reductions for joint use as specified in **Subsection 17.38.080(A)**.
- 2. Allowable Reduction.** When any common parking facility occupies a site of five thousand (5,000) square feet or more, the parking requirements as specified in this Subsection for each structure or use may be reduced by not more than ten (10) percent upon approval of development plans by the Commission in the manner specified for a Conditional Use Permit as established in **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)**.
- 3. Loss of Off-Site Parking.** Common parking facilities shall comply with the provisions established in **Section 17.38.080.D (Loss of Off-Site Parking)**.

G. Mixed Uses. In the case of mixed uses, the total requirements for on-site parking facilities shall be the sum of the requirements for the various uses computed separately, unless the Review Authority approves an application for joint use of parking facilities. On-site parking facilities for one use shall not be considered as providing required parking facilities for any other use except as specified for joint use parking facilities.

H. Parking Demand Study. The Director may require the preparation of a parking demand study, prepared by a person/firm experienced in preparing parking plans, to assist in determining the appropriate joint parking reduction.

I. Low Demand. The number of required parking spaces may also be reduced if a structure or use will not use the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study submitted to and approved by the Director.

17.38.080 – Off-Site Designated Parking: Alternate Parking Location

- A. Permit Required.** Approval of an Administrative Use Permit in compliance with **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)** shall be required for a parking facility or any portion of required parking that is not located on the same site as the use it is intended to serve.
- B. Findings.** To approve an Administrative Use Permit for an off-site parking facility, the Review Authority shall make all of the following findings in addition to those required for the approval of an Administrative Use Permit:
1. The parking facility is located within two hundred (200) feet to the use it is intended to serve;
 2. On-street parking is not being counted towards meeting parking requirements;
 3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
 4. The parking facility will be permanently available and maintained for the use it is intended to serve.
- C. Parking Agreement.** A parking agreement, which guarantees the long-term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Recorder's Office. The agreement shall be approved by the Director.
- D. Loss of Off-Site Parking.**
1. **Notification to County.** The owner or operator of a business that uses an approved off-site parking facility to satisfy the parking requirements shall immediately notify the Director of any change of ownership or use of the property where the spaces are located, or changes in the use that the spaces are intended to serve, or of any termination or default of the agreement between the parties.
 2. **Effect of Termination of Agreement.** Upon notification that the agreement for the required off-site parking has terminated, the Director shall establish a reasonable time in which one of the following shall occur:
 - a. Substitute parking is provided that is acceptable to the Director; or
 - b. The size or capacity of the use is reduced in proportion to the parking spaces lost.

17.38.090 – On-Street Parking Spaces

When required parking cannot be located on site, on-street parking spaces may be developed by the applicant in lieu of the on-site parking as approved by the Director and Public Works Director in accordance with the following:

- A.** A minimum of two (2) on-street spaces shall be provided.
- B.** Two (2) on-street spaces shall be required for each required on-site space.
- C.** Spaces shall be constructed in accordance with applicable provisions in the Road Improvement and Circulation Policy.
- D.** An encroachment permit shall be required for development of spaces within a county-maintained road right-of-way.
- E.** Existing on-street spaces may be counted if approved by the planning commission following a noticed hearing. In order to allow such reduction, the approval authority shall find that such reduction does not compromise the intent of providing adequate street parking to the general public considering hours of operation or other factors.
- F.** The spaces shall be developed within the project site frontage or immediately adjacent to the project site.

- G.** There shall be safe, convenient pedestrian access from the parking spaces to the subject use.
- H.** Signs which reserve the on-street parking spaces for the applicant's clientele or others shall be prohibited.

Chapter 17.40 – Sign Standards

Sections

- 17.40.010 – Purpose
- 17.40.020 – Applicability
- 17.40.030 – Sign Permit Requirements
- 17.40.040 – Exemptions from Sign Review Permit Requirements
- 17.40.050 – Prohibited Signs
- 17.40.060 – General Requirements for All Signs
- 17.40.070 – Sign Standards by Zone
- 17.40.080 – Standards for Specific Sign Types
- 17.40.090 – Nonconforming Signs
- 17.40.0100 – Public Nuisance, Abatement, and Violation
- 17.40.0110 – Judicial Review

17.40.010 – Purpose

Purpose. The purpose of this Chapter is to appropriately regulate the location, number, placement, size, design, and type of signs allowed within the County, and to require the proper maintenance of signs to accomplish the following:

- A. Reduce the proliferation of signs to maintain the scenic quality of the County's transportation corridors and to generally preserve the rural appearance of the County;
- B. Encourage a desirable character with a minimum of clutter, while recognizing the need for signs as a major form of communication;
- C. Provide for fair and equal treatment of all sign users;
- D. Encourage signs that are well designed and pleasing in appearance by providing incentive and latitude for good design, location, and spacing;
- E. Provide for maximum public convenience by properly directing people to various activities;
- F. Promote public safety by providing that official traffic regulation devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs resembling official traffic signs;
- G. Appropriately regulate the location of signs;
- H. Prohibit off-site advertising; and
- I. Protect visually sensitive highway corridors.

17.40.020 – Applicability

- A. **Signs Regulated.** The provisions of this Chapter shall apply to signs that are not regulated by an adopted Specific Plan or Area Plan. Additionally, the provisions of this Chapter shall apply to signs within an identified Planning Area that either does not have an adopted Area Plan, or in which the adopted Area Plan for that Planning Area does not address sign regulations.
- B. **Message Neutrality.** It is the County's policy to regulate signs in a constitutional manner that is content neutral with respect to both noncommercial and commercial messages.

17.40.030 – Sign Permit Requirements

- A. **Sign Review Permit Required.** Except for certain exempt signs (see **Section 17.40.040 [Exemptions from Sign Review Permit Requirements]**, below), no sign shall be altered, constructed, erected, re-erected, or relocated, except as provided by this Chapter unless a Sign Review Permit has been issued by the Director.
- B. **Sign Review Permit Fee.** A Sign Review Permit shall not be issued until the applicant has paid the applicable permit fees in compliance with the Fee Schedule.
- C. **Plans Required.** The applicant for a Sign Review shall submit a complete application to the Department in the acceptable form approved by the Director. Additional information may be required by the Director, or the requirement for a Sign Review Plan may also be waived by the Director.

17.40.040 – Exemptions from Sign Review Permit Requirements

The following signs are allowed without a Sign Review Permit; provided, they comply with **Section 17.40.060 (General Requirements for All Signs)**, and any required Building Permit is obtained.

- A. **Nonstructural Modifications and Maintenance.**
 - 1. Modifications to sign copy on legal conforming signs, or changes to the face or copy of conforming changeable copy signs; and
 - 2. The normal maintenance of legal conforming signs, except as identified in **Subsection 17.40.060(H) (Sign Maintenance)**, below.
- B. **Identification Signs.** Street identification and house identification signs not exceeding two (2) square feet.
 - 1. **Street Signs.** Street identification and house or address identification signs shall not exceed two (2) square feet in size.
 - 2. **Farm/Ranch Signs.**
 - a. Are only allowed in agricultural and resource zones.
 - b. Signs shall not exceed twenty (20) square feet in size.
 - c. Signs shall be placed at the primary entrance to the ranch or farm, unless another location is determined to be appropriate by the Director.
- C. **Temporary signs.** The following temporary signs are allowed without a Sign Review Permit.
 - 1. **Real Estate Signs.** Real estate signs are allowed without a Sign Review Permit in compliance with California Civil Code Section 713, and subject to the following requirements.
 - 2. **Commercial and Other Nonresidential Zones.** Properties within commercial and other nonresidential zones shall be allowed one real estate sign of no more than sixteen (16) square feet, with a maximum height for freestanding signs of six feet, for each parcel frontage.
 - 3. **Residential Zones.**
 - a. **On-Site Signs.** One non-illuminated real estate sign not more than four (4) square feet in area, including riders, advertising the sale or lease of a parcel or structure, may be located on the property it advertises.

- b. Off-Site Directional Signs.** Off-site real estate directional signs not more than four (4) square feet in area each, including riders, may be located on private property with permission of the property owner; provided, they do not obstruct or impede pedestrian or vehicular traffic, and are not installed in a way that prevents removal. No real estate sign shall be allowed within a public right-of-way. Off-site directional signs shall be limited to a maximum of three (3) signs per parcel.
- D. Home Enterprises and Rural Home Industries.** Home enterprises and rural home industries are allowed on-site signs identifying the business and shall not be more than sixteen (16) square feet.
- E. Governmental Signs.** Signs installed by the County or a Federal or State agency, because of their responsibilities for the protection of public health, safety, and general welfare, including the following signs:
 - 1. Traffic signs erected and maintained by an authorized public agency;
 - 2. Legal notices, licenses, permits, and other signs required to be displayed by law;
 - 3. Signs showing the location of public facilities (e.g., public telephones, restrooms, and underground utilities); and
 - 4. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.
- F. Miscellaneous Signs.**
 - 1. Address numbers not exceeding twelve (12) inches in height.
 - 2. Official flags. Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies; provided, the length of the flag shall not exceed one-fourth (1/4) the height of the flagpole, and the flag is not used for commercial advertising.
 - 3. Historical plaques erected and maintained by non-profit organizations, memorials, cornerstones, and date-constructed stones; provided, that none of these exceed four (4) square feet in area.
 - 4. Service station price signs required by State law, not exceeding the number and area required by State law.
 - 5. Signs or displays located entirely inside of a structure, located a minimum of five (5) feet from the nearest window they face.
 - 6. Signs created by landscaping.
 - 7. Small, temporary signs, otherwise in conformance with the duration, number, and size requirements of this Chapter, that address non-commercial issues or events.
 - 8. Signs on school district property throughout the County, regardless of the land use or zoning designation.

17.40.050 – Prohibited Signs

- A. Types of Prohibited Signs.** All signs not expressly allowed by this Chapter shall be prohibited.
- B. Examples of Prohibited Signs.** Examples of prohibited signs include the following:
 - 1. Abandoned signs;
 - 2. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, or signs that emit a varying intensity of light or color, including time and temperature displays;
 - 3. Billboards and any other off-site signs (not including gateway signs);
 - 4. Illegal signs, as defined in Article 9;

5. Inflatable or tethered signs or devices;
6. Moving signs, and other similar signs that are stationary but contain moving parts;
7. Obscene signs;
8. Flag signs, pennants and streamers, except in conjunction with an athletic event, carnival, circus, or fair, or as allowed in **Subsection 17.40.080(G) (Temporary Signs)**, below;
9. Reader board signs;
10. Roof signs;
11. Because of the County's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of characters, symbols, or words in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;
12. Second story or higher awning and window signs;
13. Signs in the form or shape of a directional arrow, or otherwise displaying a directional arrow, except as may be approved by the review authority, or as may be required for safety and convenience and for control of pedestrian or vehicular traffic within the premises of the subject use;
14. Signs attached to or suspended from a boat, float, vehicle, or other movable objects parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle;
15. Signs burned, cut, or otherwise marked on or otherwise affixed to a hillside or tree;
16. Commercial mascots;
17. Signs with reflective material, except address signs as required by CalFire;
18. Signs within the public right-of-way, except for signs installed or maintained by a government agency for traffic safety and directional purposes, in compliance with **Subsection 17.40.060(E) (Signs Placed Within the Public Right-of-Way)**, below;
19. Signs in storage or in the process of assembly or repair, located outside on premises other than that advertised in the signs, that are visible from a public right-of-way; and
20. Temporary and portable signs, except as specifically allowed by **Subsection 17.40.080(G) (Temporary Signs)**, below.

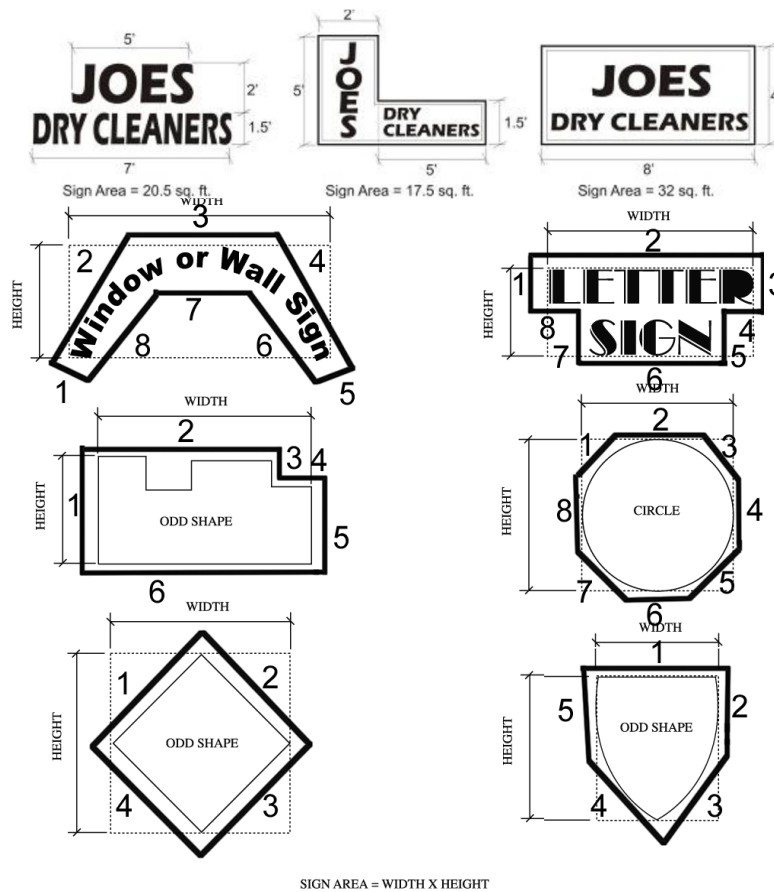
17.40.060 – General Requirements for All Signs

The following standards shall govern the computation of sign area and height measurement.

A. Sign Area Measurement. Sign area measurement to determine compliance with the sign area limitations of this Chapter shall occur as follows.

1. **Surface Area.** The surface area of a sign shall be calculated by enclosing the extreme limits of all emblem, icon, framing, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight (8) perimeter lines. **See Figure 3-9 (Sign Area Measurement).**

Figure 3-9
Sign Area Measurement



2. **Sign Structure.** Supporting bracing or framework that is determined by the Director to be clearly incidental to the display itself shall not be included in the calculation of total sign area.
3. **Multi-Faced Signs.** The area of a double-faced sign shall be calculated for one (1) face only, unless the two (2) faces are not back-to-back, parallel, and/or are separated by more than twelve (12) inches.
4. **Three-Dimensional Objects.** The area of a sign consisting of one (1) or more three-dimensional objects "3D" (i.e., balls, cubes, clusters of objects, sculpture, statue-like trademarks, etc.), shall be measured as their maximum projection upon a vertical plane.

B. Sign Height Standards Limitations.

1. **Sign Height Measurement.** The height of a sign shall be measured as the vertical distance from the natural grade abutting the signs to the highest attached component of the sign.
2. **Maximum Height for Freestanding Signs.** A freestanding sign shall not exceed a height of twenty (20) feet above natural grade in all zones.
3. **Maximum Height for Signs on Structures.** The top of a sign mounted on a structure shall not extend higher than the lesser of:
 - a. The top of the wall to which the sign is attached, in the case of a one (1)-story structure;

- b. The windowsills of the second floor, in case of a multi-story structure; or
 - c. Twenty (20) feet above natural grade.
- C. **Sign Location Requirements.** Each sign shall be located in compliance with the following requirements, and all other applicable provisions of this Chapter.
 - 1. Each sign shall be located on the same site parcel as the subject of the use advertised on the sign, except as otherwise allowed by this Chapter.
 - 2. No sign shall project on, under, within, or over a public easement, right-of-way, or property, except where the County or Caltrans has granted an encroachment permit, which would be in addition to a Sign Review Permit.
 - 3. No sign shall be placed so as to interfere with the operation of a door, fire escape, or window.
- D. **Signs Placed within a Public Right-of-Way.**
 - 1. Signs placed in a County public right-of-way require an encroachment permit from the County;
 - 2. Signs placed in a State of California public right-of-way require an encroachment permit from California Department of Transportation (Caltrans).
- E. **Sign Design Standards.** The following design standards shall be used in reviewing the design of individual signs. Compliance with each of the following standards shall be required before a Sign Review Permit or Building Permit can be approved.
 - 1. **Color.** Colors on signs and structural members shall be harmonious with one another and relate to the dominant colors of the other structures on the site. Contrasting colors may be used if the overall effect of the sign is still compatible with the structure colors. Commercial logos are exempt from this provision.
 - 2. **Materials and Structure.**
 - a. Sign materials (including framing and supports) shall be representative of the type and scale of materials used on the primary on-site structure and on other on-site signs.
 - b. The materials of a permanent sign shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.
 - c. The size of the structural members (e.g., braces, columns, and crossbeams) shall be proportional to the sign panel they are supporting. In general, fewer larger supporting members are preferable to many smaller supports.
- F. **Street Address.** The Review Authority may require that a sign include the site street address, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one (1) or more structures on the site.
- G. **Sign Lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of-way and properties in compliance with **Section 17.46.050 (Outdoor Light and Glare)** and the following.
 - 1. No sign shall be illuminated after 11:00 p.m. or close of business, whichever occurs last, or prior to 6:00 a.m.
 - 2. External light sources shall be directed and shielded so they do not produce glare on any object other than the sign, and/or do not produce glare off the site of the sign.
 - 3. The light illuminating a sign shall not be of a brightness or intensity that will interfere with the reasonable enjoyment of neighboring properties.
 - 4. Sign illumination shall not blink, flash, flutter, or change light brightness, color, or intensity.

5. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
6. Sign illumination shall not be directed onto a public or private road, and neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
7. Reflective bulbs and incandescent lamps exceeding 15 watts shall not be installed in a manner that exposes the bulb or lamp face toward a public right-of-way or adjacent property.
8. Light sources shall utilize hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency.

H. Sign Maintenance.

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning properly at all times.
2. A repair to a sign shall be of equal or better quality of materials and design with use of the same colors as the original sign.
3. A sign that is not properly maintained and is dilapidated are prohibited.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed and the wall surface to which it was attached shall be repaired and repainted in the same manner as the remaining portions of the wall.
5. Unpainted areas shall be painted to match the adjacent portion of the structure or the sign support structure.

17.40.070 – Sign Standards by Zone

A. Residential Zones. No signs will be allowed in residential zones, except as described in **Section 17.40.040 (Exemptions from Sign Review Permit Requirements)**.

B. Commercial Zones. The following signs shall be permitted in the CN zone:

1. Where Permitted.

- a. Temporary signs not exceeding sixteen (16) square feet. The term of such signs shall be the term of the special event and shall not exceed six (6) months, or the term of time the property is offered for sale or lease.
- b. Signs complying with the standards of this title and advertising the business or services located on the parcel upon which the sign is located.

2. Sign Standards.

- a. The aggregate sign area for any business shall be one (1) square foot of sign area per one (1) lineal foot of the business frontage with a maximum sign area of thirty-two (32) square feet. A business within a building having frontage on more than one (1) public right-of-way may use the maximum aggregate sign area on one frontage and one-half (1/2) the maximum aggregate sign area on the other frontage with a maximum sign area of forty-eight (48) square feet.
- b. Signs shall be incorporated into the building design and shall not extend above the peak of the roof of the building upon which the sign is located. A monument sign shall be allowed as an alternative to or in addition to the building.

- c. In addition to the maximum aggregate sign area, commercial centers having a common name and containing three (3) or more business entities may contain a monument sign not exceeding thirty-two (32) square feet and six (6) feet in height. The monument sign shall only identify the complex and shall not be used to advertise the individual businesses.
- C. **Scenic Highway Overlay Zone (SHO).** Each sign in the SHO zone shall comply with the following requirements.
 1. **Monument Signs.** Low lying monument signs are encouraged.
 2. **Signs on Structures.** Signs attached to structures shall not extend more than sixteen (16) inches from the face of the structure and shall not extend above the roofline of the structure.
 3. **Sign Materials and Area Standards.**
 - a. If all signs on a parcel are constructed of natural materials such as wood or stone, or modern materials which closely resemble natural materials as determined by the Director, the maximum aggregate area for all signs shall be one hundred and twenty (120) square feet per parcel.
 - b. If one (1) or more signs on a parcel are not constructed of natural materials, the maximum aggregate area for all signs shall be sixty-four (64) square feet per parcel. Smaller signs may be required depending upon scale and type of development.
 4. **Temporary Signs.** Temporary signs in the SHO zone shall comply with **Subsections 17.40.040(D) (Temporary Signs)** and **17.40.080(F) (Temporary Signs)**.
 5. **Flashing or Moving Signs.** Signs shall not contain any flashing or intermittent lights, or any parts which are moving or appear to be moving.
 6. **Sign Illumination.** No sign shall be directly or indirectly illuminated by artificial light which is not maintained stationary and constant in color and intensity at all times when in use.
 7. **Free Standing Signs.** One (1) free standing sign shall be permitted per business providing the sign meets all other standards of this Section. The height of free-standing signs shall be limited to twenty (20) feet.
 8. **Directional and Informational Signs.** Signs used as directional and informational aids which are approved, if necessary, by the U.S. Forest Service, Caltrans, or the County for concessionaires, private commercial recreation facilities and public recreation facilities shall be considered appurtenant on-site signs if located within a reasonable distance of the access road to these facilities.
 9. **Exempt Signs.** Federal, State, and County signs shall not require review and shall be exempt from the provisions in this Section.
 10. **Banners and Flag Signs.** Banners and flag signs are expressly prohibited within the SHO zone.
 11. **A-Frame Signs (Sandwich Board Signs).** A-frame signs (sandwich board signs) shall only be displayed during regular business hours and shall be maintained in good repair. A maximum of two a-frame signs are allowed per business. A-frame shall be limited to a maximum of size six square feet per side and shall not be counted toward allowed sign area.

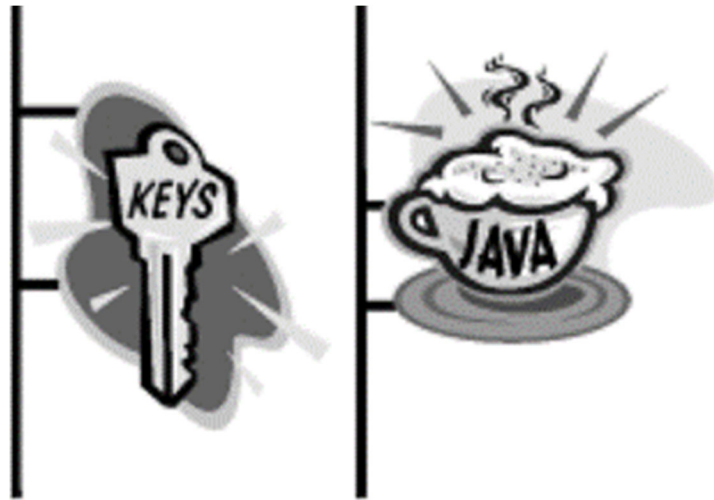
17.40.080 – Standards for Specific Sign Types

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign type listed in this Section shall be included in the calculation of the total sign area allowed on a parcel by Section 17.40.070 (Sign Standards by Zone), above, unless this Section explicitly provides otherwise. Each sign shall also comply with the sign area, height, and other requirements of Section 17.40.060 (General Requirements for All Signs), above, and all other applicable provisions of this Chapter. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this Chapter.

- A. Awning Signs.** The following standards apply to awning signs in all zones where allowed by Section 17.40.070 (Sign Standards by Zone), above.
1. Signs on awnings are limited to ground level or second story occupancies only.
 2. Awnings shall not be internally illuminated. Direct exterior lighting may be allowed.
 3. Translucent awning materials are prohibited.
- B. Freestanding Signs.** The following standards apply to freestanding signs in all zones where allowed by Section 17.40.070 (Sign Standards by Zone), above
1. Multiple signs shall be separated by a minimum of seventy-five (75) feet to ensure adequate visibility for all signs. The Review Authority may modify this requirement where the locations of existing signs on adjacent properties would make the seventy-five (75)-foot separation impractical.
 2. A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the Review Authority.
 3. **Structure Address Identification.** To assist emergency response personnel in locating the parcel, freestanding signs shall contain a street address identification number that complies with the following standards, in compliance with the California Fire Code (California Code of Regulations, Title 24, Part 9, Section 505):
 - a. Address numbers shall contrast with their background.
 - b. Address numbers shall be Arabic numbers or alphabetical letters.
 - c. Each character in the address number shall be a minimum of four (4) inches in height and a half of an inch (0.5) in width.
 - d. Address identification numbers shall be properly maintained at all times.
 - e. Address identification numbers shall not be included in calculations of maximum allowed sign area.
- C. Gateway Signs.** The following standards apply to all gateway signs in all zones where allowed.
1. **Gateways.** The following locations shall be considered gateways to Mariposa County. Additional locations for gateway signs that are not listed below may be considered by the Board upon submittal of a Sign Review Permit, processing fee, and subsequent review and approval by the Board.
 - a. The Mariposa and Merced County line at State Highway 140;
 - b. The Mariposa and Madera County line at State Highway 49;
 - c. The Mariposa and Madera County line at State Highway 41;
 - d. The Mariposa and Stanislaus County line at State Highway 132;
 - e. The Mariposa and Tuolumne County line at State Highway 132; and
 - f. The Mariposa and Tuolumne County line at State Highway 120.

2. One sign shall be allowed at each identified community gateway location. The sign may be single or doubled faced.
 3. No gateway sign shall be placed within the right-of-way of any State highway or other County public right-of-way.
 4. No gateway sign shall be larger than two hundred and forty (240) square feet.
 5. The maximum height of each gateway sign shall not exceed sixteen (16) feet in height from existing ground surface or from existing road grade measured horizontally from highest point on the travel lanes of the road adjacent to the proposed sign location, whichever is highest.
 6. Signs may incorporate external illumination into the sign design, however internally illuminated signs shall be strictly prohibited. If external lighting is used for signs, the lighting shall be shielded and directional and shall not shine light off-site.
 7. No gateway sign shall be placed in such a manner as to create any safety hazard for vehicular traffic.
 8. Gateway signs shall comply with all applicable provisions of the State of California Outdoor Advertising Act.
 9. The proposed design of each gateway sign shall be reviewed and approved by the Board through a design review application, together with applicable processing fees, submitted by the proponent to the Department to ensure that the sign complies with the requirements contained in this Section. The application shall be approved prior to sign fabrication or installation.
- D. Murals.** A mural placed on the wall of a structure may be allowed in any commercial and other nonresidential zone subject to the following requirements. All murals shall be subject to the review and recommendation by the Commission and approval by the Board.
1. A mural without text visible from a public right-of-way may be approved in addition to (not counted as part of) the maximum sign area allowed by [Section 17.40.070 \(Sign Standards by Zone\)](#), above; a mural with text shall comply with the maximum sign area limitations applicable to the subject site.
 2. Murals that illustrate the local setting, history, or cultural significance as sources of inspiration are encouraged.
 3. The approval of a mural shall require that the Review Authority first find that the colors, placement, and size of the mural are visually compatible with the structure's architecture, and that the mural will serve to enhance the aesthetics of the County.
- E. Projecting, Overhead, or Suspended Signs.** The following standards apply to projecting signs in all zones where allowed by [Section 17.40.070 \(Sign Standards by Zone\)](#), above.
1. The maximum horizontal clearance between a sign and the curb line shall be two (2) feet. The maximum projection over a public sidewalk shall be two-thirds (2/3) the width of the public sidewalk below or six (6) feet, whichever is less. Any projection over a public right-of-way shall require an Encroachment Permit.
 2. The top of a projecting sign shall not exceed the lesser of fourteen (14) feet, eave height, parapet height, or sill height of a second-floor window. No portion of the sign shall project above the eave line of a sloped roof or the top of the parapet on a flat roof.
 3. A projecting sign shall maintain a minimum clearance of eight (8) feet from the bottom of the sign to the finished grade and sidewalk below.
 4. Icon signs using shapes or symbols uniquely suited to the business, creative shapes, and three-dimensional signs are encouraged. See [Figure 3-10 \(Use of Icons and Symbols\)](#).

Figure 3-10
Use of Icons and Symbols



5. Each sign shall be graphically designed for pedestrians, with a maximum area of eight (8) square feet on each sign face, regardless of the length of the primary building frontage.
 6. Sign supports shall be well-designed and compatible with the design of the sign.
- F. Temporary Signs.** Temporary signs are allowed subject to the following requirements.
1. **Banners and Pennants.** Temporary banners and pennants on private property shall comply with the following requirements.
 - a. The use of a banner or pennants may be allowed only for a for a period not to exceed thirty (30) days per year. A temporary Sign Review Permit may be issued for not less than two (2) consecutive days, up to thirty (30) days. A business can secure multiple temporary Sign Review Permits but the combined time period cannot exceed thirty (30) days per year. This is in addition to the thirty (30) days allowed for a business grand opening banner. The maximum size of the banner is twenty-four (24) square feet.
 - b. The application for a temporary Sign Review Permit for banners or pennants shall include the dates proposed by the applicant for scheduled banner use.
 - c. A bond may be required by the Director for a temporary Sign Review Permit for banners or pennants. The bond may be revoked if the temporary banner or pennants are not removed within two days following their scheduled use.
 2. **Subdivision Signs.** Signs advertising land subdivisions in any zone shall be limited to one (1) two-sided sign of thirty-two (32) square feet in area placed at a right angle to the street, or two (2) one-sided signs of thirty-two (32) square feet in area each facing the street. The signs shall be at least two hundred (200) feet apart and shall be placed only on the subdivision site. The signs shall be removed within thirty (30) days after the final parcel of the subdivision is sold. The signs shall be non-illuminated.
 3. **Construction Signs.** Construction identification signs may be allowed in all zones in compliance with the following standards.
 - a. The number, placement, size, and type of signs shall comply with the sign requirements of **Section 17.40.070 (Sign Standards by Zone)**, above, for the applicable zone.

- b. The signs shall be removed before final building inspection or the issuance of a Certificate of Occupancy.
- 4. **Other Temporary Signs.** Temporary signs may be authorized by the Director, upon submittal of a sign application, plan for removal, and the fees required by the Fee Schedule.
 - a. **Maximum Sign Area.** In a residential zone, the combined area of all temporary signs shall not exceed six (6) square feet. In a commercial, industrial, and other nonresidential zone, the combined area of temporary signs shall not exceed twenty-five (25) square feet per business.
 - b. **Maximum Number of Signs.** No more than one (1) temporary sign shall be erected on a premise at a time.
 - c. **Sign Placement.** Temporary signs shall be subject to the same placement and height restrictions as permanent signs for the applicable zone.
 - d. **Time Limits.** Temporary signs shall not be allowed for more than thirty (30) consecutive days. Temporary signs shall not be allowed for a combined total of more than sixty (60) days in a twelve (12)-month period. Signs advertising a particular event shall be removed within ten (10) days after the event.
- 5. **Political Signs.** Political signs, as defined by this Title, shall comply with all of the following conditions:
 - a. No political sign shall be placed within the right-of-way of any state highway.
 - b. No political sign shall be placed within the easement or right-of-way or on or over any portion of a county-maintained road.
 - c. No political sign shall impair traffic safety, sight distance, or traffic flow on any county-maintained road, privately maintained county easement, or state highway.
 - d. No political sign shall be placed on county property.
 - e. No political sign shall be placed sooner than ninety (90) days prior to the scheduled election.
 - f. All political signs shall be removed within ten (10) days after the election.
 - g. No individual political sign shall be larger than thirty-two (32) square feet.
 - h. Political signs shall contain no outline tubing, flashing lights, or moving parts.
 - i. These standards shall apply to all political signs throughout the County, including in planning areas, unless there are specific standards established for a political sign in the adopted area plan for a planning area.

17.40.090 – Nonconforming Signs

A nonconforming sign is any permanent or temporary sign that was legally established but which no longer conforms with the provisions of this Code.

- A. **General Requirements.** All legally installed and permitted signs which do not conform with the standards of this Chapter shall be considered nonconforming and shall be permitted to remain on a parcel until such sign becomes an illegal sign, as described in **Subsection 17.40.090(C)**, below, or is subject to any of the following conditions:
 - 1. The sign is remodeled or relocated, the business name changes or there is any change in business ownership.
 - 2. The property owner requests permission to expand, remodel or enlarge the building or land use on the parcel containing the sign and the sign is affected by the construction.

B. Illegal Signs.

1. A sign shall be considered an illegal sign if it meets one (1) or more of the following criteria:
 - a. Any sign erected without compliance with applicable Building Code and/or zoning standards including signs expanded, remodeled, or enlarged after May 15, 1991, without a permit or design review approval (if required).
 - b. Any sign advertising a use that has ceased to exist for a period of ninety (90) days or more.
 - c. Any sign determined by the Building Official to be a danger to the public health and safety from the standpoint of structural integrity.
 - d. Any sign determined by the Public Works Director to be a traffic hazard not created by the relocation of streets or highways or other acts of the County.
2. **Zoning Violation and Public Nuisance.** Any sign meeting the criteria established in **Subsection 17.40.090(B)(1)**, shall be considered a zoning violation and a public nuisance and shall be subject to the provisions established in **Section 17.02.0990 (Violation Constitutes a Public Nuisance)** and **Chapter 17.144 (Enforcement)**.

C. Maintenance and Allowed Changes. Sign copy and face changes, nonstructural modifications, and nonstructural maintenance (i.e., painting, rust removal) are allowed without a Sign Review Permit up to a maximum of fifty (50) percent of the existing total area of the sign. Face changes not including copy, and any nonstructural modifications exceeding twenty-five (25) percent of the existing total area of the sign, and any structural changes shall comply with all applicable standards of this Chapter.

17.40.0100 – Public Nuisance, Abatement, and Violation**A. Signs on Vacated Structures.**

1. Any sign located on a site that has been vacated for ninety (90) days or more, and any sign located on a multi-tenant structure advertising a business that has been vacated for ninety (90) days or more shall be immediately removed by the owner after the expiration of the ninety (90)-day period.
2. The Director may issue a notice to remove the sign after the expiration of the ninety (90)-day period.
3. The notice to remove shall specify a fifteen (15)-day period during which the sign shall be removed.
4. If the owner does not remove the sign during the fifteen (15)-day period, the Director may have the sign removed at costs borne by the County.
5. The County will bill the property owner for all costs related to sign removal and storage. Costs not paid to the County shall be recovered in compliance with **Chapter 17.144 (Enforcement)**.

B. Abatement or Conformance When Required. A sign that does not comply with this Chapter, but lawfully existed and was maintained before the effective date of this Code, shall be removed or made to conform within sixty (60) days after written notice by the Director, when:

1. The use of the premises changes and/or the exterior of the structure or other site conditions are to be altered; or
2. The sign is damaged by any cause resulting in replacement or repair costs equal to or greater than fifty (50) percent of its replacement value at the time the damage occurs, as determined by the Building Official.

17.40.0110 – Judicial Review

Any permit issued or denied in compliance with this Chapter shall be subject to expedited judicial review to the extent provided by the time limits identified in Code of Civil Procedure Section 1094.6 et seq.

Chapter 17.42 – Solid Waste and Recycling Enclosures

Sections

- 17.42.010 – Purpose and Applicability
- 17.42.020 – Number and Location
- 17.42.030 – Development and Design Standards

17.42.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to ensure adequate solid waste and recycling collection, storage, and distribution locations to serve the residents of the County.
- B. Applicability.**
 - 1. The standards in this Chapter apply to all commercial, industrial, institutional, and multi-family dwelling projects requiring the issuance of a Conditional Use permit.
 - 2. All structures and uses shall conform to the standards of this Chapter as determined applicable by the Review Authority as a part of the approval of a Conditional Use Permit.

17.42.020 – Number and Location

- A.** Solid waste/recycling storage areas shall be adequate in number, distribution, and capacity to serve the development where the project occurs.
- B.** Areas for collecting, loading, and storing solid waste/recycling materials except for public recycling areas, shall be placed in one location.
- C.** The locations of solid waste/recycling storage areas shall be chosen to prevent the intrusion of noise, odor, insects, and dust into living areas.
- D.** Each solid waste/recycling area within a multi-family residential development shall be located no greater than two hundred and fifty (250) feet from any living unit.
- E.** Solid waste/recycling storage areas, except for public recycling area, shall be located to the rear of structures.
- F.** Solid waste/recycling storage areas shall be located where service vehicles have easy access.
- G.** A sign clearly identifying all solid waste/recycling collection, loading, and storage areas and acceptable materials shall be posted adjacent to all points of access.

17.42.030 – Development and Design Standards

- A.** Solid waste/recycling storage areas shall be designed to accommodate all required receptacles.
- B.** Solid waste and recycling enclosures shall be screened from public view, including areas such as streets, sidewalks, and parks. Screening for solid waste/recycling area shall use materials compatible with the structure or development.
- C.** Solid waste/recycling container areas shall be enclosed by a solid fence or wall a minimum of six (6) feet in height on three (3) sides and with a solid gate, a minimum of five (5) feet in height, subject to Director approval.
- D.** Solid waste/recycling storage enclosures shall be constructed to allow walk-in access.

- E.** Solid waste/recycling storage containers shall provide protection against adverse environmental conditions which might spread the collected materials or otherwise render them unmarketable, unsightly, or offensive.
- F.** Solid waste/recycling storage areas shall always be maintained in a neat and orderly manner.

Chapter 17.44 – Surface Mining and Reclamation

Sections

- 17.46.010 – Purpose and Intent
- 17.46.020 – Incorporation by Reference and Other Provisions of Law
- 17.46.030 – Definitions
- 17.46.040 – Mining Permit/Reclamation Plan Required
- 17.46.050 – Exempt Activities
- 17.46.060 – Designation of SMARA Lead Agency
- 17.46.070 – Vested Rights
- 17.46.080 – Process for Submittal of Surface Mining Permit Applications, Amendments to Surface Mining Permits, Reclamation Plans, and/or Amendments to Reclamation Plans
- 17.44.130 – Statement of Responsibility and Recordation of Reclamation Plan
- 17.44.140 – Interim Management Plans
- 17.44.150 – New Mining Operation Report and Annual Reporting Requirements
- 17.44.160 – Inspections
- 17.44.170 – Enforcement, Compliance, and Penalties
- 17.44.180 – Appeals
- 17.44.190 – Lead Agency Annual Inspection Fees
- 17.44.200 – Renewable Energy
- 17.44.210 – Severability

17.46.010 – Purpose and Intent

The purpose and intent of this Chapter is to ensure the County's compliance with California's Surface Mining and Reclamation Act of 1975 (Public Resources Code [PRC] Section 2710 et seq.), "SMARA", and PRC Section 2207 (relating to annual reporting requirements), and the State Mining and Geology Board's regulations, "California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Section 3500 et seq.), "State Regulations".

The County recognizes the legislature's findings and intent in adopting SMARA and incorporates by reference PRC Sections 2711 through 2713, to ensure that:

- A. The adverse environmental effects associated with surface mining are prevented or minimized and mined lands are reclaimed to a usable condition readily adaptable for alternative land uses.
- B. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage and aesthetic enjoyment.
- C. Residual hazards to public health and safety are eliminated.

17.46.020 – Incorporation by Reference and Other Provisions of Law

- A. **Incorporation by Reference.** The provisions of SMARA, PRC Section 2207, and associated State Regulations are made a part of this Chapter by reference with the same force and effect as if those provisions were specifically and fully set forth herein. To the extent the provisions within this Chapter are inconsistent with state policy, the state provision shall apply, except where this Chapter imposes requirements more stringent than state policy, then this Chapter shall prevail.

- B. Other Provisions of Law.** Surface mining and related operations regulated by this Chapter shall be consistent with the policies pertaining to mining contained in the General Plan and shall also be subject to this Code or development standards, all other County ordinances, resolutions, and policies, CEQA, and any other applicable provisions of law.
- C. Severability.** If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction it shall not affect the remaining portions of this Chapter.

17.46.030 – Definitions

- A.** The definitions set forth in PRC Sections 2726 through 2736, 2004 through 2008, and 14 CCR Sections 3501, 3675, 3695, 3802, are made a part of this Chapter by reference.
- B.** In addition, the following definitions apply:
- 1. Designated Area and State Policy.** “Areas of regional significance” and “areas of statewide significance,” as may be designated by the Board, and “state policy” and related regulations, as may be adopted by the Board, shall be recognized in the administration of this Chapter in compliance with SMARA.
 - 2. Division.** The California Department of Conservation’s Division of Mine Reclamation shall be referred to as the “Division”.
 - 3. Reclamation Plan Minor Amendment.** A minor amendment to the Reclamation Plan means a minor modification, change, or substitution of an existing standard or condition in an approved Reclamation Plan which can reasonably be presumed not to make a significant change to the approved Reclamation Plan or the conduct of the surface mining operation.
 - 4. Reclamation Plan Substantial Amendment.** A substantial amendment to an approved Reclamation Plan means a substantial deviation from the approved Reclamation Plan. A substantial amendment includes an interim management plan, or any deviation to the approved Mining Permit or Reclamation Plan that:
 - a.** Changes the operation so that a change to the approved end use results;
 - b.** Results in a substantial impact to the environment that is not addressed in the approved environmental review document for the current Reclamation Plan;
 - c.** Increases the area subject to surface disturbance;
 - d.** Increases the operations mineral production by more than ten (10) percent; and/or
 - e.** Increases the maximum depth of the operation.

17.46.040 – Mining Permit/Reclamation Plan Required

- A.** A Mining Permit and Reclamation Plan shall be required for any surface mineral exploration activity, surface mining operation, sub-surface mining operation, or sand and gravel (aggregate) extraction operation where one of the following occurs:
- 1.** The mining operation will result in the movement or disturbance of earth materials of a volume greater than one thousand (1,000) cubic yards, or
 - 2.** The mining operation will result in the movement or disturbance of earth materials exceeding a surface area of one (1) acre.
 - 3.** The requirement for a Reclamation Plan shall apply to any new, existing, or vested surface mineral exploration activity, surface mining operation, sub-surface mining operation, or sand and gravel (aggregate) extraction operation which has since January 1, 1976, over the lifetime of the operation, reached or exceeded the thresholds specified in this Section.

4. The requirement for a Mining Permit shall apply to any new, or existing surface mineral exploration activity, surface mining operation, sub-surface mining operation, or sand and gravel (aggregate) extraction operation which has, over the lifetime of the operation, reached or exceeded the thresholds specified in this Section.
5. Mining operators which have obtained a vested right to conduct a mining operation prior to January 1, 1976, are exempted from the requirement to obtain a Mining Permit but are required to submit a Reclamation Plan and financial assurances for approval.
6. In calculating the area disturbed for any operation, the following activities shall be included in addition to the actual mining operation:
 - f. Stockpiles;
 - g. Waste piles;
 - h. On and off-site access and haul roads;
 - i. Plant site, offices, and trailers;
 - j. Area used for equipment storage; and/or
 - k. Any other disturbance or graded surface area associated with the mining or exploration activities.
7. The thresholds specified in this Section are lifetime thresholds. These thresholds apply to any mining operation, which has, over the life of the operation exceeded any of the thresholds specified in this Section and include some or all activities specified in this Section and Section 2735 and Section 2729 of SMARA.

17.46.050 – Exempt Activities

- A. Except as provided in PRC Section 2714 and 14 CCR 3505(a), no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the County. The provisions of this Chapter shall apply to all lands within the County, both public and private.
- B. The exemptions set forth in PRC Section 2714 and 14 CCR 3505(a), are made a part of this Chapter by reference with the same force and effect as if the exemptions therein were specifically and fully set out herein.
- C. Although a mining operation may be exempt from SMARA under PRC Section 2714 and 14 CCR 3505(a), other state laws, such as the California Environmental Quality Act, and other local regulations may apply.

17.46.060 – Designation of SMARA Lead Agency

Applications to conduct surface mining operations that potentially meet the requirements of PRC section 2771 shall include sufficient geographic information necessary for the County to consider if one (1) or more governments have jurisdiction over the proposed operation under SMARA. Upon determining that a proposed surface mining operation will require the identification of a single lead agency to administer SMARA pursuant to PRC section 2771, the County will advise the operator and any affected government of its initial determination. If the affected governments or affected operator do not agree as to which public agency shall act as the SMARA lead agency for the proposed surface mining operation, the question may be submitted to the State Mining and Geology Board for a determination pursuant to PRC Section 2771.

17.46.070 – Vested Rights

- A. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, associated regulations, and this County's regulations. The provisions describing vested rights, as set forth in PRC Section 2776 and 14 CCR Section 3505(b) are made a part of this Chapter by reference. Persons conducting mining operations pursuant to vested rights shall obtain County approval of a reclamation plan pursuant to the Chapter and shall be subject to all other requirements of SMARA, this Chapter, and other applicable state and local laws.
- B. The determination of the nature and scope of a vested right to conduct mining operations shall be the authority of the Director.

17.46.080 – Process for Submittal of Surface Mining Permit Applications, Amendments to Surface Mining Permits, Reclamation Plans, and/or Amendments to Reclamation Plans

- A. Applications for a surface mining permit or the amendment of a permit, to conduct surface mining operations shall be made on forms provided by the County.
- B. Applications for a reclamation plan or reclamation plan amendment for surface mining operations shall be made on forms provided by the County.
- C. The application(s) shall be filed with the Department on a County application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date Department handout for the application and/or as specified by the Director. The application(s) shall also include each of the elements required by SMARA and associated state Regulations.
- D. As many copies of the application as may be required shall be submitted to the County. Applications shall include all required environmental review forms and information prescribed by the Department.

17.44.90 - Processing of Surface Mining Permit and/or Reclamation Plan and/or Permit or Plan Amendment Applications

- A. Within thirty (30) days of the acceptance of the application, the Director shall determine in writing whether the application is complete or incomplete and shall forward the determination in writing to the applicant specifying those parts of the application which are incomplete or missing information in compliance with **Section 17.102.080 (Initial Application Completeness Review)**. Upon receipt of any resubmittals of the application, a new thirty (30)-day period shall begin, during which the Director shall again determine the completeness of the application.
- B. When all required information related to the application has been submitted to the Department together with applicable filing fees the Director shall accept the application as complete for processing.
- C. Within thirty (30) days of the acceptance of an application as complete for processing, the Department shall provide a copy of the application, plan and other related documents to the Division pursuant to PRC Section 2774.2.5. The Department may request that the Division furnish technical assistance in its review of the Reclamation Plan
- D. The Department shall also send out copies of the proposal and related documents to various other affected State, Federal, and County agencies for review and comment.

- E.** Whenever mining operations are proposed in the one hundred (100)-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Department shall also notify the State Department of Transportation (Caltrans) that the application has been received pursuant to PRC Section 2770.5, as amended. No permit shall be issued or renewed or amended until the Department of Transportation has submitted its comments or until forty-five (45) days from the date the application for the permit was submitted, whichever occurs first.
- F.** The Director shall complete the required environmental review and prepare a staff report with a recommendation for approval, conditional approval, or denial. If the project is exempt from environmental review or if a negative declaration is recommended for the project and all mitigation measures (if applicable) have been agreed to by the applicant, the Director shall formulate the final recommendation to the lead agency relating to the initial study and the approval, conditional approval, or denial of the application(s). A public hearing will then be scheduled for the application(s), and the hearing will be noticed in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
- G. Public Hearing—Commission Action.**
1. If the project is exempt from environmental review or if a negative declaration is recommended for the proposed application(s), the application(s) will be scheduled for action by the Commission. Notice of the Commission public hearing shall be given in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
 2. At the conclusion of deliberations, the Commission shall act to approve, conditionally approve, or deny the application, including any related financial assurances and the CEQA determination. The Commission action must be finalized with a resolution.
 3. Any application approval and permit issuance may be subject to a specified term of permitted operation and timing of reclamation, reasonable conditions and requirements for proper operation and reclamation, guarantees to ensure compliance with terms and conditions and annual inspections by the County to ensure compliance.
- H. Public Hearing—Board of Supervisor's Action.**
1. If based upon the mandatory findings of significance in the initial study, an Environmental Impact Report (EIR) is required for the application(s), or if the Board of Supervisor's is otherwise deemed to be the Lead Agency whether an EIR is required or not, the Board of Supervisor's shall be the Lead Agency for action on the application.
 2. If an EIR is required, the Director shall follow the procedures specified by CEQA for project processing.
 3. After the draft EIR has been accepted by the Director for public review, Commission and Board public hearings shall be set.
 4. The public hearings for the EIR may be conducted simultaneously with the required hearings to consider the application, providing that action by the Lead Agency to certify the final EIR occurs prior to any action to approve or conditionally approve the application, including any related financial assurances. A CEQA determination is not required for action to deny the application.
 5. If the Board is the Lead Agency approving the application for which an EIR is not required, the Department will process the application in compliance with the standards as specified in **Chapter 17.136 (Public Notices and Hearings)** and this Section, with the Board having final approval authority.

I. Required Findings.

The following findings shall be required for approval or conditional approval action on an application:

- a. The reclamation plan or plan amendment complies with SMARA, and any other applicable provisions.
- b. The reclamation plan or plan amendment complies with applicable requirements of 14 CCR Sections 3500 through 3505, and Sections 3700 through 3713 and any other applicable provisions.
- c. The reclamation plan or plan amendment and potential use of reclaimed land pursuant to the plan are consistent with this mining ordinance and the General Plan, and any applicable resource plan or element.
- d. The reclamation plan or plan amendment has been reviewed pursuant to CEQA and the County's environmental review guidelines, and significant adverse impacts from the surface mining operations are mitigated to less than significant or the findings for overriding consideration are established and made.
- e. The reclamation plan or plan amendment will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
- f. A written response to the Division has been prepared, describing the disposition of the Division's comments consistent with PRC section 2772.1(b)(5)(A). Where the County's position is at variance with the recommendations and objections raised by the Division, the response shall address, in detail, why specific comments and suggestions were not accepted. To the extent there is a conflict between the comments of a trustee agency or a responsible agency that are based on that agency's statutory or regulatory authority and the comments of other commenting agencies that are received by the lead agency pursuant to the California Environmental Quality Act (Division 13, commencing with section 21000) regarding a reclamation plan or plan amendments, the lead agency shall consider only the comments of the trustee agency or responsible agency.

- J. Notice to Division.** Within thirty (30) days following the approval of the reclamation plan or plan amendment, the Department shall provide the Division with notice of the approval. No later than sixty (60) days after the approval of the reclamation plan or plan amendment, the County shall provide to the Division an official copy of the approved reclamation plan or plan amendment pursuant to PRC Section 2772.1(b)(7) (B).

17.44.100 - Processing for Approval of Initial Financial Assurance Cost Estimate or a Financial Assurance Cost Estimate Following Approval of an Amended Reclamation Plan

- A.** The operator shall submit the initial financial assurance cost estimate to the County on a form prescribed under 14 CCR Section 3805.1 ("FACE-1" form dated 6/18) following the approval of a reclamation plan for a new mining operation, or approval of an amendment to the reclamation plan for an existing mining operation.
- B.** The amount of the financial assurance shall be calculated consistent with PRC section 2773.1, 14 CCR section 3804, and the Board's Financial Assurance Guidelines. Financial assurance cost estimates should be prepared by appropriately qualified persons consistent with the Business and Professions Code. As many copies of the financial assurance cost estimate as may be required by the County shall be submitted.

- C. Within thirty (30) days of the determination by the County that the initial financial assurance cost estimate is adequate, complete, and consistent with PRC Section 2773.1, associated State Regulations (commencing with 14 CCR section 3800), and the Board's Financial Assurance Guidelines, the County shall submit the financial assurance cost estimate to the Division for review and comment and follow the procedures in PRC Section 2773.4(a) through (c).
- D. Within thirty (30) days following the approval of the financial assurance cost estimate for a newly approved reclamation plan or plan amendment, the operator shall provide a financial assurance mechanism(s) to the County and the Division for review pursuant to PRC Section 2773.4(e).
- E. The review and approval of financial assurances pursuant to this section shall not be considered a project for the purposes of the California Environmental quality act (Division 13 commencing with Section 21000).

17.44.110 – Annual Financial Assurance Cost Estimate Submissions and Approvals

- A. The operator shall submit an annual financial assurance cost estimate to the County on a form prescribed under 14 CCR Section 3805.1 ("FACE-1" dated 6/18) within 30 days of the annual inspection of their operation conducted under subdivision (b) of PRC Section 2774.
- B. The amount of the financial assurance shall be calculated consistent with PRC section 2773.a, 14 CCR section 3804, and the Board's Financial Assurance Guidelines. Financial assurance cost estimates should be prepared by appropriately qualified persons consistent with the Business and Professions Code.
- C. Within sixty (60) days of receiving an operator's annual financial assurance cost estimate, the Department shall follow the requirements and procedures of subdivision (d) of PRC Section 2773.4.
- D. Within thirty (30) days following the approval of the annual financial assurance cost estimate, the operator shall provide a financial assurance mechanism(s) to the Department and the Division for review pursuant to subdivisions (e)(1) through (e)(2)(B) of PRC 2773.4.
- E. The review and approval of financial assurances pursuant to this section shall not be considered a project for the purposes of CEQA (Division 13 commencing with Section 21000).

17.144.120 – Financial Assurance Mechanism Submission and Review Process

- A. The County requires financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operator's approved reclamation plan. Financial assurances are defined under PRC Section 2736 as a current approved financial assurance cost estimate and a financial assurance mechanism that is at least equal to the current approved financial cost estimate (unless reclamation has already commenced).
- B. Each financial assurance mechanism shall be made payable to the County and the Department of Conservation consistent with PRC section 2773.1(a)(5).
- C. Within thirty (30) days of the County's approval of a financial assurance cost estimate, the operator shall provide the County and the Division with an appropriate financial assurance mechanism.

Within fifteen (15) days of receiving a financial assurance mechanism pursuant to this subdivision, or subdivision (c) of Section 2773.a, the County and the Division shall review the financial assurance mechanism to determine if the type of mechanism, including the release instructions, meets the requirements of this chapter.
- A. Financial assurance mechanisms determined to be noncompliant with this chapter shall be returned to the operator with instructions on how to correct the type or release instructions of the financial assurance mechanism.

17.44.130 – Statement of Responsibility and Recordation of Reclamation Plan

- A. Reclamation plans shall include a statement, signed by the operator, accepting responsibility for reclaiming the mined lands in accordance with the approved reclamation plan, as required under PRC Section 2772(c)(10). The statement shall be kept by the Department in the mining operation's permanent record. Within fifteen (15) days of the sale or transfer of the mining operation, the new operator shall submit a signed statement of responsibility to the Department for placement in the permanent record. The Department shall also forward a copy of the signed Statement of Responsibility to the Division.
- B. Upon approval of a reclamation plan or an amendment to a reclamation plan, the Department shall record a "Notice of Reclamation Plan Approval" with the county recorder. The Department shall also forward a copy of the recorded "Notice of Reclamation Plan Approval" to the Division.
- C. The "Notice of Reclamation Plan Approval" shall read:

"Mining operations conducted on the hereinafter described real property are subject to a reclamation plan approved by the County, a copy of which is on file with the County."

In addition, the notice shall include the name of the owner of record of the mine operation, the owner of the fee title, the County, and the acknowledged signature of the County representative.

17.44.140 – Interim Management Plans

- A. In accordance with PRC Section 2770(h)(1), within ninety (90) days of a surface mining operation becoming idle, as defined in PRC Section 2727.1, the operator shall submit to the Department for review and approval, an interim management plan. The interim management plan shall only include those measures the operator intends to implement during the operation's idle status, which are necessary to maintain the site in compliance with the provisions of SMARA and this mining ordinance, including all permit conditions and any other conditions or requirements of the Department. Required fees shall be submitted.
- B. The Department will review and approve interim management plans consistent with PRC Sections 2770(h). The review and approval of an interim management plan shall not be considered a project for purposes of the California Quality Act (Division 13 (commencing with Section 21000)) pursuant to PRC Section 2770(h)(1).
- C. The interim management plan shall remain in effect for a period not to exceed five (5) years from the date of the plan's approval. At the end of the five years, the Director shall do one of the following:
 - 1. Renew the interim management plan for another period not to exceed five (5) years. Approval shall be based upon the operator's compliance with the measures contained in the interim management plan.
 - 2. Require the operator to commence reclamation in accordance with the approved Reclamation Plan for the operation based upon findings of non-compliance with the interim management plan.

17.44.150 – New Mining Operation Report and Annual Reporting Requirements

Mine operators shall submit reports and pay associated fees to the Division as required under PRC Section 2207 and associated regulations found in Sections 3695 through 3699, as amended. Copies of *the Initial Report (OMR-3)*, *the Annual Report Form (MRRC-2)*, *the Multi-Site Report (MRRC-4M)* and *the Low Gross Exemption Form (MRRC-4L)* shall be submitted to the Department at the time of submission to the Division.

Applicable reports and fees, with their due dates include:

- A. An initial report (New Mining Operation Report Form OMR-3) and filing fee established under 14 CCR Sections 3697 and 3698 for newly permitted surface mining operations. This form and fees shall be submitted within thirty (30) days of permit approval.
- B. Annual reports (Annual Report Form MMRC-2) and associated fees based on commodity type and the amount of produced minerals under 14 CCR Section 3698 are due on or before July 1 for the prior reporting year.

Additional reports and fees include:

- A. Annual report (Annual Report Form MMRC-2) with an associated fee for a newly permitted mining operation which has not yet begun operations and has not disturbed the land under 14 CCR Section 3698. The annual report and associated fee are due on or before July 1 for the prior reporting year.
- B. Multi-site reports (Multi-Site Report MRRC-4M) and an associated fee established under 14 CCR Section 3698. The multi-site report and associated fee are due on or before July 1 for the prior reporting year.
- C. Low gross exemption report (Low Gross Exemption Form MRRC-4L) and an associated fee established under 14 CCR Section 3699. The low gross exemption report and associated fee are due on or before July 1 for the prior reporting year.

17.44.160 – Inspections

Surface mining operations shall be inspected in intervals of no more than twelve (12) months pursuant to PRC Section 2774, 14 CCR Section 3504.5, and this development code.

The Department shall schedule the inspection considering the requested date(s) noted in the operation's annual report (MRRC-2), or if no date is requested or the operation cannot be inspected on the requested date, with a minimum of five days' written notice to the operator.

- A. Inspections shall be conducted using the Surface Mining Inspection Report Form MRRC-1 (2019), in conjunction with the Guidance Document for Surface Mine Inspectors as provided in 14 CCR Section 3504.6.
- B. Inspections shall be performed by persons meeting the qualifications provided for in subdivision (b) of PRC Section 2774 and 14 CCR Section 3504.5 and shall not have a conflict of interest as described in those provisions notwithstanding any other provision of law.
- C. The Department shall provide the Division with a copy of the completed MRRC-1 (2019) form within 90 days of conducting the inspection along with a copy of the Notice of Completion of Inspection, as provided for in subdivision (b)(1) of PRC Section 2774, using form NOCI-1 (2019).
- D. The operator of the surface mining operation is responsible for the reasonable costs of the inspection which shall be paid within thirty days of the date of the notice of the cost invoice.
- E. Borrow pit surface mining operations that are owned or operated by the County and are idle pursuant to PRC Section 2727 may be inspected once every two years as provided for in PRC Section 2770.1

17.44.170 – Enforcement, Compliance, and Penalties

- A.** If the Department, based upon an annual inspection or otherwise confirmed by an inspection of a mining operation, determines that the mining operation is not in compliance with SMARA, including the requirements of an approved reclamation plan, required permit conditions, or this development code, the Department shall initiate enforcement actions as set forth in PRC Sections 2774.1 through 2774.2 and the enforcement provisions of this Development Code. If there are procedural discrepancies in these two (2) provisions, the more restrictive provisions shall be applied.
- B.** In addition to the remedies provided for in SMARA, the Department may also consider additional enforcement remedies, including measures to prohibit and abate nuisances and encroachment of mining activities onto adjoining lands under provisions of state law and local ordinances.
- C.** The Department shall provide notice to Federal, State, and local agencies which have approved permits or other conditions upon a mining operation subject to an enforcement action.
- D.** Where the department has initiated an enforcement action that includes the assessment of administrative penalties under the provisions of SMARA, the Department shall follow the procedures set forth in subdivision (c) of PRC Sections 2774.1, 2774.2, and 2207.
- E.** The Department consider any other applicable provision of law which provides for the assessment of penalties or fines when initiating an enforcement action described herein as well as provisions for revocation and/or abandonment of a permit which are not preempted by SMARA.

17.44.180 – Appeals

Findings or decisions relating to action on the application may be appealed in compliance with Chapter 17.134 (Appeals). The notice of appeal must be filed within the timeframe specified in compliance with Chapter 17.134 (Appeals).

17.44.190 – Lead Agency Annual Inspection Fees

The County may establish administrative fees, which may be amended, as determined necessary to cover the reasonable costs incurred in implementing SMARA, this mining ordinance, and the associated regulations, including the processing of permit applications, reclamation plans and plan amendments, annual reports, inspections, monitoring, enforcement, and compliance. Fees shall be due and paid by the operator, as determined by the County. Failure to pay any administrative fee or the assessed costs of an inspection under this Section may result in rejection of an application or initiation of enforcement proceedings (if fees are for an inspection), etc.

17.44.200 – Renewable Energy

Proposed renewable energy generation facilities located within a surface mining operation's approved reclamation plan may be considered an interim use under defined circumstances pursuant to SMARA.

- A.** Prior to approving an operating permit for a renewable energy generation facility subject to PRC Section 2777.3, the Department shall submit the operating permit application with all the associated maps and plans to the Division for review and comment pursuant to subdivision (b) (1) of PRC Section 2777.3
- B.** The Division shall have thirty days from the receipt of the application with associated documents to prepare written comments if the Division chooses.
- C.** The Department shall prepare a written response to the Division's comments and submit its response to the Division at least thirty days prior to the approval of the operating permit for the renewable energy generation facility.

- D. Copies of all approved permits and associated documents shall be submitted to the Department and the Division as an addendum to the approved reclamation plan no less than thirty days prior to the commencement of land improvements associated with the renewable energy generation facility.

17.44.210 – Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction it shall not affect the remaining portion of this ordinance.

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Chapter 17.46 – Performance Standards

Sections

- 17.46.010 – Purpose and Applicability
- 17.46.020 – Noise and Vibration
- 17.46.030 – Odors
- 17.46.040 – Outdoor Light and Glare

17.46.010 – Purpose and Applicability

- A. Purpose.** The purpose of these performance standards is to ensure compatibility between land uses by setting limits, whether generic or qualitative, for dust, heat, electrical disturbances, fumes, vapors, odor, noise, lighting, and so forth.
- B. Applicability.** The following provisions, standards, and specifications apply to all non-residential structures, uses, and activities in the County, unless otherwise specified in this Chapter.
- C. Right to Agricultural Activities.** In compliance with [Chapter 18.04 \(Right to Agricultural Activity\)](#), qualifying agricultural activities shall be exempt from the provisions in established in this Chapter.

17.46.020 – Noise and Vibration

- A. Noise Generated by Mechanical Equipment.** Buzzers, bells, loudspeakers, or other noise generating devices shall comply with the noise standards below at any boundary line of the parcel, except fire protection devices and burglar alarms. Emergency generators when used during a power de-energization event, Public Safety Power Shutoff (PSPS), or unscheduled blackout or power outage shall also be exempt from the provisions of this Section.
 - 1. The proposed use shall not exceed the background sound level by more than ten (10) dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and/or by more than five (5) dB(A) CNEL during nighttime hours (10:00 p.m. to 7:00 a.m.).
 - 2. If the proposed use is adjacent to a residential land use or property that is zoned for residential use, the allowable noise level shall not exceed sixty (60) dB(A) CNEL.
 - 3. If the proposed use is not adjacent to a residential use or a parcel zoned for residential land use, the allowable noise level at the property line shall not exceed seventy (70) dB(A) CNEL at the property line.
 - 4. All mechanical equipment and other noise generating devices shall be properly maintained at all times.
- B. Consistency with General Plan.** Noise level standards shall be consistent with the goals, policies, and implementation programs in the Noise Element of the General Plan.
- C. Elevated Noise Level during Construction.** During construction, the noise level may be temporarily elevated. To minimize the impact, all construction shall comply with the following procedures for noise control:
 - 1. Construction hours shall be limited to the daytime hours between 7:00 a.m. and 6:00 p.m. daily;
 - 2. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between 6:00 p.m. and 7:00 a.m. on a weekend day, or legal holiday are prohibited, except for emergency work; and

3. All construction equipment and on-site generators shall be properly muffled and maintained.
- D. Vibration, Heat, and Electrical Disturbance.** No use shall create any disturbing ground vibration, heat, and electrical disturbances based on typical human reaction beyond the boundaries of the subject parcel. No use shall cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the parcel on which they are located.

17.46.030 – Odors

No use shall emit any offensive odor off-site based on typical human reaction except normal odor associated with certain uses that are allowed in agricultural areas (i.e., animal husbandry). The County Environmental Health Unit shall determine whether or not the off-site odor is offensive or causes a nuisance.

17.46.040 – Outdoor Light and Glare

- A. Applicability.** The standards established in this Chapter shall apply to all new development applications.
- B. Lighting Plan Required.** A lighting plans shall be submitted as part of site plan review for all uses and structures subject to design review standards and projects requiring discretionary review. Lighting plans shall contain the following:
1. Location of all exterior light fixtures;
 2. Height of fixtures;
 3. Manufacture's name;
 4. Light fixture style; and
 5. Light fixture specifications (i.e., size, material, wattage, lumens)
- C. Exceptions. The following shall be exempt from the standards established in this Section.**
1. Holiday lighting.
 2. Temporary lighting.
 3. Lighting required by the Building Code (i.e., exit signs, stairs, ADA ramps).
- D. Wall Illumination.** Exterior lights used to illuminate a side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated.
- E. Maximum Wattage.** Light fixtures shall have a maximum of two hundred and fifty (250) watts regardless of the number of bulbs.
- F. Exterior Floodlights.** Exterior floodlights shall not project above twenty (20) degrees below the horizontal plane.
- G. Outdoor Display Lighting.** Lighting of outdoor display areas shall be turned off within thirty (30) minutes after closing of the business.
- H. Security Lighting.** Security lighting shall have full cutoff fixtures with the light source fully shielded. Security lighting may remain on after close of business hours upon approval of the Director, or other review authority.
- I. Structure Mounted Lighting.**
1. Structure mounted lighting shall only be attached to walls.
 2. The top of the structure mounted light fixtures shall not exceed the height of the parapet or roof, whichever is greater.

- 3. Lighting shall have full cutoff fixtures with the light source fully shielded and shall not direct light into the sky, adjacent properties, public easements, or rights-of-way.
- J. **Illumination.** The use of blinking, flashing, high-intensity or bright lights is prohibited.
- K. **Lighting Compatibility.** All lighting fixtures shall be appropriate to the use they are serving, in scale, intensity, and height.
- L. **Exterior Lighting Location.** Lighting shall not be of the type or in a location which constitutes a hazard to vehicular traffic, either on private property or on abutting private or public roads.

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Chapter 17.48 – Special Use Provisions for Historic Structures

Sections

17.48.010 – Special Use Standards for Historic Structures

17.48.010 – Special Use Standards for Historic Structures

All uses may be considered for structures included on the List of Historical Resources in the County (or eligible to be on the List of Historical Resources in the County as determined by the Historic Sites and Records Preservation Commission, which may require documentation) except for allowed uses, regardless of the primary land use or zone within which the structure is located subject to the following provisions:

- A.** The Commission may approval a Conditional Use Permit on designated historic structures where is demonstrated that the special use will be of benefit to the community by requiring the restoration and preservation of a historic structure to reflect its original state;
- B.** All exterior modifications, alterations, or reconstruction to take place on the structure are to be described as part of the Conditional Use Permit application, and if approved by the Commission, are to be made part of the conditions of approval for granting the permit;
- C.** The Commission shall follow standard Conditional Use Permit procedures in reviewing special historic structure uses and shall not approve uses which have the potential for creating a public nuisance or have substantial detrimental effect on adjacent property. In reviewing such matters, the Commission shall consider the advantages of preserving the historic structure to the benefit of the County versus the possible negative effects of allowing a normally incompatible use in an area. Such review and deliberation may encompass alternative uses which may be of a lesser negative impact yet achieve the primary purpose of feasible historic preservation and restoration of historic structures; and
- D.** The special use provisions of this section shall only apply to existing structures. Structures which are unusable shall not be subject to these provisions nor shall these provisions apply to proposals which will result in such alterations or remodeling of a historic structure as to cause the structure to lose its original historic character and/ or significance.

Article 4 – Regulations for Specific Land Uses

Title 17 – Development Code

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.50 – Purpose and Applicability	1
17.50.010 – Purpose and Applicability	1
Chapter 17.52 – Specific Land Uses	3
17.52.010 – Accessory Uses	3
17.52.020 – Adult-Oriented Businesses/Entertainment Uses	4
17.52.030 – Agriculture	5
17.52.040 – Agritourism	6
17.52.050 – Alcoholic Beverage Sales	9
17.52.060 – Bed and Breakfast Inns and Vacation Rentals	10
17.52.070 – Campgrounds	13
17.52.080 – Emergency Shelters	14
17.52.090 – Home Enterprise	15
17.52.0100 – Rural Home Industry	16
17.52.100 – Mobile Food Vendors	16
17.52.110 – Mobile and Manufactured Homes	17
17.52.120 – Model Homes	17
17.52.130 – Outdoor Dining	18
17.52.140 – Planned or Cluster Residential Development and Preservation of Open Space	19
17.52.150 – Recreational Vehicle Parks	20
17.52.160 – Single Room Occupancy Unit (SRO) and Facility	21
17.52.170 – Mining and Small-Scale Mining	22
17.52.180 – Special Event Facility	23
17.52.190 – Storage Facilities, Personal	27
17.52.200 – Temporary Camping	27
17.52.210 – Vehicle Fueling Stations	28
Chapter 17.54 – Accessory Dwelling Units	30
17.54.010 – Purpose and Applicability	30
17.54.020 – General	30
17.54.030 – Application, Filing, Processing, and Review	31
17.54.040 – Types	31
17.54.050 – Number and Type of Units Allowed Per Parcel	32
Chapter 17.56 – Density Bonuses	36
17.56.010 – Purpose and Intent	36

17.56.020 – Requirements -----	36
17.56.030 – Density Bonus Amount -----	38
17.56.040 – Continued Affordability-----	42
17.56.050 – Allowed Incentives and Concessions -----	43
17.56.060 – Standards for Affordable Units-----	44
17.56.070 – Donations of Land -----	45
17.56.080 – Waivers or Reduction of Development Standards -----	45
17.56.090 – Parking Requirements in Density Bonus Projects -----	46
17.56.100 – Housing with Childcare Facilities-----	47
17.56.110 – Application and Review-----	48
17.56.120 – Density Bonus Housing Agreement -----	49
Chapter 17.58 – Wireless Telecommunications Facilities Standards -----	53
17.58.010 – Purpose and Intent-----	53
17.58.020 – Applicability-----	53
17.58.030 – Exempt Facilities -----	53
17.58.040 – Permitting Process-----	54
17.58.050 – Application for Administrative Use Permit-----	55
17.58.060 – General Development and Design Standards -----	57
17.58.070 – Service Gaps-----	58
17.58.080 – Noise -----	58
17.58.090 – Co-Located and Multiple User Facilities -----	58
17.58.100 – Abandonment of Facility-----	59
17.58.110 – Agreement and Security to Maintain and Remove-----	59

FIGURES

No table of figures entries found.

TABLES

Table 4-1	Bonus for Very Low-Income Household Units	38
Table 4-2	Bonus for Low-Income Household Units	39
Table 4-3	Bonus for Moderate-Income Household Units	39
Table 4-4	Bonus for Land Donation	40
Table 4-5	Number of Incentives and Concessions	44
Table 4-6	Maximum Parking Requirements	46
Table 4-7	Special Parking Requirements	47

Chapter 17.50 – Purpose and Applicability

Sections

17.50.010 – Purpose and Applicability

17.50.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Article is to ensure that all development in the County is consistent with the General Plan to the maximum extent practicable, complies with the applicable standards of this Article, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.
- B. Applicability.**
- 1. Application.** The standards in this Article apply to the specified uses in all zones.
 - 2. Conflicts.** These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 3 (Regulations Applicable to All Zones). Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards in this Chapter.
 - 3. Conformance.** All structures, additions to structures, and uses shall conform to the standards of this Article as determined applicable by the Director.
 - 4. Measurement.** Wherever a distance or location/separation requirement is applied in this Article, the distance or location/separation shall be measured in a straight line, without regard to intervening structures or objects, from one property line to another property line of the parcel on which the use(s) is located.

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Chapter 17.52 – Specific Land Uses

Sections

- 17.52.010 – Accessory Uses
- 17.52.020 – Adult-Oriented Businesses/Entertainment Uses
- 17.52.030 – Agriculture
- 17.52.040 – Agritourism
- 17.52.050 – Alcoholic Beverage Sales
- 17.52.060 – Bed and Breakfast Inns and Vacation Rentals
- 17.52.070 – Campgrounds
- 17.52.080 – Emergency Shelters
- 17.52.090 – Home Enterprise
- 17.52.0100 – Rural Home Industry
- 17.52.100 – Mobile Food Vendors
- 17.52.110 – Mobile and Manufactured Homes
- 17.52.120 – Model Homes
- 17.52.130 – Outdoor Dining
- 17.52.140 – Planned or Cluster Residential Development and Preservation of Open Space
- 17.52.150 – Recreational Vehicle Parks
- 17.52.160 – Single Room Occupancy Unit (SRO) and Facility
- 17.52.170 – Mining and Small-Scale Mining
- 17.52.180 – Special Event Facility
- 17.52.190 – Storage Facilities, Personal
- 17.52.200 – Temporary Camping
- 17.52.210 – Vehicle Fueling Stations

17.52.010 – Accessory Uses

- A. Objectives.** The following objectives shall be satisfied in approving any accessory use:
1. The accessory use is clearly incidental and subordinate to the primary use on the site;
 2. The accessory use supports and enhances the primary use on the site;
 3. The accessory use does not change the character of the primary use; and
 4. The accessory use is compatible with the primary uses on surrounding properties.
- B. Considerations.** The County shall use the following criteria in reviewing proposed accessory uses to help determine if they will meet the above objectives:
1. The type of primary use on the site and the relationship of the proposed accessory use to the primary use;
 2. The size and intensity of the proposed accessory use in comparison to the primary use (with respect to: floor area, sales revenue, number of employees, traffic, and similar characteristics); and
 3. If the primary use is existing or proposed and, if existing, for what length of time.
- C. Application Required.** An application for an accessory use shall be reviewed through the Zoning Clearance process in compliance with [Chapter 17.116 \(Zoning Clearance\)](#). Issuance of a Zoning Clearance shall be required prior to the establishment of any accessory use.

17.52.020 – Adult-Oriented Businesses/Entertainment Uses

- A. Purpose.** The purpose of this Section is to provide regulations governing the establishment and operation of adult-oriented businesses and entertainment uses within all areas of the County, including those areas within adopted Planning Areas.
- B. Applicability.** The provisions of this Section apply to all parcels in the County that permit adult-oriented businesses and entertainment uses as specified in Article 2 (Zones, Allowable Uses, and Development Standards).
- C. Permit Required.** It shall be unlawful for any person to carry on, conduct, engage in, establish, or operate any adult-oriented business with the County unless the person first obtains, and continues to maintain in full force and effect, an approved Conditional Use Permit from the County.
- D. Permit Revocation.** In the event of a violation of the standards established in this Section, the Director may revoke the Permit in compliance with the procedures established in **Chapter 17.118 (Permit Modification and Revocations)**.
- E. Location Standards.** To avoid an overconcentration of adult-oriented business and entertainment uses, the following standards shall apply. Distance is measured in a straight line from the closest point of the closest property line of a business to the closest point of the closest property line of one of the locations listed below. Adult-oriented businesses shall not be located:
1. Within one thousand five hundred (1,500) feet of any existing residential zone or use whether in the County.
 2. Within one thousand five hundred (1,500) feet of any place of assembly.
 3. Within one thousand five hundred (1,500) feet of any school site (developed or designated).
 4. Within one thousand five hundred (1,500) feet of any other existing adult-oriented business or entertainment use.
 5. In any temporary or portable structures.
 6. Within one thousand five hundred (1,500) feet of any public park, or recreational area, or property zoned, or planned otherwise designated for such use by the County, including, but not limited to parks and playgrounds, designated nature trails, or other similar uses within the County which are under control, operation, or management of the County.
- F. Development and Operational Standards.** The following standards apply to all adult-oriented businesses and entertainment uses. Uses that meet these standards and other standards of this Chapter shall be granted a Conditional Use Permit.
1. **Signs.** Signs, advertisements, displays, or other promotional materials showing “specific sexual activities” of any person in a state of nudity or partial nudity or displaying specified anatomical areas shall not be shown or exhibited to be discernible by the public beyond the walls of the structure or portion thereof in which the adult-oriented business is conducted.
 2. **Noise.** No loudspeakers or sound equipment shall be used by an adult-oriented business for amplification of sound to a level discernible by the public beyond the walls of the structure or portion thereof in which the adult-oriented business is conducted.
 3. **Parking Lot Lighting.** All off-street parking areas and premise entries of the adult-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on parking surfaces and walkways.
 4. **Trash Enclosures.** Refuse containers shall be enclosed by a screening enclosure and locked at all times so as not to be accessible to the public.

5. **Access.** Each adult-oriented business shall have a business entrance separate from any other nonadult related business located in the same structure. All structure openings, entries, and windows for an adult-oriented business shall be located, covered, or screened in such a manner as to prevent viewing of any person inside the premises in a state of partial nudity or displaying specified anatomical areas from any area open to the general public.
6. **Posting Age Restrictions.** The structure entrance to the adult-oriented business shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.
7. **Manager Stations.** All indoor areas of the adult-oriented business within which patrons are allowed, except restrooms, shall be open to view within a direct line of sight at all times by the management from a designated manager station that shall not exceed thirty-two (32) square feet in area. Manager stations may include video monitoring of the adult-oriented business, but all areas of the business shall be visible by a direct line of sight as described in this Subsection.
8. **Individual Viewing Areas.** No individual viewing area may be occupied by more than one (1) person at any one time. "Individual viewing area" shall mean a viewing room in which visual displays of "specified anatomical areas" and "specified sexual activities" are regularly shown and which is less than one hundred (100) square feet in area. Individual viewing areas of the adult-oriented business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.

17.52.030 – Agriculture

- A. **Applicability.** 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, shall comply with the standards established in this Section.
- B. **AE and Town Planning Area Exemption.** The provisions of this Section shall not be applicable in the AE zone and in town planning areas with specific land use policies and zoning regulations.
- C. **Operational Standards.**
 1. Agricultural uses shall not be conducted in such a manner as to constitute a nuisance, public or private.
 2. 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, pursuant to this Section or Chapter 18.04 of Mariposa County Code, 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. In any enforcement action to determine if an agricultural use is a nuisance, public or private, the burden shall be upon the landowner, tenant, or person in possession or control of the land upon which the agricultural use is located to provide evidence to the Director of the date of commencement of the agricultural use and the characteristics of the use at the date of commencement.

17.52.040 – Agritourism

- A. Purpose.** The purpose of this Section is to provide operational standards for agrotourism facilities in the County to ensure compatibility and reduce potential nuisances to surrounding uses.
- B. Applicability.** The provisions in this Section shall apply to all agrotourism facilities in the County.
- C. Frequency of Use and Standards.**
- 1. Limited Agritourism Uses.** Limited agritourism uses and activities shall be permitted by right when the daily use or activity is limited to no more than an average of fifteen (15) guests per day and a maximum of one hundred and ten (110) per week. Daily average is calculated based on the total number of guests in any given week.
 - 2. Large Agritourism Uses.** Large agritourism uses require the approval of an Administrative Use Permit pursuant to the definitions and including but not limited to Collaborative Agri-Nature Tourism Events, petting zoos of resident animals, and hunting dog trials when no firearms are discharged. All uses shall be conducted in compliance with all the following:
 - a.** A daily use or activity is limited to no more than an average of thirty-five (35) guests per day with a maximum of two hundred and fifty (250) per week. Daily average is calculated based on the total number of guests in any given week.
 - b.** Annual submittal of a large agritourism facility compliance form to the Department is required for reporting agritourism activities and events. The report shall include information on the total number of guests, days of activity, and hours of operation.
 - 3. Unlimited Agritourism Uses.** Unlimited agritourism uses pursuant to the definition for agritourism shall require the approval of a Conditional Use Permit when the daily average of guests is more than thirty-five (35) per day or more than two hundred and fifty (250) per week.
- D. Daily Trip and Access Requirements.** An agritourism use or activity is subject to the following road access and maintenance requirements, if the use or activity generates more than seven and one half (7.5) Average Daily Trips (ADTs):
- 1.** Any agritourism use or activity which is established shall have access from a road or roads which have adequate capacity for existing traffic and the traffic proposed by the agritourism activity or use as defined by the Mariposa County Road Improvement and Circulation Policy. Any and all road improvements (public and private) must be made only as allowed by the provisions of a recorded access easement. If the agritourism activity is on a non-standard County-maintained road, then an agritourism activity may only occur if the non-standard County-maintained road is improved by the project proponent to provide adequate capacity as described above.
 - 2.** Any agritourism use or activity which is established shall have access from a road or roads which are County maintained. If primary access is not from a County-maintained road or a State Highway, then the proponent of the agritourism use or activity shall participate in any existing active road maintenance organization for all privately maintained access road(s). If no road maintenance organization exists, then the proponent of the agritourism use or activity shall record a road maintenance agreement which provides for maintenance of drainage and erosion control devices, fuel modification, and upkeep of road surfaces from at least the proponent's property to the nearest County maintained road or State Highway. The road maintenance agreement provisions shall be developed by the project proponent and shall:
 - a.** Be in effect for the life of the project unless said maintenance is taken over by the County, a special district, other governmental entity, or a recorded private road maintenance association.

- b. Provide for annual maintenance and the immediate correction of emergency and hazard situations.
- E. Adjacent to a Commercial Poultry Operation.** If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity (except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived by the County if the agritourism proponent obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent parcel.
- F. Management and Employment Requirements.**
1. The agritourism uses and activities shall not have more than one 91) employee per acre up to a maximum of five (5) full-time equivalent (FTE) employees on-site at any one (1) time. The number of employees will be in full FTE increments, with one (1) FTE allowed per acre. This limit does not include family members or employees solely of the agricultural operation. The Director may consider amendments to the number of employees at an operation on a case by case basis through the Administrative or Conditional Use Permit process for specific agritourism uses which may require more employees, when the Director can make the finding that the increased number of employees will not have adverse impacts. The Director may apply such conditions as are necessary in order to make this finding.
 2. The owner, lessee, designated agent, or a designated family member of the agritourism use shall be present throughout the duration of all agritourism activities or events.
- G. Operating a Petting Zoo.** Petting zoos of resident animals shall have a minimum of one-third (1/3) mile buffer from adjacent parcels. The display, raising, rehabilitation, or keeping of exotic animals is strictly prohibited in petting zoos.
- H. Operational Requirements.** Agritourism activities and events shall be limited to the subject parcel or parcels and shall comply with the following operational requirements:
1. **Primary Use.** The primary use of the parcel on which the agritourism use or activity is located shall be for commercial agricultural production pursuant to Section 52262 of the California Food and Agricultural Code.
 2. **Accessory Use.** Agritourism is permitted only as an accessory use to the primary commercial agricultural production use.
 3. **Use on Multiple Parcels.** If there are multiple parcels involved in the agritourism use, the maximum amount of agritourism use shall be calculated based upon the parcel on which the improved facilities are located, using the percent calculation, and there shall be no more than five (5) acres cumulative agritourism use allowed on all of the parcels combined.
 4. **Hours of Operation.** Any outdoor agritourism activities shall occur between 7:00 a.m. and 10:00 p.m. The Director and/or Commission can consider amendments to these hours of operation on a case by case basis through the Administrative or Conditional Use Permit process for specific agritourism uses which are time sensitive, such as but not limited to bird-watching, when the Director and/or Commission can make the finding that the amended hours will not have adverse impacts. The Director and/or Commission may apply such conditions as are necessary in order to make this finding.
 5. **On-site Posting.** Parcel boundaries and no trespassing signs shall be clearly posted.
 6. **Liability.** The owner or operator of an agritourism use shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714.

7. **Permanent Infrastructure Restrictions.** The amount of land permitted for permanent physical improvement (infrastructure and structural improvements) related to an agritourism use is limited to no more than five acres or ten (10) percent of a parcel acreage, whichever is lesser, to comply with the primary use requirement. Developed infrastructure and structural improvements do not include unpaved riding or hiking trails.
- I. **County Environmental Health Unit Requirements.** The agritourism use or activity shall have adequate provisions as determined by the County Environmental Health Unit for:
 1. Sewage disposal, either permanent or temporary; and
 2. Public water.
- J. **On-site Parking.** The agritourism use or activity shall provide required parking as specified in **Chapter 17.38 (Off-Street Parking and Loading Standards)**.
- K. **Exterior Lighting.** Any new exterior lighting installed related to an agritourism use or activity shall comply with the dark sky standards as described in **Section 17.46.040 (Outdoor Light and Glare)**.
- L. **Additional Allowable Agritourism Uses and Requirements.**
 1. **Agricultural Homestay.** An agricultural homestay establishment as an agritourism use is subject to all of the following requirements:
 - a. The parcel on which the establishment is proposed shall be a minimum of twenty (20) acres;
 - b. The agricultural homestay shall be located on a parcel occupied by the parcel owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as a agricultural homestay;
 - c. The establishment has no more than five (5) guest rooms and accommodates a maximum of ten (10) adult guests, excluding children accompanied by a guardian. The total number of guests may not exceed fifteen (15) persons;
 - d. The establishment serves meals, which are included in the price of the accommodation, only to its registered guests;
 - e. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;
 - f. The establishment is located on, and is a part of, an active farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business;
 - g. The primary purpose of the establishment is the guest's education and active participation in the on-site agricultural activities;
 - h. Any activities or events that involve more than ten (10) adult guests at an establishment are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests shall not exceed fifteen (15) persons;
 - i. The establishment conforms to all building codes, fire codes and Americans with Disabilities Act requirements and/or California Title 24 requirements; and
 - j. A Bed and Breakfast/Vacation Rental Permit pursuant to **Section _____ (Bed and Breakfast Inns and Vacation Rentals)** of this Code shall be obtained prior to establishing an agricultural homestay, including a valid Transient Occupancy Tax Certificate.
 2. **Glamping.** A glamping facility as an agritourism use is subject to all of the following requirements:

- a. The parcel on which glamping is proposed shall be a minimum of twenty (20) acres;
- b. The glamping facility shall be located on a parcel occupied by the parcel owner, as evidenced by a homeowners' exemption carried on the latest equalized assessor rolls, accessory dwelling or other existing dwelling. Failure to maintain the homeowners' exemption shall be grounds for prohibition of further occupancy as a glamping operation;
- c. The glamping facility has not more than five (5) guest units and accommodates not more than ten (10) adult guests; children accompanied by a guardian do not count as adult guests, but the total number of guests shall not exceed fifteen (15) persons;
- d. The glamping facility serves meals only to its registered guests and serves meals at any time, and with respect to which the price of meals is included in the price of the overnight transient occupancy accommodation;
- e. The glamping facility is located on, and is a part of, a farm, as defined in Section 52262 of the California Food and Agricultural Code, that produces agricultural products as its primary business;
- f. Any activities or events that involve more than ten (10) adult guests at a glamping establishment are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests shall not exceed fifteen (15) persons;
- g. The glamping facility conforms to all building codes, fire codes and Americans with Disabilities Act requirements and/or California Title 24 requirements; and
- h. A Bed and Breakfast/Vacation Rental Permit pursuant to **Section 17.52.060 (Bed and Breakfast Inns and Vacation Rentals)** of this Code shall be obtained prior to establishing the establishment, including a valid Transient Occupancy Tax Certificate.

17.52.050 – Alcoholic Beverage Sales

- A. **Purpose.** This Section provides location and operational standards for alcohol sales establishments that do not include on-site consumption (also referred to as liquor stores).
- B. **Applicability.** The provisions in this Section shall apply to alcoholic beverage sales establishments where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the following standards.
- C. **Applicable Provisions and Prohibitions.**
 1. **Proximity Standards.**
 - a. Alcoholic beverage sales establishments shall not be located within one hundred (100) feet of a residence, as measured in compliance with **Subsection 17.52.050.C.2 (Measurement of Distance)**, below.
 - b. Alcoholic beverage sales establishments shall not be located within a six hundred (600)-foot radius of a sensitive use (i.e., school, park, youth facility, hospital), as measured in compliance with **Subsection 17.52.050.C.2 (Measurement of Distance)**, below.
 2. **Measurement of Distance.** The distance between an alcohol beverage sales establishment and a sensitive or residential use shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the structure of the establishment to the property line of the parcel on which the sensitive use or residential use occurs or is located.

17.52.060 – Bed and Breakfast Inns and Vacation Rentals

- A. Purpose.** This Section provides location and operational standards for bed and breakfast inns and vacation rentals (also referred to as transient occupancies).
- B. Applicability.** These provisions shall also be applicable in planning areas with adopted area plans unless otherwise specifically regulated or prohibited.
- C. Yosemite West Vacation Rentals.** A vacation rental application may be processed for individual condominium units as shown on the Condominium Plan of Yosemite West, condominium project Phase No. 1 (Record of Survey No. 1835, Units A101–A112, A201–A212, B101–B112 and B201–B212), based on a September 21, 2001, Director determination that found the use of the condominium structures for vacation rental purposes is a legally existing nonconforming use.
- D. Standards.**
- 1. Number of Bedroom Allowed.**
 - a. Bed and Breakfast Inns.** Bed and breakfast inns shall have a maximum of five (5) bedrooms available for occupancy by guests.
 - b. Vacation Rentals.** Vacation rentals shall have a maximum of three (3) bedrooms available for occupancy by guests.
 - 2. Maximum Occupancy.** Occupancy in a bed and breakfast inn and/or vacation rental approved on or after April 14, 2016, shall be limited to ten (10) or fewer occupants. This limit shall apply to new vacation rental facilities, as well as vacation rental facilities which are being allowed following a property ownership change. Vacation rentals shall post a minimum 8-1/2 x 11-inch notice over or next to the facility's primary exit door stating, "Maximum Occupancy 10 Persons", or such lesser occupancy as desired by the owner or as required in compliance with **Subsection 17.52.060.D.4 (Environmental Health Unit Compliance)**, below. Lettering shall be clearly visible through contrast from the background and a minimum of 1-1/2 inches in height and width.
 - 3. Nuisance.** Bed and breakfast inns and vacation rental uses shall not be detrimental to the zone or to adjoining areas, including residential areas, by reason of appearance, traffic, noise, dust, smoke, or odor. Excludes any use the normal operation of which causes objectionable traffic, noise, dust, smoke, or odor to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located.
 - 4. Environmental Health Unit Compliance.** The structure and facilities used shall be approved for such use by the Environmental Health Unit and shall at a minimum comply with the following standards:
 - a. Sewage Disposal.**
 - (1)** The residence shall be serviced by an approved community sewage disposal system or have an individual system satisfying current code requirements. Existing and newly constructed individual systems shall meet the current sizing requirements of the environmental health unit for new dwellings based on the number of bedrooms in the dwelling, or the system shall be designed to serve the planned number of occupants. Septic systems serving homes constructed in 1985 or before may be required to be upgraded when the home is being converted to a bed and breakfast inn or vacation rental use.

- (2) Private on-site sewage disposal systems or small, private community systems that serve a bed and breakfast inn or vacation rental facility shall have sufficient capacity to serve ten (10) occupants within the facility. If such a system does not meet this design standard, the facility shall be limited to occupancy of two persons per approved bedroom. If the “maximum occupancy” allowed is less than ten (10) persons, the occupancy notice as described in **Subsection 17.52.060.D.2 (Maximum Occupancy)**, above, shall reflect that number.
 - b. **Water Supply.**
 - (1) Water supply shall be by an approved community system, or from an individual well or spring approved by the Environmental Health Unit having quality and quantity satisfying current health requirements.
 - (2) Parcels that require the transportation of water from an off-site source to supply the main source of domestic water for the property are prohibited from establishing a bed and breakfast inn or vacation rental.
5. **Residential Transient Occupancy Safety Checklist.** The structure and facilities used shall be inspected and found to be in conformance with the requirements contained in the current Residential Transient Occupancy Safety Checklists, as developed and amended from time to time, by the Building Department and the County Fire Department. The inspection and review shall be conducted by a Building Department and County Fire Department staff member or designee.
6. **On-Site Signs.**
 - a. One (1) on-site sign of not more than four (4) square feet shall be posted and clearly visible from the nearest road. The sign shall contain the street address and may contain the name of the owner of the establishment.
 - b. At a minimum, an 8-1/2 x 11-inch notice shall be placed in each rental unit, which contains the following information:
 - (1) Instructions in case of fire or other emergency, including the name and phone number of the property owner or rental manager.
 - (2) Quiet hours are between 10:00 p.m. and 8:00 a.m. and shall be strictly enforced.
 - (3) Water and energy conservation measures.
 - (4) Proper use of wood burning stoves and fireplaces.
 - (5) Parking and snow removal requirements if necessary. No parking on roadway is allowed during snow removal periods declared by the Public Works Director, in compliance with County Code Section 10.08.110.
 - (6) An identification of the character or area in which the unit is located (i.e., rural, agricultural, residential).
 - (7) A statement relative to respect for adjacent property owner's rights and trespassing concerns.
 - (8) Proper trash disposal, and bear preventive/control measures if applicable.
 - c. A minimum 5 x 7-inch weather-proof notice that is easily and conspicuously visible from the exterior of the vacation rental, at or near the main entrance to the vacation rental which contains the name and phone number of the property owner or rental manager. The property owner or rental manager shall be available by phone in case of an emergency.

7. **Valid Certificates.** The facility shall have a valid Certificate of Occupancy issued by the Building Department or a Mobile Home Installation Acceptance issued by the California Department of Housing and Community Development (if required by the Building Department).
8. **Parking.**
 - a. Parking provided shall be maintained so that it is usable, and used at all times during the year, when the rental unit is occupied. Parking spaces in garages may be used to meet minimum parking standards. Stacked parking spaces may be allowed for individual vacation rental facilities but are not appropriate for bed and breakfast inn facilities.
 - b. Parking spaces shall be on-site, except as follows. In the Yosemite West Subdivision, Unit 1 (Record of Survey No. 1511, Parcels 1 through 294), off-street parking spaces may be approved to achieve the minimum parking standards where it is determined by the Planning and Public Works Directors that on-site parking is not feasible. The use of off-street spaces within a right-of-way or access easement may only be allowed if the design of the parking spaces is approved by the Public Works Department through the Encroachment Permit process. If allowed and approved, off-street spaces shall be within and along the project site's frontage.
9. **Transient Occupancy Registration Certificate.**
 - a. Before issuance of a Transient Occupancy Registration Certificate, the applicant shall apply to the Planning Department for site plan review and approval. The Planning Department shall forward the application to the Building Department, Environmental Health Unit, County Fire Department, and California Department of Forestry and Fire Protection (CalFire) for review.
 - b. The site plan review and approval process shall not be required for a property which has a Transient Occupancy Tax (TOT) Certificate and which is transferred into or within a trust; the TOT Certificate will simply require a name change to reflect the name of the trust.
 - c. The site plan review and approval process shall not be required for a property which has a TOT Certificate, and which is purchased or transferred between parents and their children, as defined by California Revenue and Tax Code Section 63.1(c). The TOT Certificate will simply require a name change. Information specified in California Revenue and Tax Code Section 63.1(d)(1) may be required by the County.
 - d. Following approval by all appropriate agencies, a valid Transient Occupancy Registration Certificate shall be issued by the Mariposa County Tax Collector in compliance with Chapter 3.36 of the County Code. The facility is not considered to be legally operating until the facility is issued a valid Transient Occupancy Registration Certificate.
10. **Yearly Reporting.**
 - a. On a yearly basis, by the 30th day of April, the owner or manager of a bed and breakfast inn and/or vacation rental, shall provide to the Department on an approved form confirmation that the establishment complies with the following:
 - (1) Smoke alarms and CO detectors are in working condition with fresh batteries.
 - (2) Fire extinguishers are adequately charged.

- (3) The structure and any improvements or modifications were constructed under appropriate building permits or permits from the State of California Housing and Community Development Department.
 - (4) The use remains compliant with the Residential Transient Occupancy Safety Checklists in effect at the time the Transient Occupancy Registration Certificate was issued.
 - (5) This self-reporting requirement shall apply to all uses in this Section, regardless of their approval date.
 - b. Failure of the landowner or manager to maintain the conditions and requirements of this Section and/or failure to submit the annual facility compliance report is a violation and may result in the rescinding of the approval and the Transient Occupancy Tax Certificate.
- 11. Mobile Homes.**
- a. Mobile homes manufactured before January 1976 shall be prohibited from being approved for any transient occupancy within the County unless they meet the seal standards of the United States Department of Housing and Urban Development or equivalent standards established by the California Department of Housing and Community Development.
 - b. Transient occupancy uses shall be prohibited in a mobile home located within a mobile home park.
 - c. Any alterations to a mobile home structure shall be or shall have been approved by the California Department of Housing and Community Development. A mobile home with unpermitted alterations may not be approved for use for transient occupancy. It shall be the responsibility of the applicant to submit evidence of permitted alterations.
- 12. Maximum Number of Vacation Rentals.** Only two (2) vacation rentals shall be allowed per parcel, irrespective of the number of single-family residences located on the parcel.

17.52.070 – Campgrounds

- A. Purpose.** The purpose of this Section is to regulate the establishment and operation of campgrounds.
- B. Standards.**
- 1. No more than ten (10) campsites, not including operator or employee quarters, may be established per acre.
 - 2. For purposes of this section, campsite shall mean a site utilized for camping and shall not mean the parking and occupancy of mobile homes or recreational vehicles.
 - 3. Restrooms, showers, laundries, clubhouses, and similar service facilities reserved exclusively for the use of campsite patrons shall not be subject to site area restrictions for purpose of calculating campsite density.
 - 4. At a minimum, restroom facilities shall be provided in compliance with the provisions of the Health and Safety Code, and the Housing and Community Development Codes.
 - 5. The minimum site area for a campground shall be five (5) acres in town planning areas without an adopted area plan and ten (10) acres in areas outside of a planning area.
 - 6. The minimum setback for a campground shall be fifty (50) feet from all property lines. The minimum setback from the centerline of a dedicated public right-of-way shall be one hundred (100) feet. There shall be no parking, campsites, or recreational vehicle sites within the setback area.

17.52.080 – Emergency Shelters

- A. Purpose.** The purpose of this Section is to regulate the establishment and operation of emergency shelters.
- B. Standards.** In zones where allowed, emergency shelters shall be subject to all the requirements of this Development Code and the following standards:
- C. Compliance with Regulations.**
- 1. Federal, State, and Local Regulations.** Operation of emergency shelters shall comply with all Federal, State, and local requirements.
 - 2. Life and Safety Regulations.** Emergency shelters shall comply with all applicable building, fire, and health and safety codes.
- D. Shelter Management Plan.** Before commencing operation, the emergency shelter provider shall submit a Shelter Management Plan, which shall be approved by the Director. The Shelter Management Plan shall contain the following:
1. Provisions for staff training;
 2. Resident identification process;
 3. Policies regarding pets;
 4. The timing and placement of outdoor activities;
 5. Temporary storage of residents' personal belongings;
 6. Safety and security;
 7. Screening of residents to ensure compatibility with services provided at the facility; and
 8. A description of training, counseling, and other social service programs offered to residents.
- E. Development Standards.**
- 1. Location Requirement.** Emergency shelters shall have a separation of at least three hundred (300) feet from other emergency shelters.
 - 2. Off-Street Parking Requirements.** Emergency Shelters shall provide off-street parking in compliance with **Chapter 17.38 (Off-Street Parking and Loading Requirements)**.
 - 3. Lighting.** On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and directed away from adjacent properties and uses in compliance with **Section 17.46.040 (Outdoor Lighting and Glare)**.
 - 4. On-site Waiting and Intake Areas.** If the emergency shelter provides on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from the view of the public right-of way and neighboring properties.
 - 5. Storage.** Storage outside of the shelter facilities shall be in a structure or shall be screened from surrounding properties.
 - 6. Solid Waste and Recycling Enclosures.** All solid waste and recycling enclosures shall be screened from view by the public right-of-way and shall be in compliance with **Chapter 17.42 (Solid Waste and Recycling Enclosures)**.
- F. Operational Standards.**
- 1. Hours of Operation.** Emergency shelters shall establish and maintain set hours of operation.

2. **Occupancy Load.** Emergency shelters shall provide a minimum of fifty (50) square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed fifteen (15) residents at any one (1) time.
3. **Length of Stay.** The maximum length of stay shall be no longer than six (6) months, as established by the California Health and Safety Code for emergency shelters.
4. **Common Facilities and Services.** The emergency shelter may provide one (1) or more of the following specific facilities and services adequate for the number of residents, including but not limited to:
 - a. Kitchen facilities;
 - b. Dining areas;
 - c. Laundry facilities;
 - d. Recreation facilities;
 - e. Support and human services (e.g., training, counseling); and/or
 - f. Childcare.
5. **On-Site Staffing.** A minimum of one (1) supervisory level staff member shall be present on the site during hours of operation. Operator(s) shall ensure that loitering does not occur on the property during non-shelter hours and shall further ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
6. **Outdoor Activities.** Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.

17.52.090 – Home Enterprise

- A. **Purpose.** The purpose of this Section is to regulate the establishment and operation of home enterprises.
- B. **Minimum Parcel Size.** The minimum size of any parcel in which a home enterprise is to be established shall be five (5) acres. The establishment of a home enterprise on a parcel less than five (5) acres is prohibited.
- C. **Traffic Generation.** Any proposed home enterprise that triples the baseline daily average traffic of seven and one half (7.5) trips per day shall be required to obtain a Conditional Use Permit, in compliance with **Chapter 17.104 (Conditional Use Permit and Administrative Use Permit)**, prior to commencing operation.
- D. **On-Site Sales.** 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.
- E. **Operator and Employees.** A home enterprise shall employ no more than five (5) employees in any one (1) shift. For the purpose of this Subsection, an employee does not include the owner of the business or any family members that live permanently on site. The home enterprise shall be operated by the owner of the business who shall reside on the property on a permanent basis.
- F. **On-Site Operations.** The home enterprise use and its principal activities shall be conducted primarily within structures or dwellings on the property, in compliance with the following:
 1. There shall be no outdoor storage;
 2. No more than ten (10) percent of the total business activity shall be conducted outside; and
 3. The exterior use and any supporting activities or facilities shall be located at least fifty (50) feet from all external property lines, streets, roads, or other public rights-of-way.

- G. Nuisance.** Home enterprise uses shall not be detrimental to the zone or to adjoining areas, including residential areas, by reason of appearance, traffic, noise, safety, dust, size of parcel, character of neighborhood, type of business, and visual compatibility of structures. Home enterprises shall comply with all applicable standards established in [Chapter 17.46 \(Performance Standards\)](#).
- H. Exemptions.** Cottage food industries shall be exempt from the requirements established in this Section.

17.52.0100 – Rural Home Industry

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), rural home industry shall be subject to the requirements of this Development Code and all the following standards:

- A. Minimum Parcel Size.** The minimum size of any parcel in which a rural home industry is to be established shall be five (5) acres.
- B. On-Site Sales.** On site sales shall be limited to the sale of products fabricated or produced on site or merchandise that is sold as a secondary industry and is related to the primary industry.
- C. Traffic Generation.** Any proposed rural home industry that triples the baseline daily average traffic of seven and one half (7.5) trips per day shall be required to obtain a Conditional Use Permit, in compliance with [Chapter 17.104 \(Conditional Use Permit and Administrative Use Permit\)](#), prior to commencing operation.
- D. Employees.** Rural home industries shall employ no more than three (3) employees. The use shall be operated by the owner of the business who shall reside on the property on a permanent basis.
- E. On-Site Operations.** The rural home industry use and its principal activities shall be conducted primarily within structures or dwellings on the property, in compliance with the following:
 - 1. 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;
 - 2. No more than ten (10) percent of the total business activity shall be conducted outside;
 - 3. The exterior use and any supporting activities or facilities shall be located a minimum of fifty (50) feet from all external property lines, streets, roads, or other public rights-of-way; and
 - 4. Dust, fumes, odor, smoke, or vibration above ambient levels shall not be detectable on adjoining parcels.
- F. Exemptions.** Cottage food industries shall be exempt from the requirements established in this Section.

17.52.100 – Mobile Food Vendors

- A. Purpose.** The purpose of this Section is to regulate the establishment and operation of mobile food vendors.
- B. Applicability.** In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), mobile food vendors shall be subject to the requirements of this Development Code and all the following standards:
- C. General Standards.**
 - 1. Wastewater generated on-site shall not be released on-site or into any storm drainage or irrigation system.
 - 2. The site shall always be maintained and left in a neat and orderly manner.

3. Structures or vehicles providing the food service shall not:
 - a. Divert vehicles and/or pedestrians from normal circulation patterns;
 - b. Block visibility to adjacent existing approved activities; or
 - c. Increase access problems for other nearby activities.
4. An Encroachment Permit from the Public Works Department and/or from Caltrans may be required if the mobile food vending activity occurs on County owned property or in the public right-of-way.

17.52.110 – Mobile and Manufactured Homes

A. Purpose. The purpose of this Section is to regulate mobile and manufactured home housing.

B. Development Standards.

1. **Compliance.** Mobile and manufactures homes are prohibited from being located into or relocated with in the County unless they meet the Seal Standards of the United States Department of Housing and Urban Development (HUD) or equivalent standards established by the California Department of Housing and Community Development (HCD).
2. **Foundation System.** Each mobile home shall be installed on a foundation system or secured with a tie down system in compliance with applicable State law.
3. **Storage Prohibited.** Mobile homes shall not be used as uninhabited storage structures on parcels less than two and one half (2.5) acres in size. On parcels larger than two and one half (2.5) acres, the mobile home shall be screened from public rights-of-way.
4. **Nonconforming Mobile Home.** A legal existing, nonconforming mobile home installed on a parcel in the County may remain on the parcel upon which it is installed and shall not be relocated to another parcel within the County. No legal existing, nonconforming mobile home may have a new addition or expansion, which physically alters the structure of the mobile home.
5. **Additions and Expansions.** Expansion of or an addition physically attached to a legal existing, nonconforming mobile home shall meet the standards of the California Building Code or shall obtain any State required certificate such that the expansion or addition does not compromise the original structural integrity of the mobile home.

C. Mobile Home Parks. The placement of three (3) or more mobile or manufactured homes on a single parcel will be considered a mobile home park and shall be subject to the approval of a Conditional Use Permit. Mobile home parks shall comply with the regulations established in [Section 17.52.115 \(Mobile Home Parks\)](#).

17.52.120 – Model Homes

A. Purpose. The purpose of this Section is to regulate model homes and model homes with sales offices within residential zones.

B. Zones Allowed. In a residential subdivision within a residential zone, model homes may be constructed for the purpose of being sample single-family homes and/or on-site sales offices.

C. Subdivision Sales Office. One model home may be used as a place of business for real estate sales personnel, subject to following to standards:

1. The sales office within the model home shall be operated by a licensed real estate broker only within an office approved by the California Department of Real Estate;
2. The sales office shall be located within the subdivision in which the broker is representing parcels for development;

3. The sales office shall be used for the sale of undeveloped parcels and residences within the subdivision; and
 4. The model home in which the sales office is located shall not be used as a satellite office for the purposes of general sales of real estate.
 5. A sales office meeting these standards shall not be subject to the provisions of home occupations. The persons conducting business within the sales office located within a model home shall not be required to be residents of the model home.
- D. Conversion After Sale.** All model homes shall be constructed to standards so that it is convertible to a single-family dwelling for residential purposes.
- E. Garage Conversion.** The model home in which the sales office is located may convert the garage to an office, provided that the garage used as an office can be converted back to a garage when all parcels within the subdivision are sold.

17.52.130 – Outdoor Dining

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), outdoor dining areas located on private property shall be subject to the approval of the applicable land use permit in compliance with Article 7 (Permit Processing Procedures), the requirements of this Development Code, and all of the following standards:

- A. Alcoholic Beverage Sales.** Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control (ABC).
- B. Parking Requirements.** Outdoor dining areas are exempt from providing additional parking spaces beyond what is required for the indoor dining area, so long as the designated outdoor dining area is less than or equal to the indoor dining area. If the outdoor dining area exceeds the indoor dining area, additional parking spaces shall be required and calculated in compliance with **Chapter 17.38 (Off-Street Parking and Loading Standards)**. Any dining area within the right-of-way, if allowed through an encroachment permit process, shall be included for purposes of calculating the required number of parking spaces should the outdoor dining area exceed the indoor dining area.
- C. Clean-Up Facilities.** Outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate clean-up facilities, and associated procedures, in the following manner.
1. **Cleaning Schedule.** Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and
 2. **Waste Receptacles.** Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.
- D. Compatibility.** To ensure compatibility with surrounding uses and a high standard of quality, the following standards shall apply:
1. **Compatible Elements.** Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way, shall be compatible with the character of the main structure(s);
 2. **Entertainment.** Outdoor dining and seating areas that provide dancing, entertainment, or amplified music shall comply with the noise standards in **Section 17.46.020 (Noise and Vibration)**;
 3. **Pedestrian Experience.** The use of awnings, plants, umbrellas, and other human-scale elements is encouraged to enhance the pedestrian experience;

4. **Potential Impacts.** Outdoor dining and seating areas and their relation to places of assembly, hospitals, public schools, and residential uses shall be considered by the Review Authority. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise;
5. **Obstructions.** Outdoor dining and seating areas shall not obstruct vehicular or pedestrian traffic flow and not necessitate the removal of existing pedestrian or vehicular movement areas; and
6. **Barriers.** Appropriate barriers shall be placed between outdoor dining and seating areas and parking, traffic, and public and private streets.

17.52.140 – Planned or Cluster Residential Development and Preservation of Open Space

- A. **Purpose.** The purpose of a cluster development is to permit a procedure for development which will result in improved living conditions, promote economic subdivision layout, encourage a variety of housing types, encourage ingenuity in site and subdivision design, preserve open space, and promote development of adequate public services and utilities.
- B. **Applicability.** Planned residential developments and cluster residential subdivisions shall be subject to the requirements of this Section.
- C. **Allowed Zones.** Planned or cluster residential development proposals may be allowed in RR, MH, and PA zones, in addition to applicable area plans. Planned or cluster residential development proposals shall be considered a prohibited use in all other zones.
- D. **Required Residential Development.** Types. A planned or cluster residential development shall include, but not be limited to multi-family or apartment units, common wall, condominium, mobile home or detached residential unit subdivisions, and mobile home parks.
- E. **Permit Required.** Before obtaining any construction permits, the planned residential development shall be approved by the Commission. An application on a form approved by the County, together with a proposed planned residential development, hereinafter referred to as a PRD, shall be filed with the Department. Before approval of a PRD, the Commission shall conduct public hearings as described in **Chapter 17.130 (Public Notices and Hearings)**.
- F. **Public Hearing.**
 1. A PRD shall be adopted by resolution and shall be amended as often as deemed necessary by the Commission.
 2. No PRD shall be adopted or amended unless the proposed project is consistent with the General Plan.
 3. Approval or denial and resubmission of a PRD shall be made in compliance with Article 8 (Development Code Administration)
- G. **Findings.** The Commission, before approving a PRD, shall find that all the following findings can be met:
 1. It shall promote the preservation of open space and the protection of areas exhibiting development constraints.
 2. It shall support or accomplish the goals and objectives of the Housing Element.
 3. It shall result in improving the residential environment of the area through the provisions of better public roads, fire protection, water, and sanitation facilities.
 4. All findings specified in **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)**.

H. General Standards. A PRD shall be subject to the following standards:

1. **Setbacks.** The setback standards for a PRD shall comply with Article 2 (Zones, Allowable Uses, and Development Standards).
2. **Design.**
 - a. **Structures.** Each structure site shall have ready access to common areas.
 - b. **Circulation.** Both vehicular and pedestrian traffic shall be incorporated into the plan so that safe and efficient circulation is obtained. Streets and driveway areas shall be consistent with safe and efficient circulation.
3. **Parking.** The parking requirement for a PRD shall be in compliance with the residential requirements established in Chapter 17.38. No parking area shall have more than six (6) spaces which adjoin each other without intervening landscaping.
4. **Parcel Size.** A minimum parcel size of less than two and one-half (2.5) acres shall be approved only when community water is provided. A minimum parcel size of less than one (1) acre in gross area shall be granted only when both a community water and a community sewer system are provided.
5. **Open Space.**
 - a. Minimum common open space required in MH zones shall be sixty (60) percent of the project site, and forty (40) percent of the project area in RR zones.
 - b. The open space shall not be developed with structural uses other than agriculture or recreational accessory structures. The open space may be used for any of the following: crop production or range land; historic, archaeological, or wildlife preserves; water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use.
 - c. The required open space is to be maintained as open space as long as the clustered parcels exist.
6. **Density.** Density determinations shall be based on the number of allowable residential units allowed by the zone, in compliance with Chapter 17.85 (Density Bonuses).

17.52.150 – Recreational Vehicle Parks

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), recreational vehicle parks, including extended stay parks, shall be subject to the requirements of this Development Code and all the following standards:

- A. **Compliance.** Recreational vehicle parks shall comply with all applicable State Uniform Building Code and Fire Code requirements.
- B. **Operational and Development Standards.**
 1. A maximum of seven (7) recreational vehicle sites per acre, not including management, operator or employee quarters, are allowed. Individual recreational vehicle spaces shall be a minimum of twenty (20) feet wide and seven hundred and fifty (750) square feet in area.
 2. A recreational vehicle park may be operated in conjunction with any allowed use provided that the site or area upon which the use is located, and parking area for the use, shall be deducted from the net site area for purposes of calculating park site density.
 3. Restroom facilities shall be provided in compliance with the provisions of the Health and Safety Code, and the Housing and Community Development Codes.

- C. Road Improvements.** The width and improvement of roads and driveways within an RV park shall be as follows:
- 1. One-Way.** One-way roads shall be a minimum of eighteen (18) feet wide if the road serves sixty (60) spaces or more; a minimum of fifteen (15) feet wide if the road serves less than sixty (60) spaces; and a minimum of twelve (12) feet wide between campsite clusters without individual space access.
 - 2. Two-way Divided.** Two-way divided roads shall be a minimum of fifteen (15) feet wide on each side of a divider.
 - 3. Two-way.** Two-way undivided roads shall be a minimum of twenty-four (24) feet wide.
 - 4. Parking.** There shall be a minimum of two (2) parking spaces per campsite and two (2) parking spaces per recreational vehicle site. Parking along internal roadways is allowed only when a paved parking lane, eight (8) feet wide is provided in addition to the roadway.
 - 5. Road Improvement Standard.** Two (2) inches of A.C. plant mix over two (2) inches of Class II aggregate base or equivalent structural section based on a traffic index of four (4). An oil or other dust cap may be substituted for the two (2) inches of A.C. subject to approval by the County Engineer.
- D.** The minimum site area for a recreational vehicle park shall be two and one half (2.5) acres in town planning areas without adopted area plans and five (5) acres in areas not within a planning area.
- E.** The minimum setback for a campground shall be twenty-five (25) feet from all property lines. The minimum setback from the centerline of a dedicated public right-of-way shall be fifty (50) feet. There shall be no structures, parking, campsites, or recreational vehicle sites within the setback area.

17.52.160 – Single Room Occupancy Unit (SRO) and Facility

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), single room occupancy facilities and units are subject to the requirements of this Development Code and all the following standards.

- A. Development and Operational Standards.**
- 1. Single Room Occupancy Units.** The following standards apply to single room occupancy units (SRO). In the event of conflict between these standards and the development standards of the underlying zone, the provisions of this Section shall apply.
 - a. Unit Size.** The minimum size of a unit shall be one hundred and fifty (150) square feet, and the maximum size shall be four hundred (400) square feet.
 - b. Bathroom Facilities.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with California Building Code for congregate residences with at least one full bathroom per every three units on a floor.
 - c. Kitchen.** An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator, and a stove, range top, or oven. A partial kitchen is missing at least one (1) of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one (1) full kitchen per floor.
 - d. Closet.** Each SRO unit shall have a separate closet.
 - e. Building Code Compliance.** All SRO units shall comply with all applicable requirements of the California Building Code.

- f. **Rental Requirements.** An SRO facility and individual units within the facility may not be used for vacation rental purposes and may not be rented for a period of less than thirty (30) consecutive calendar days. Units must be occupied as the primary residence of the tenant.
2. **Single Room Occupancy Facilities.** In addition to the development standards in the underlying zone, the following standards apply to all SRO facilities. In the event of conflict between these standards and the underlying zone standards, the provisions of this Section shall apply.
- a. **Density.** An SRO facility is not required to meet density standards of the General Plan.
 - b. **Common Area.** Four (4) square feet of interior common space per unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways. All common areas shall comply with all applicable ADA accessibility and adaptability requirements.
 - c. **Bathroom Facilities.** If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences with at least one full bathroom (including toilets, sinks, and bathing facilities) per every three units on a floor. The shared shower or bathtub facility shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door.
 - d. **Laundry Facilities.** Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten (10) units, with at least one washer and dryer per floor.
 - e. **Cleaning Supply Room.** A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
 - f. **Management Plan.** A Management Plan shall be submitted with the development application for an SRO facility and shall be approved by the Director. The Management Plan must address management and operation of the facility, rental procedures, safety and security of the residents, and building maintenance.
 - g. **Facility Management.** An SRO facility with ten (10) or more units shall have an on-site manager. An SRO facility with less than ten (10) units shall provide a management office on-site.
 - h. **Parking.** Parking shall be provided in compliance with [Chapter 17.38 \(Parking Standards\)](#).
 - i. **Storage.** Storage outside of the shelter facilities shall be in a structure or shall be screened from surrounding properties.
 - j. **Solid Waste and Recycling Enclosures.** All solid waste and recycling enclosures shall be screened from view by the public right-of-way and shall comply with [Chapter 17.42 \(Solid Waste and Recycling Enclosures\)](#).
 - k. **Outdoor Activities.** Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.

17.52.170 – Mining and Small-Scale Mining

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), mining and small-scale mining activities are subject to the requirements of this Development Code and all the following standards:

A. Mining Operations Subject to SMARA.

1. **Minimum Setback Required.** Mining operations subject to the regulations of the Surface Mining and Reclamation Act (SMARA) shall be a minimum of five hundred (500) feet from all parcel lines unless otherwise approved under the provisions of an Administrative Use Permit. Minimum setback requirements may be waived by the Director where a processing plant is located within either an MP or an AE zoned property. The Director shall require written notification of contiguous property owners before waiving any setback requirements as provided above.
2. **Other Applicable Regulations.** All mining operations shall comply with the provisions established in **Chapter 17.44 (Surface Mining and Reclamation)**, in addition to all applicable Federal and State mining regulations.

B. Small-Scale Mining Operations. The following standards shall apply to all small-scale mining activities, through an Administrative Use Permit:

1. Small scale-mining shall obtain all County, State and Federal agency permits required, based on the characteristics of the project, before commencement of work on-site.
2. Erosion and sediment control shall be proposed and maintained during all phases of the project.
3. The boundaries of the approved work area shall comply with the following:
 - a. Be marked on-site before commencement of work;
 - b. Be inspected and documented accordingly by Department staff; and
 - c. Be maintained for the life of the project.
4. The project shall be subject to regular inspections by Department staff; the interval of which may be as often as quarterly and no less than annually.
5. Written reporting shall be submitted to Department staff, to document quantities of material processed; the interval for required reporting may be as often as monthly and no less than annually.
6. Upon completion of work, the work site area shall be reclaimed. Reclamation shall include re-grading and recontouring of the disturbed site to blend with surrounding natural topography. Following re-grading work, the site shall be re-vegetated (minimum seeding and straw).
7. All costs associated with processing of the Administrative Use Permit, including conduct of inspections and review of reporting, shall be the responsibility of the project proponent.
8. If a small-scale mining site is abandoned before completion of the required reclamation, the property owner shall be responsible for completing the required reclamation work.

17.52.180 – Special Event Facility

In zones where allowed as identified in Article 2 (Zones, Allowable Uses, and Development Standards), special event facilities shall be allowed subject to the requirements of this Section. [Source: NEW]

- A. Purpose.** The purpose of this Section is to establish a process through which special event facilities, as defined in Article 9 (Definitions), can be located in rural areas of the County while also protecting the rural character of surrounding communities and areas. [Source: 17.108.220]
- B. Land Conservation and Williamson Act Contracts.** Special event venues shall not be allowed on parcels subject to a Land Conservation or Williamson Act contract. [Source: 17.108.220.A, modified]

- C. Exempt Events.** Uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the property owner are not defined as a special event venue and not subject to the requirements established by this Section. [Source: 17.108.220.B.5, modified]
- D. Permit Process Requirements.**
- 1. Administrative Use Permit – Small Special Event Facilities.** Small special event facilities that host events occurring between eighteen (18) or fewer times per calendar year for no more than two (2) consecutive days per event and involving two hundred (200) or fewer guests or attendees at any time during the event, and located on parcels of ten (10) acres or more in size are subject to the issuance of an Administrative Use Permit in compliance with Chapter 17.104 (Conditional Use Permits and Administrative Use Permits). [Source: 17.108.220.B.1.a, modified]
 - 2. Administrative Use Permit – Medium Special Event Facilities.** Medium special event facilities that host events occurring between eighteen (18) or fewer times per calendar year for no more than two (2) consecutive days per event and involving three hundred (300) or fewer guests or attendees at any time during the event and located on parcels of twenty (20) acres or more in size are subject to the issuance of an Administrative Use Permit in compliance with Chapter 17.104 (Conditional Use Permits and Administrative Use Permits). [Source: 17.108.220.B.1.b, modified]
 - 3. Conditional Use Permit – Large Special Event Facilities.** Large special event facilities involving five hundred (500) or fewer guests or attendees at any time during the event and located on parcels of forty (40) acres or more in size are subject to the issuance of a Conditional Use Permit in compliance with Chapter 17.104 (Conditional Use Permits and Administrative Use Permits). The Conditional Use Permit shall determine the appropriate limits on the number of events to be held annually. [Source: 17.108.220.B.2, modified]
 - 4. Parcel Size Requirements.** No events are allowed on parcels less than ten (10) acres in size, however if the property owner owns multiple adjacent parcels, then the total acreage of those adjacent parcels may be used to determine the permit process and occupancy limits. [Source: 17.108.220.B.3].
 - 5. Annual and One-Time Events.** The number of days of operation and numbers of guests or attendees described in Subsection _____ (Permit Process Requirements), above, do not apply to annual or one-time events regulated through the Public Assemblage Permit Process as described in Chapter 8.28 of this Code. [Source: 17.108.220.B.4]
 - 6.** The Mariposa County Agricultural Advisory Committee shall review and make a recommendation on proposed projects within the Agriculture/Working Landscape Land Use Classification and/or the Agriculture Exclusive Zone. [Source: 17.108.220.B.6]
- E. Application.** A complete application for an Administrative Use Permit and/or Conditional Use Permit shall be submitted to the Department on the form application approved by the Director: [Source: 17.108.220.C]
- F. Operational Standards.** The following standards are minimum requirements and may be made more stringent by conditions of approval adopted through the Administrative Use Permit and Conditional Use Permit processes. It is the business owner's responsibility to ensure their facility continuously complies with all requirements of this Section and all requirements established by conditions of approval, and that the operation of the facility does not create nuisances to off-site property owners and/or residents. [Source: 17.108.220.D]
- 1. Event Duration.** Activities at special event venues are limited to two consecutive days, not including set-up and take down, and the event duration per day shall not exceed 12 hours. This provision shall not apply to multiday or multi-weekend events such as seasonal pumpkin patch/harvest festivals in which Administrative Use Permit or Conditional Use

- Permit conditions of approval will determine days of operation. [Source: 17.108.220.D.1, modified]
2. **Amplified Sound.** Activities involving amplified sound shall not commence before 9:00 a.m. and shall conclude no later than 10:00 p.m. [Source: 17.108.220.D.1, modified]
 3. **Overnight Camping.** Overnight camping associated with the event, on dry camp sites, may be allowed and may be subject to a Special Occupancy Park Permit from the California Department of Housing and Community Development (HCD). [Source: 17.108.220.D.1, modified]
 4. **Vacation Rentals.** A maximum of two (2) vacation rentals may be developed in conjunction with the special event facility. All current development code requirements for vacation rentals shall apply. [Source: 17.108.220.D.1, modified]
 5. **Noise.**
 - a. Based upon information contained in the Mariposa General Plan Volume III Technical Background Reports regarding normally acceptable noise levels in low density residential areas, noise generated by, and for the duration of, a special event, including amplified sound, shall not exceed sixty (60) decibels at all property lines, unless an alternative limit is established through an Administrative Use Permit or Conditional Use Permit. [Source: 17.108.220.D.2, modified]
 - b. Should three or more complaints be submitted regarding noise generated by an event facility, the County may require the facilities operator to provide a study, including recommendations for noise attenuating measures, by a qualified acoustical consultant. The County shall have the authority to implement the recommendations of the consultant. [Source: 17.108.220.D.2, modified]
 6. **Access.** All roadways from the nearest major collector or arterial serving the special event facility shall meet the “Adequate Capacity” requirements of the Mariposa County General Plan as described in the Mariposa County Road Improvement and Circulation Policy. Access shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts. [Source: 17.108.220.D.3]
 7. **Driveways.** On-site driveways from the nearest intersecting roadway shall be a minimum of twelve (12) feet wide if one-way traffic is proposed, and a minimum of eighteen (18) feet wide if two-way traffic is proposed. Driveways shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts. [Source: 17.108.220.D.4]
 8. **Parking.**
 - a. The number of parking spaces shall be one (1) space per four (4) seats, or one (1) space per four (4) people based on maximum occupancy of the event, whichever is greater. [Source: 17.108.220.D.5]
 - b. Aisle widths and parking lot layout within the parking areas shall comply with **Chapter 17.38 (Off-Street Parking and Loading Standards)**. As an alternative, an engineered parking plan may be proposed. [Source: 17.108.220.D.5.a]
 9. **Public Health.** Special event venues shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in compliance with the requirements of the Health and Human Services Agency – Environmental Health Unit. Bottled water and/or porta-potties may be provided to meet this requirement on a temporary basis, as determined appropriate by the Environmental Health Unit. [Source: 17.108.220.D.6]

10. **Setbacks.** Setbacks for all structures, permanent and temporary, and for all facilities associated with the event venue shall be a minimum of fifty (50) feet from parcel lines and adjoining road easements. However, parking lots, parking lot access, and parking spaces may be located within the road easement setback area. [Source: 17.108.220.D.7]
 11. **Lighting.** All new exterior/outdoor lighting shall comply with International Dark Sky Standards and shall be located, adequately shielded, and directed so that no direct light falls outside the parcel line, or onto the public roadway in compliance with **Section 17.46.040 (Outdoor Light and Glare)**. [Source: 17.108.220.D.8, modified]
 12. **Signs.** All permanent and temporary signs shall comply with **Chapter 17.40 (Signs Standards)**. [Source: 17.108.220.D.9]
 13. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas on the project site, and, during dry conditions, the application of water or other approved dust palliative. Paving or gravel of appropriate depth may also be provided. [Source: 17.108.220.D.10]
 14. **Liability Insurance.** Proof of current and up-to-date liability and property damage insurance or bonding shall be provided to the Director. [Source: 17.108.220.D.11, modified]
 15. **Building Occupancy.** All structures proposed to be used as part of the event facility shall obtain the required permit(s) for occupancy, including all applicable Fire Code requirements. [Source: 17.108.220.D.12]
 16. **California Building Code Compliance.** All requirements of California Building Code and applicable accessibility laws shall be met for the structures and facilities. [Source: 17.108.220.D.13]
 17. **Additional Permits.** Other permits shall be obtained as required, including but not limited to a Building Permit, Grading Permit, Air Pollution Control permit, liquor license from the California Alcohol and Beverage Control (ABC), Food Facilities Permit, Vacation Rental Permit and Transient Occupancy Tax Certificate, and/or a Commercial Encroachment Permit. [Source: 17.108.220.D.14]
 18. **Fire Safe Standards.** Projects shall implement all fire safe standards required by CAL FIRE and the Fire Department. [Source: 17.108.220.D.15]
 19. **Non-compliance.** Non-compliance with operational standards or conditions of approval adopted for a project may result in the revocation of the permit to operate the facility. [Source: 17.108.220.D.16]
- G. Operational Standards Specific to Agricultural Exclusive Zone.**
1. Special events facilities shall not be allowed on AE zoned properties where no residential use exists on the property. [Source: 17.108.220.E.1]
 2. Special event venues shall not convert agricultural land to an alternative use for the purpose of developing or expanding a special event venue. [Source: 17.108.220.E.2]
- H. Public Noticing.**
1. **Hearing Notices.** In addition to the public hearing noticing requirements for a Conditional Use Permit project contained in **Section 17.130 (Project Notice and Hearing)**, hearing notices shall be sent to the owners of all properties located on any noncounty roadway that serves the subject property, from the nearest County road and/or major collector or arterial. [Source: 17.108.220.F.1]

2. **Approval Notices.** In addition to the public notification requirements contained in **Chapter 17.130 (Public Notices and Hearings)**, approval of an Administrative Use Permit shall be noticed to the owners of all properties located within six hundred (600) feet of the subject property and the owners of all properties located on any noncounty roadway that serves the subject property, from the nearest county road and/or major collector or arterial. [Source: 17.108.220.F.2]

I. Annual Reporting and Monitoring of Events.

1. On a yearly basis, by the last day of February, the owner or manager of a special event facility shall provide to the Department, on a County-approved form, confirmation that the establishment and its operation comply with the requirements of this Section. The report shall provide numbers of events held and attendance at events during the prior calendar year. [Source: 17.108.220.G.1]
2. The owner or manager of a special event venue shall keep records of events and attendance and shall provide that information to the County upon request at any time during the calendar year to verify compliance with the requirements of this Section. [Source: 17.108.220.G.2]

17.52.190 – Storage Facilities, Personal

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), personal storage facilities shall be subject to all the requirements of this Section, which establishes standards and procedures for the operation of personal storage facilities, as well as the applicable standards of this Development Code.

- A. **Hours of Operation.** Hours of public access to personal storage facilities shall be limited to 6:00 a.m. to 10:00 p.m.
- B. **Performance Standards.** All personal storage facility uses shall comply with all applicable regulations established in **Chapter 17.46 (Performance Standards)**.
- C. **Structure Design.** Personal storage facility structures shall be constructed of nonreflective materials which are an earth tone color. Individual structures shall not exceed one hundred (100) feet in length. Structures shall be limited to one (1) story in height.
- D. **Driveway Surfacing.** All two-way driveways shall be a minimum of twenty-six (26) feet wide. All one-way driveways shall be a minimum of fourteen (14) feet wide. All driveways and parking areas for personal storage facilities which contain twenty-five (25) or less units shall be surfaced with a minimum of two (2) inches of crushed rock. All driveways and parking areas for self-service storage facilities which contain twenty-six (26) or more units shall be surfaced with A.C. paving, concrete, or similar material.

17.52.200 – Temporary Camping

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), temporary camping shall be subject to all the requirements of this Section, which establishes standards and procedures for the siting and operation of temporary camp sites, as well as the applicable standards of this Development Code.

- A. **Where Allowed.** Temporary camping activities shall only occur on parcels which are not appropriately licensed or otherwise authorized for campground facilities. Temporary camping shall not be for commercial purposes.
- B. **Prohibited Activities.** Temporary camping does not include the parking or storage of an unoccupied and otherwise unused recreational vehicle, travel trailer, trailer coach, tent trailer, or any other similar vehicle which is established and used in accordance with all provisions of County Code **Section 15.10.270 (Regulations for Use of Travel Trailers/Recreational Vehicles)**.

- C. Maximum Number of Days.** Temporary camping activities shall occur no longer than fourteen (14) days cumulative days in any ninety (90)-day period. If such occupancy is for more than fourteen (14) cumulative nights in any ninety (90)-day period, it shall be considered a residential use and shall be subject to all occupancy standards established in the Building Code.
- D. Nuisance.** Temporary camping shall not be detrimental to adjoining agricultural and/or residential areas and uses by reason of traffic, noise, dust, smoke, increased wildland fire hazards, odor, or other emissions.
- E. Temporary Camping in RR Zones.** Temporary camping areas in RR zones 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 septic disposal system.

17.52.210 – Vehicle Fueling Stations

In zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), vehicle fueling stations shall be subject to the requirements of this Development Code and all the following standards:

- A.** New vehicle fueling stations shall be located only along designated arterials or collector streets and State highways.
- B.** All service and repair work shall be conducted entirely within an enclosed structure, except for dispensing of refueling products, water, vacuums, and air from pump islands.
- C.** Pump islands shall be set back a minimum of twenty (20) feet from a street or parcel line, however, a canopy or roof structure over a pump island may encroach up to ten (10) feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
- D.** The maximum number of points of ingress/egress shall be determined by the Department of Public Works and/or Caltrans.
- E.** No vehicle may be parked on the premises for the purpose of offering same for sale.
- F.** No used or discarded vehicle parts or equipment, or disabled, junked, or wrecked vehicles may be in any open area outside of the main structure.
- G.** Every vehicle fueling station shall have a solid waste and recycling receptacle and used oil collection tanks on the premises. The receptacle(s) shall be provided in compliance with **Chapter 17.42 (Solid Waste and Recycling Enclosures)**.

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Chapter 17.54 – Accessory Dwelling Units

Sections

- 17.54.010 – Purpose and Applicability
- 17.54.020 – General
- 17.54.030 – Application, Filing, Processing, and Review
- 17.54.040 – Types
- 17.54.050 – Number and Type of Units Allowed Per Parcel

17.54.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to provide regulations governing the development of accessory dwelling units (ADU) and junior accessory dwelling units (JADU) within all areas of the County, including those areas within adopted planning areas, that are consistent with Government Code Sections 65852.2 and 65852.22.
- B. Applicability.** The provisions of this Chapter apply to all parcels in the County that permit residential uses as specified in Article 2 (Zones, Allowable Uses, and Development Standards), and to parcels with existing multi-family dwellings in compliance with State law.

17.54.020 – General

- A. General.** Any construction, establishment, alteration, enlargement, or modification of an ADU or JADU shall comply with the requirements of this Section and the California Building Code. An ADU or JADU that conforms to the standards of this Section shall:
 - 1. Be deemed to be an accessory use or accessory structure;
 - 2. Be deemed a residential use that is consistent with the existing General Plan or zoning designation for the parcel;
 - 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth;
 - 4. Not be considered to exceed that allowable density for the parcel upon which the ADU or JADU is located;
 - 5. Not be required to provide sprinklers if they are not required for the primary residential dwelling on-site;
 - 6. Not be required to provide a passageway;
 - 7. Not to be considered a new residential use for calculating connection fees or capacity charges for utilities, including water and sewer services, unless the ADU or JADU was constructed with a new primary residential dwelling; and
 - 8. Not be required to correct a nonconforming zoning condition as defined in Article 9 (Definitions). This does not prevent the County from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- B. Where Allowed.** ADUs and JADUs are allowed on parcels zoned for single-family or multi-family residential uses where such parcel includes a proposed or existing dwelling.

17.54.030 – Application, Filing, Processing, and Review

- A. Ministerial Review.** Approval or denial of an ADU or JADU application that complies with the provisions of this Chapter is a ministerial action not subject to discretionary review. The County has the authority to review applications for completeness and compliance with the provisions of this Chapter.
- B. Building Permit Required.** Any ADU or JADU shall require a Building Permit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally.
- C. Processing Time and Review.** Prior to submitting a Building Permit application to construct any ADU or JADU, the property owner shall apply for a Zoning Clearance from the Department in compliance with **Section 17.125 (Zoning Clearance)**. The County shall issue the permit within sixty (60) days from the date that the County received a completed application, unless either:
1. The applicant requests a delay, in which case the sixty (60)-day time period shall be tolled for the period of the delay; or
 2. The construction of a single-family dwelling is proposed at the same time as a construction of an ADU on a parcel, in which case, the County shall not approve the permit for the ADU before the permit for the single-family dwelling and shall not issue the Certificate of Occupancy for the ADU before the Certificate of Occupancy for the single-family dwelling.
- D. Impact Fees.**
1. **ADU (750 Square Feet or Less).** A local agency, special district, or water corporation shall not impose any impact fee, including school impact fees, upon the development of an ADU that is less than seven hundred and fifty (750) square feet.
 2. **School Impact Fees.**
 - a. **ADU (Over 750 Square Feet).** For an ADU that is larger than five hundred (500) square feet, a school district may levy impacts fees. If impact fees are required, the fees shall be charged proportionately in relation to the square footage of the single-family or multi-family dwelling.
 - b. **JADU.** A JADU shall not be considered a separate or new dwelling for the purposes of providing service for water, sewer, and/or power.
- E. Mandatory Approval.** The County shall approve any application for an ADU or JADU as described in this Chapter, provided all requirements applicable for the particular application in this Chapter are met. However, in no case shall the application of the requirements of this Chapter preclude the development of:
1. Any ADU that is eight hundred (800) square feet or smaller in size, has a peak height above grade of no more than sixteen (16) feet, and has a minimum four (4)-foot-wide side and rear setbacks (unless greater setbacks are otherwise required by State Fire Safe Regulations); and
 2. Any JADU Unit that is five hundred (500) square feet or smaller in size.

17.54.040 – Types

An ADU approved under this Chapter may take any one (1) of the following forms:

- A. Attached.** An ADU that is created as a result of new construction which is attached to an existing or proposed primary dwelling, such as through a shared wall, floor, or ceiling. An attached ADU can also be constructed within an existing or proposed primary dwelling.

- B. Detached.** An ADU that is created in whole or in part from newly constructed space that is detached or separated from the primary dwelling. The detached ADU shall be located on the same parcel as the proposed or existing primary dwelling. Detached includes a second-story addition above an existing detached garage.
- C. Converted.** An ADU may be located within areas converted to habitable space that complies with the California Building Code for a dwelling, such as:
 - 1. An area within an existing single-family dwelling (e.g., an attached garage);
 - 2. An area within a multi-family dwelling (e.g., a storage room or garage); and
 - 3. An existing accessory structure (e.g., a detached garage or pool house) located on the same parcel as the single-family or multi-family dwelling.
- D. Junior Accessory Dwelling Unit (JADU).** An Accessory Dwelling Unit that is a unit that meets all the following:
 - 1. Is no more than five hundred (500) square feet in size and contained entirely within a single-family primary dwelling. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.
 - 2. Is located and contained entirely within a proposed single-unit primary dwelling or entirely within an existing single-unit primary dwelling.
 - 3. Has a separate entrance from the main entrance to the proposed or existing single-unit dwelling.
 - 4. Has a bathroom that is either shared with or separate from those of the primary dwelling.
 - 5. Includes an efficiency kitchen.

17.54.050 – Number and Type of Units Allowed Per Parcel

- A. Parcels with One (1) Single-Family Dwelling.** Parcels with one (1) existing or proposed single-family dwelling are allowed one (1) of the following combinations:
 - 1. One (1) attached ADU within the existing or proposed space of a single-family dwelling or accessory structure, plus one JADU; or
 - 2. One (1) detached ADU which does not have less than four (4)-foot side and rear setbacks (unless greater setbacks are otherwise required by State Fire Safe Regulations), does not exceed a height limit of sixteen (16) feet, and is no more than eight hundred (800) square feet in total floor area, plus one JADU.
- B. Parcels with Two Single-Family Dwellings.** Parcels with two (2) existing or proposed single-family dwellings are allowed one JADU constructed in one (1) of the single-family dwellings.
- C. Parcels with Multi-Family Structure(s).**
 - 1. Converted ADUs.**
 - a.** Within any multi-family structure used exclusively for residential use, portions of such structures that are not used as livable space may be converted to ADUs, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any such space converted to an ADU complies with minimum State building standards for dwellings.
 - b.** At least one (1) converted ADU shall be allowed within an existing multi-family structure as long as the total number of converted ADUs within the structure does not exceed twenty-five (25) percent of the existing units.

2. **Detached ADUs.** Up to two (2) detached ADUs shall be allowed on a parcel where a multi-family structure exists if each of the detached ADUs meets all the following requirements:
 - a. Has side and rear setbacks of at least four (4) feet (unless greater setbacks are otherwise required by State Fire Safe Regulations); and
 - b. Is eight hundred (800) square feet or smaller in size.

D. General Development Standards.

1. **Height.** The height of an attached or converted ADU shall not exceed the height of the existing dwelling(s).
2. **Floor Area.**
 - a. The total floor area of a new detached ADU shall not exceed one thousand two hundred (1,200) square feet.
 - b. If there is an existing single-family dwelling or dwellings on the parcel, the total floor area of an attached or converted ADU shall not exceed fifty (50) percent of the living area of the largest existing single-family dwelling.
 - c. The total floor area of a JADU shall not exceed five hundred (500) square feet.
3. **Setbacks.**
 - a. When an existing detached accessory structure is converted to a detached ADU, no additional setbacks shall be required, unless an addition is proposed to the structure to accommodate the ADU.
 - b. When an ADU is constructed above a detached garage, a four (4)-foot side and four (4)-foot rear setback is required.
 - c. Four (4)-foot side and four (4)-foot rear setbacks shall be required for detached ADUs (unless greater setbacks are otherwise required by State Fire Safe Regulations).
4. **Vacation Rental and Length of Stay.** An ADU or JADU may be rented, provided the rental term is at least thirty (30) continuous days or more. Except as otherwise established in **Paragraph b.** below, noncontinuous, transient occupancy, or vacation rental of JADUs or ADUs is prohibited.
5. **Separate Conveyance.** An ADU shall not be sold or otherwise conveyed separately from the principal residence, except when sold to a qualified buyer in compliance with Government Code Section 65852.26.

E. Parking Standards. Off-street parking shall comply with **Chapter 17.38 (Off-Street Parking and Loading Standards)**, except as provided in this Subsection.

1. A maximum of one (1) additional off-street parking space shall be provided for an ADU or per bedroom in an ADU, whichever is less. Parking for an ADU may be provided as tandem parking on an existing driveway or in the front or rear setback area.
2. Off-street parking is not required for an ADU or JADU in any of the following instances:
 - a. The unit is a JADU that complies with **Subsection 17.54.060 (Standards Specific to Junior Accessory Dwelling Units)**;
 - b. The ADU is an attached or converted ADU;
 - c. The ADU is located within an architecturally and historically significant historic district;
 - d. The ADU is located within one-half (0.5) mile walking distance of public transit;
 - e. When on-street parking permits are required but not offered to the occupant(s) of the ADU or JADU;

- f. When there is a car share vehicle located within one block of the ADU or JADU; or
- g. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or JADU, or is converted to an ADU.

F. Standards Specific to Junior Accessory Dwelling Units. The provisions in **Subsection 17.54.030.B (General Development Standards)** shall also apply to JADUs, except as provided below:

1. **Entrance.** A JADU shall have an entrance that is separate from the main entrance of the existing or proposed dwelling.
2. **Kitchen.** A JADU shall include an efficiency kitchen which shall include all of the following:
 - a. Cooking facilities with appliances; and
 - b. Food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
3. **Owner Occupancy.** The owner shall reside on the property in either the newly created JADU or the remaining portion of the single-family dwelling, unless the owner is a governmental agency, land trust, or housing organization.
4. **No Separate Conveyance.** A JADU shall not be sold or otherwise conveyed separately from the single-family dwelling on a parcel, except when sold to a qualified buyer in compliance with Government Code Section 65852.26.
5. **Deed Restriction.** Before issuance of a Building Permit, a deed restriction shall be recorded on the property indicating the following:
 - a. The size of the JADU is restricted to a maximum of five hundred (500) square feet; and the JADU shall contain cooking facilities with appliances and food preparation counter and storage cabinets;
 - b. The deed restriction shall run with the land and may be enforced against future property owners;
 - c. The owner of the property or dwelling(s) must reside on the property; and
 - d. The JADU shall not be sold or otherwise conveyed separately from the dwelling(s) on site.

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Chapter 17.56 – Density Bonuses

Sections

- 17.56.010 – Purpose and Intent
- 17.56.020 – Requirements
- 17.56.030 – Density Bonus Amount
- 17.56.040 – Continued Affordability
- 17.56.050 – Allowed Incentives and Concessions
- 17.56.060 – Standards for Affordable Units
- 17.56.070 – Donations of Land
- 17.56.080 – Waivers or Reduction of Development Standards
- 17.56.090 – Parking Requirements in Density Bonus Projects
- 17.56.100 – Housing with Childcare Facilities
- 17.56.110 – Application and Review
- 17.56.120 – Density Bonus Housing Agreement

17.56.010 – Purpose and Intent

- A. Purpose.** The provisions of this Chapter provide incentives for the production of housing in compliance with Government Code Sections 65915 and 65917 for very low-, low-, and moderate-income households and senior households.
- B. Intent.** It is the intent of the County to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the County's Housing Element.
- C. Conflicts.** Where regulations are not specifically addressed in this Chapter or where there are conflicts between these provisions and the provisions of Government Code Sections 65915 through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

17.56.020 – Requirements

To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Title, except as provided by **Section 18.56.050 (Allowed Incentives or Concessions)**, **Section 18.56.080 (Parking Requirements in Density Bonus Projects)**, and **Section 18.56.090 (Housing with Childcare Facilities)**.

- A. Projects Eligible for Density Bonus.** Excluding any units permitted by the density bonus, the County shall grant one (1) density bonus, the amount of which shall be specified in **Section 18.56.040 (Allowed Density Bonuses)**, when an applicant for a housing development, includes within that development at least any one (1) of the following:
 - 1. At least five (5) percent of the total dwelling units are for very low-income households;
 - 2. At least ten (10) percent of the total dwelling units are for low-income households;
 - 3. At least ten (10) percent of the dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate-income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase;

4. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5;
 5. At least twenty (20) percent of the dwelling units in a student housing development are for lower income students that meets the requirements of Government Code Section 65915;
 6. One hundred (100) percent of all the dwelling units in the housing development, including total units and density bonus units, but exclusive of a manager's unit(s), are for lower-income households, as defined in Health and Safety Code Section 50079.5, except that 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households; or
 7. At least ten (10) percent of the dwelling units in a housing development are for transitional foster youth, as defined in Education Code Section 66025.9; disabled veterans, as defined in Section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).
- B. Density Bonus Selection.** For purposes of calculating the amount of the density bonus in compliance with **Section 18.56.080 (Allowed Incentives or Concessions)** below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded based on **Subsection (A)**, above.
- C. Bonus Units Shall Not Qualify.** A density bonus granted in compliance with **Section 18.56.050 (Density Bonus Amount)**, below, shall not be included when determining the number of dwelling units that are required by **Subsection (A)**, above.
- D. Minimum Project Size.** The density bonus provided by this Chapter shall be available only to a housing development of five (5) or more dwelling units, including mixed-use developments.
- E. Condominium Conversion Projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code Section 65915.5.
- F. Commercial Development.** When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two (2) separate projects encompassing affordable housing, the Director shall grant to the commercial developer a development bonus, in compliance with the following:
1. **Agreement for Partnered Housing.** The agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the Director. Affordable housing may be contributed by the commercial developer in one of the following manners:
 - a. The commercial developer may directly build the dwelling units;
 - b. The commercial developer may donate a portion of the parcel or property elsewhere to the affordable housing developer for use as a site for affordable housing; or
 - c. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
 2. **Affordability Requirements.** To qualify for a development bonus under this Subsection, a commercial developer shall partner with a housing developer that provides at least thirty (30) percent of the dwelling units for low-income households or at least fifteen (15) percent of the dwelling units for very low-income households.

3. **Location of Affordable Housing.** The housing shall be constructed on the site of the commercial development or on a site that complies with the following:
 - a. Close to public facilities and services, including schools and employment centers; and
 - b. Within one-half (0.5) mile of a major transit stop, as defined in Public Resources Code Section 21155(b).
4. **Type of Development Bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the County, that may include, but are not limited to, any of the following:
 - a. Up to a twenty (20) percent increase in maximum allowable intensity in the General Plan;
 - b. Up to a twenty (20) percent increase in maximum height requirements;
 - c. Up to a twenty (20) percent reduction in minimum parking requirements;
 - d. Use of a limited-use/limited-application elevator for upper floor accessibility; and/or
 - e. An exception to the standards established in this Title or other land use regulation.
5. **Affordable Housing Fee.** A development bonus pursuant to this Section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.
6. **Timing of Construction.** If the developer of the affordable dwelling units does not commence with construction of the affordable units in accordance with timelines established by the agreement described in Paragraph (1), above, the County may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

17.56.030 – Density Bonus Amount

If requested by the applicant, the County shall grant density bonuses in the amounts established in this Section.

- A. **Density Bonus.** A housing development that complies with the eligibility requirements established in Subsection 18.56.030 (Projects Entitled to a Density Bonus), above, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant:
 1. **Very-Low Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 18.56.020 shall be entitled to a density bonus calculated as follows:

Table 4-1 Bonus for Very Low-Income Household Units	
Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5

Table 4-1 Bonus for Very Low-Income Household Units	
Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
14	46.25
15-44	50
100*	80

* Applies when 100 percent of the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

2. **Low-Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in **Paragraph 18.56.020** shall be entitled to a density bonus calculated as follows:

Table 4-2 Bonus for Low-Income Household Units	
Percentage of Low-Income Units Proposed	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24-44	50
100*	80

* Applies when 100 percent of the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

3. **Moderate-Income Density Bonus.** A common interest housing development that is eligible for a bonus in compliance with the criteria established in **Paragraph 18.56.020** shall be entitled to a density bonus calculated as follows:

Table 4-3 Bonus for Moderate-Income Household Units	
Percentage of Moderate-Income Units Proposed	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9

Table 4-3 Bonus for Moderate-Income Household Units	
Percentage of Moderate-Income Units Proposed	Percentage Density Bonus
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50
100*	80

* Applies when 100 percent of the total units, excluding manager's units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

4. **Land Donation Density Bonus.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the County in compliance with Chapter, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this Paragraph shall be construed to affect the authority of the County to require a developer to donate land as a condition of development approval. See **Section 18.66.110 (Donations of Land)** for addition land donation requirements.

Table 4-4 Bonus for Land Donation	
Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
10	15

Table 4-4
Bonus for Land Donation

Percentage of Very Low-Income Units Proposed	Percentage Density Bonus
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

5. **Senior Housing Density Bonus.** A housing development that is eligible for a bonus shall be entitled to a density bonus of twenty (20) percent of the number of senior housing units. No affordable units are required to qualify for this bonus.
 6. **Student Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in [Paragraph 18.56.020](#) and Government Code Section 65915, shall be entitled to a density bonus of thirty-five (35) percent of the student housing units. The term "unit", as used in this Paragraph, means one rental bed and its pro rata share of associated common area facilities.
 7. **Transitional Foster Youth, Disabled Veteran, or Homeless Persons Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in [Paragraph 18.56.020](#) shall be entitled to a density bonus of twenty (20) percent of the total number of dwelling units for transitional foster youth, disabled veterans, or homeless persons.
- B. Greater or Lesser Bonuses.** The County may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower-density bonus for a development that does not fully comply with the requirements of this Section.
- C. Density Bonus Calculations.** For the purpose of density bonus calculations:
1. Fractional units shall be rounded up to the next whole number, in compliance in with State law.
 2. The residential units do not have to be based upon individual subdivision maps or parcels.
 3. The residential units shall be on contiguous parcels that are the subject of one development application.

4. The density bonus shall be permitted in the geographic area of the housing development other than the areas where the units for the lower-income household are located.
 5. Affordable housing projects shall choose a density bonus from only one affordability category (i.e., very low-income) and may not combine categories.
 6. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
 7. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed thirty-five (35) percent.
- D. Requirements for Amendments or Discretionary Approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zone Map amendment, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.
- E. Location of Bonus Units.** The developer may locate density bonus units in the housing project in areas other than where the units for the low-income households are located.

17.56.040 – Continued Affordability

The applicant shall agree to, and the County shall ensure, that the continued affordability of the units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c).

- A. Duration of Affordability.** The applicant shall agree to, and the County shall ensure, the continued availability of the dwelling units that qualified the housing development for a density bonus and other incentives and concessions, as follows.
1. **Very Low- and Low-Income Dwelling Units.** The continued affordability of all very low- and low-income-qualifying dwelling units shall be maintained for fifty-five (55) years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by County policy or ordinance.
 2. **Moderate-Income Dwelling Units in Common Interest Development.** The continued availability of moderate-income dwelling units in a common interest development shall be maintained for a minimum of ten (10) years, or a longer time if required by County policy or ordinance.
 3. **Dwelling Units for Transitional Foster Youth, Disabled Veterans, or Homeless Persons.** Dwelling units for transitional foster youth, disabled veterans, or homeless persons shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low-income units.
- B. Dwelling Unit Cost Requirements.** The rents and owner-occupied costs charged for the dwelling units in the development that qualifies the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Subsection:
1. **Lower-Income Dwelling Units.** Rents for the lower-income density bonus dwelling units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
 2. **Owner-Occupied Dwelling Units.** Owner-occupied dwelling units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.

- C. Occupancy and Resale of Moderate Income for Sale Dwelling Units.** An applicant shall agree to, and the County shall ensure that, the initial occupant of all for-sale dwelling units that qualified the applicant for the award of the density bonus are persons and families of very low-, low-, or moderate-income, as required, and that the dwelling units are offered at an affordable housing cost, as that cost is defined in Health and Public Safety Code Section 50052.5. The County shall enforce an equity sharing agreement unless it conflicts with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.
1. Upon resale, the seller of the dwelling unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
 2. The County shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five (5) years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section:
 - a. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
 - b. The County's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

17.56.050 – Allowed Incentives and Concessions

A. Applicant Request and County Approval.

1. In compliance with this Section, an applicant for a density bonus in compliance with this Chapter and Government Code Section 65915(d) may submit a request for the specific incentives or concessions listed in **Subsection D (Type of incentives)**, below, and may request a meeting with the Director.
2. The applicant may file a request for incentives or concessions either before filing an application for County approval of a proposed project or concurrently with an application for project approval.

B. Consideration of Requested Incentive or Concession. The Director shall grant the incentive or concession requested by the applicant unless the Director makes a written finding, based on substantial evidence, of any the following:

1. The incentive or concession does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
2. The incentive or concession would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
3. The incentive or concession would be contrary to State or Federal law.

- C. Number of Incentives or Concessions.** The applicant shall receive the following number of incentives or concessions based on the percentage of affordable units in the proposed project:

Table 4-5 Number of Incentives and Concessions			
Number of Incentives/Concessions	Very Low-Income Percentage	Lower-Income Percentage	Moderate-Income Percentage
1	5	10	10
2	10	17	20
3	15	24	30
4	100 (very low, low, moderate*)	100 (very low, low, moderate*)	100 (very low, low, moderate*)

* Maximum 20 percent moderate dwelling units.

- D. Types of Incentives.** For the purpose of this Chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., site coverage limitations, setbacks, on-site open space requirements, reduced parcel sizes, and/or parking requirements) (also see **Section 18.56.110 Parking Requirements in Density Bonus Projects**), or a modification of architectural design requirements that exceeds the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 5002.5, or for rents for the targeted units to be set as identified in **Subsection 18.56.050 (Continued Availability: Dwelling Unit Cost Requirements)**;
2. Approval of mixed-use land uses not otherwise allowed by this Title in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in **Subsection 18.56.050 (Continued Availability: Dwelling Unit Cost Requirements)**; and/or
4. In its sole and absolute discretion, a direct financial contribution granted by the Board, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

- E. Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted to require a General Plan amendment, zoning amendment, study, or discretionary approval.

17.56.060 – Standards for Affordable Units

All affordable units awarded and constructed in compliance with the provisions established in the Chapter shall meet the following requirements:

- A. Concurrence.** Affordable units shall be built concurrently with market rate units unless the County and the applicant agree within the density bonus housing agreement to an alternative schedule for development.
- B. Location.** Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.

- C. Unit Size.** The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units.
- D. Design.** The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.
- E. Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this Chapter.
- F. Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one (1) housing development to be produced and operated at an alternative development site. If the developer and the County agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this Chapter.

17.56.070 – Donations of Land

An applicant shall be eligible for the increased density bonus for land donation provided by this Subsection if all the following conditions established in this Section are met.

- A. Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
- B. Developable Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than ten (10) percent of the number of residential units in the proposed development;
- C. Minimum Size.** The transferred land shall have an area sufficient to permit development of at least forty (40) units;
- D. Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development;
- E. Entitlements.** No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low-income housing units on the transferred land;
- F. Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units, in compliance with [Section 18.56.050 \(Continued Affordability\)](#). The restriction shall be recorded on the property at the time of dedication;
- G. Recipient.** The land shall be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer;
- H. Location.** The transferred land shall be within the boundary of the proposed development or, if the County agrees, within one-quarter (1/4) mile of the boundary of the proposed development; and
- I. Funding.** A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

17.56.080 – Waivers or Reduction of Development Standards

- A. Eligibility.** An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.

B. Development Standards Defined.

1. Development standards include any adopted County standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.
2. As defined in this Section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.

C. Number of Waivers or Reductions.

1. There shall be no limit to the number of waivers or reductions available to an applicant.
2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project established in **Section 18.56.030 (Allowed Incentives and Concessions)**.

D. Justification of Approval. The County shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.**E. Provisions of Waivers or Reductions.** The County shall approve the requested waiver or reduction, unless the county makes a written finding, based upon substantial evidence, of either of the following:

1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.
2. The waiver or reduction is contrary to State or Federal law.

17.56.090 – Parking Requirements in Density Bonus Projects

A. Applicability. This Section applies to a development that meets the requirements of **Section 18.56.02 (Eligibility and Requirements)**, and **Section 18.56.050 (Continued Affordability)**, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with **Section 18.56.080 (Allowed Concessions and Incentives)** above through either a modification, variance, or other modification process approved by the Director. A request in compliance with this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled as established in **Section 18.56.080 (Allowed Concessions or Incentives)**.

B. Maximum Parking Requirements. At the request of the applicant, the County shall not require more than the following parking ratios for a density bonus project, inclusive of parking for persons with disabilities and guest parking:

Table 4-6	
Maximum Parking Requirements	
Dwelling Type/Number of Bedrooms	Parking Spaces
Studio	1
1 Bedroom	1
2 Bedroom	1.5
3 Bedroom	1.5
4+ Bedroom	2.5

- C. Special Parking Requirements.** At the request of the applicant, the County shall allow reduced parking ratios (inclusive of parking for persons with disabilities and guest parking) for the following project types:

Table 4-7 Special Parking Requirements	
Project Type	Parking Spaces (spaces per unit)
Rental/for sale projects with at least 11 percent very low-income or 20 percent lower-income units, within 1/2 mile of accessible ⁽¹⁾ major transit stop.	0.5
Rental projects 100 percent affordable to lower-income, within 1/2 mile of accessible ⁽¹⁾ major transit stop.	0
Rental senior ⁽²⁾ projects 100 percent affordable to lower-income, either with paratransit service or within 1/2-half mile of an accessible ⁽¹⁾ .	0
Rental special needs projects 100 percent affordable to lower-income households, either with paratransit service or within 1/2-half mile of accessible ⁽¹⁾ .	0
Rental supportive housing developments 100% percent affordable to lower income households	0

⁽¹⁾ Access to major transit stops shall be unobstructed and without natural or constructed impediments. In compliance with Government Code Section 65915, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

⁽²⁾ 62 years of age or older in compliance in Civil Code Sections 51.2 and 51.3.

- D. Parking Study.** If the County, or an independent consultant, has conducted an area-wide or countywide parking study in the last seven (7) years, then the County may impose a higher vehicular parking ratio based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low-income individuals, including seniors and special needs individuals. The County shall pay the costs of any new study. The County shall make findings, based on a parking study completed in conformity with this Subsection, supporting the need for the higher parking ratio.
- E. Location of Parking.** For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, in compliance with Article 3.
- F. Parking Space Calculation.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

17.56.100 – Housing with Childcare Facilities

- A. Housing Developments Childcare Facilities.** When an applicant proposes to construct a housing development that complies with the resident and project size requirements of **Section 18.56.020 (Eligibility and Requirements)** of this Chapter and includes as part of that development a childcare facility that will be located on the site of, as part of, or adjacent to the housing development, the County shall grant either an additional density bonus or an additional incentive or concession.
- 1. Bonuses and Incentives.** The County shall grant a housing development that includes a childcare facility in compliance with this Section one of the following:
 - a.** An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility; or

- b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility.
 - 2. **Determination of Adequate Childcare Facilities.** The County shall not be required to provide a density bonus or concession for a childcare facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate childcare facilities.
- B. **Commercial Developments Child Care Facilities.** An applicant for a commercial development project, containing at least fifty thousand (50,000) square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least two thousand (2,000) square feet of interior floor area and three thousand (3,000) outdoor square footage to be used for a childcare facility, in compliance with Government Code Section 65917.5.
 - 1. **Bonuses and Incentives.** The County shall grant a commercial development that includes a childcare facility in compliance with this Section one of the following:
 - a. A maximum of five (5) square feet of floor area for each one (1) square foot of floor area contained in the childcare facility located in an existing childcare facility; or
 - b. A maximum of ten (10) square feet of floor area for each one (1) square foot of floor area contained in the childcare facility located in a new childcare facility.
 - 2. **Qualifications Requirements.**
 - a. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the childcare facility and all outdoor areas devoted to the use of the facility in compliance with applicable State childcare licensing requirements shall be considered.
 - b. The childcare facility shall be of a sufficient size to comply with all applicable State licensing requirements to accommodate at least forty (40) children.
 - c. This facility may be located either on the project site or may be located off-site as agreed upon by the applicant and the County.
 - d. If the childcare facility is not located on the site of the development project, the County shall determine whether the location of the facility is appropriate and whether it complies with the purpose and intent of this Section.
 - e. The granting of a density bonus shall not preclude the County from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5.

17.56.110 – Application and Review

- A. **Application.** An application for a density bonus or donation of land for housing shall be filed and processed in compliance with this Chapter. If desired, a request for specific incentives or concessions, listed in **Section 18.56.060 (Allowed Incentives or Concessions)**, may be filed in compliance with Government Code Section 65915.
- B. **Determination.** Within thirty (30) days of filing the application, the Director shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to:
 - 1. The amount of the density bonus for which the project is eligible;
 - 2. The parking ratio for which the project is eligible, if requested; and
 - 3. Whether the applicant has provided enough information for the County to make a determination as to the requested incentives or concessions, if incentives or concessions are requested.

17.56.120 – Density Bonus Housing Agreement

- A. Agreement Required.** An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the County in the County's standard form of agreement.
- B. Agreement Provisions.**
- 1. Project Information.** The agreement shall include at least the following information about the project:
 - a.** The total number of dwelling units approved for the housing development, including the number of designated dwelling units;
 - b.** A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
 - c.** The marketing plan for the affordable dwelling units;
 - d.** The location, size (square feet), and number of bedrooms of the designated dwelling units;
 - e.** Tenure of the use restrictions for designated dwelling units of the time periods required by [Section 18.56.080 \(Continued Affordability\)](#);
 - f.** A schedule for completion and occupancy of the designated dwelling units;
 - g.** A description of the additional incentives and concessions being provided by the County;
 - h.** A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and
 - i.** Other provisions to ensure successful implementation and compliance with this Chapter.
 - 2. Minimum Requirements.** The agreement shall provide, at a minimum, that:
 - a.** The developer shall give the County the continuing right-of-first refusal to lease or purchase any or all the designated dwelling units at the appraised value;
 - b.** The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the County;
 - c.** When providing the written approval, the County shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by HUD;
 - d.** The County shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
 - e.** Applicable deed restrictions, in a form satisfactory to the County Counsel, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
 - f.** In any action taken to enforce compliance with the deed restrictions, the County Counsel shall, if compliance is ordered by a court of competent jurisdiction, take all actions that may be allowed by law to recover all the County's costs of action including legal services; and

- g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

C. Conditions by Project Type.

1. **For-Sale Housing.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:
 - a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and
 - b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the County which:
 - (1) Restricts the sale of the unit in compliance with this Chapter, or other applicable County policy or ordinance, during the applicable use restriction period;
 - (2) Contains provisions as the County may require ensuring continued compliance with this Chapter and State law; and
 - (3) Shall be recorded against the parcel containing the designated dwelling unit.
2. **Rental Housing.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:
 - a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;
 - b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;
 - c. Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and
 - d. The applicable use restriction period shall comply with the time limits for continued availability in **Section 18.56.080 (Continued Affordability)**.
3. **Moderate-Income Housing.** In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:
 - a. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.
 - b. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the County's share of the appreciation.
 - c. When the initial purchaser sells the unit, the County shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale. The County shall use this share of appreciation for any of the purposes established in Health and Safety Code Section 33334.2(e).

4. **Childcare Facility.** In the case of childcare facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:
 - a. Operating duration requirements for the childcare facility, such that the childcare facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.
 - b. Provisions requiring that for children who attend the childcare facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group to receive a density to the requirements of this section.

D. Agreement Execution.

1. Following the approval of the agreement, and execution of the agreement by all parties, the County shall record the completed agreement on the parcels designated for the construction of designated dwelling units at the County Recorder's Office.
2. The approval of the agreement shall take place at the same time as the approval of any required final or parcel map or, where a map is not being processed before the issuance of Building Permits for the project. Recordation of the agreement shall take place as soon as possible after the approval of any required final or parcel map or, where a map is not being processed, before the issuance of any Building Permit for the project.
3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

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Chapter 17.58 – Wireless Telecommunications Facilities Standards

Sections

- 17.58.010 – Purpose and Intent
- 17.58.020 – Applicability
- 17.58.030 – Exempt Facilities
- 17.58.040 – Permitting Process
- 17.58.050 – Application for Administrative Use Permit
- 17.58.060 – General Development and Design Standards
- 17.58.070 – Service Gaps
- 17.58.080 – Noise
- 17.58.090 – Co-Located and Multiple User Facilities
- 17.58.100 – Abandonment of Facility
- 17.58.110 – Agreement and Security to Maintain and Remove

17.58.010 – Purpose and Intent

The purpose of this Chapter is to provide uniform and comprehensive standards for wireless telecommunication facilities. The regulations contained herein are designed to protect and promote public safety, community welfare and the visual quality of the County as set forth in the goals, policies and programs of the General Plan, while at the same time providing for the installation of new communication facilities in compliance with the Telecommunications Act of 1996. It is the intent of this chapter to ensure a balance between public concerns and private interests in establishing wireless telecommunication and related facilities.

17.58.020 – Applicability

The provisions of this Chapter apply only to major wireless communication facilities, and modifications to existing major wireless communication facilities as described below:

- A. Modifications to preexisting wireless telecommunication facilities that substantially change the appearance of the structure, as determined by the Director.
- B. Wireless telecommunication facilities added to an approved co-located or multiple user wireless telecommunication facility which substantially changes the appearance of the structure as determined by the Director.
- C. Wireless telecommunication facilities located on the exterior of a structure, including water tanks, which substantially change the appearance of the structure on which it is located, as determined by the Director.
- D. Wireless telecommunication facilities located on an electrical transmission tower or utility pole which substantially change the appearance of the structure, as determined by the Director.

17.58.030 – Exempt Facilities

The following facilities are exempt from the provision of this Chapter:

- A. **Minor Wireless Telecommunication Facility.** A facility accessory to and located on the same site as a residential, commercial, industrial, agricultural or recreational use, the principal use of which is to provide service to the occupants of the parcel on which the facility is located.

- B.** Wireless telecommunication facilities, community networks, or neighborhood repeaters where the principal use of the facility is to receive and transmit communication services to occupants other than those of the parcel on which the facility is located and that comply with the following criteria as determined by the Director:
1. The facility shall be located, designed, and screened to blend in with the existing natural or built surroundings;
 2. The facility shall be compatible with neighboring development with consideration to massing, location, and height;
 3. The facility shall comply with all applicable radio frequency emissions regulations of the Federal Communications Commission; and
 4. A plan for a wireless communication facility, community network, or neighborhood repeater shall be submitted to the Director providing the following information to demonstrate that the facility complies with the criteria listed above:
 - a. A map showing the location of the proposed facility and all land uses adjacent to the site;
 - b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the County that are part of the same network of coverage as the proposed facility;
 - c. Proof of legal access to the parcel on which the proposed facility is to be located;
 - d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photomontages, to demonstrate that it will blend with its surroundings;
 - e. The design of telecommunication towers shall include “anti-climbing” features to reduce the potential for trespass and injury; and
 - f. A plan identifying the source of power to the proposed facility.
- C.** All wireless telecommunication facilities located a minimum of one thousand (1,000) feet from the nearest property line and public road easements and rights-of-way, and on parcels that cannot be subdivided.
- D.** All wireless telecommunication facilities specifically established for and used temporarily during a declared local, State, or Federal emergency or disaster.

17.58.040 – Permitting Process

- A. Allowed By-Right.** Wireless telecommunication facilities not located in an area in which an Administrative Use Permit is required as described in Subsection B, below are allowed by-right provided all development/design standards described in Section 17.58.060 (General Development and Design Standards) are met.
- B. Administrative Use Permit.** An Administrative Use Permit shall be required for the following instances:
1. **Restricted Zones.** Facilities located in and/or within five hundred (500) feet of any of the following zones:
 - a. Rural Residential Zone (RR)
 - b. Mountain Home Zone (MH)
 - c. Mountain Transition Zone (MT)
 - d. Scenic Highway Overlay Zone (SH)
 - e. Design Review Overlay Zone (DR)

2. **Adjacent to Residential Use.** Within five hundred (500) feet of any existing residential use, even if that residence is located on an adjacent parcel.
3. **Co-Located Facilities.** An Administrative Use Permit shall be required for all co-located or modified facilities that:
 - a. Expand the number of antennas by more than three;
 - b. Extend any existing tower structure by more than ten (10) feet above the originally permitted structure; and/or
 - c. Increase the height of a structure greater than fifty (50) feet.

17.58.050 – Application for Administrative Use Permit

In addition to the Administrative Use Permit provisions established in **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)**, the following items shall accompany all applications submitted to the Department for a wireless telecommunications facility:

- A. **Map.** A map showing the location of the proposed facility and all parcels, zoning, and existing land uses within five hundred (500) hundred feet of the boundaries of the parcel on which the facility is proposed.
- B. **Design.** The design of the facility, including a cross-sectional area and/or silhouette of the proposed facility.
- C. **Visual Impact Analysis.** A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo simulations, story poles, elevations or other visual or graphic illustrations of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the Director. The purpose of the analysis is to determine potential visual impacts of the proposed facility including structure design and height, size and massing of structure(s), proper coloration, material reflectivity, and blending of the facility with the proposed site.
- D. **Existing Telecommunication Facilities.** A map identifying all the applicant's existing telecommunications facilities within County limits. The map shall include an illustration of the estimated coverage area (search map) for all existing and proposed antenna sites for the applicant and/or service provider.
- E. **Boundary Map(s).** Map(s) identifying the boundaries of the area that will be served by the proposed facility.
- F. **Service Providers Existing Network.** A map, if applicable, showing how the proposed facility fits into the service provider's network of existing and proposed facility sites. This map, or an additional map, shall show all similar or related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility.
- G. **Alternative Sites Analysis.** An analysis showing that all alternate sites for placement of the facility have been considered and analyzed and reasons for their rejection. The alternative site analysis shall include a table indicating why each of these other sites was rejected or found inferior to the proposed site. The analysis shall also address alternatives to reduce visual impacts, economic impacts, and other potential environmental impacts. The analysis may be required to provide alternative types of facilities that may be utilized to achieve similar or same coverages with different technological approaches and design.
- H. **Landscape Plan.** A landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size, and location. The landscaping plan shall include a protection plan for vegetation that will be used to provide screening of the facility from adjacent properties and public roadways. The landscape plan shall show how any planted vegetation is to be irrigated and maintained. The landscaping plan shall meet the standards of the State of California Model Water Efficient Landscape Ordinance (WELO) as may be amended from time to time.

- I. Radiation Analysis and Summary.** A report or summary of the estimates of the nonionizing radiation generated by the facility (EMF/RF Study). The report shall include estimates of the maximum electric and magnetic field strength at the edge of the facility site, and the extent that measurable fields extend in all directions from the facility. The report shall be prepared by an appropriately licensed professional stating that the system, including the antennas and associated base transceiver stations, conforms to the radio-frequency radiation emission standards adopted by the Federal Communications Commission (FCC).
- J. FCC Certification.** A copy of the certification from the FCC specifying that the facility's radio frequency emissions will comply with the application regulations of the FCC.
- K. National Environmental Policy Act (NEPA) Checklist.** The FCC's National Environmental Policy Act (NEPA) Checklist for all applications for service providers who will be using the facility. Additional information required by the FCC to satisfy compliance with NEPA when required by the FCC for issuance of a license to operate wireless communication facilities.
- L. Marking of Hazards Statement.** A statement as to how the facility satisfies the recommendations outlined in the Federal Aviation Administration's (FAA) Advisory Circular pertaining to the marking of hazards.
- M. Security and Safety Plan.** Information addressing security considerations, including exterior lighting, fencing, gates, and access.
- N. Electrical Service Plan.** A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of proposed overhead or underground distribution lines to extend service to the proposed facility.
- O. Preliminary Title Report.** Preliminary title report or lot book guarantee.
- P. Proof of Legal Access.** Proof of legal access to the parcel on which the proposed facility is located.
- Q. Letter of Intent.** If the applicant will not be providing wireless communication services, either a signed agreement with a provider of wireless communication services, or a letter of intent to use the proposed facilities from such a provider shall be submitted, or submittal of such information shall be made a condition of approval required before issuance of construction permits for the project.
- R. California Environmental Quality Act (CEQA) Analysis.** Additional information as may be required by the Director to conduct environmental review in compliance with the California Environmental Quality Act (CEQA). The Director may waive one or more of the items of information listed above if similar information is already on file with the Department.
- S. Independent Technical Expert Review.** The County may require consultant assistance from an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section or in cases where the applicant is proposing a facility with a design or in a location that is necessary due to an unavoidable technological need or lack of feasible alternatives. The applicant shall pay all the costs of said review, including any administrative costs incurred by the County. Any proprietary information disclosed to the County or the expert hired, shall remain confidential and shall not be disclosed to any third party. The Director shall determine if a review by a technical expert is required within 30 days of the submittal of a complete application. Failure of the applicant to pay the costs of such review shall render the application incomplete and shall constitute grounds for terminating the application in compliance with adopted County policy.
- T. Noise Analysis.** A noise analysis based on design plans of the proposed facility and prepared by an appropriately licensed professional, which demonstrates compliance with **Section 64.040 (Noise and Vibration)**, shall be submitted.

17.58.060 – General Development and Design Standards

The following development and design standards shall apply to all proposed wireless telecommunication facilities. These standards shall be applicable for the life of the project.

- A. Stealth Design.** Wireless communication towers shall employ stealth design features.
- B. Colors.** Portions of wireless communication facilities that are not part of a stealth design feature and are visible to off-site properties and public roadways shall be painted in a nonreflective matte finish color to blend with the sky and/or predominant surroundings and achieve the intent of stealth requirements. This standard shall apply to all facility fencing.
- C. Signs.** No signs shall be located on a support tower or equipment shelter except for required warning and safety signs. The use of any portion of a communication facility for signs other than warning or equipment information signs is prohibited.
- D. Lighting.** Except as specifically required by the Federal Aviation Administration (FAA) or other applicable authority, support towers shall not be artificially lighted, unless it is an integral element of the stealth design. All lighting for project structures shall be International Dark-Sky Association approved “Dark Sky Friendly” lighting fixtures unless alternative lighting is required by the FAA. Lighting for appurtenant structures at wireless facilities shall be limited to that which is minimally necessary to provide adequate security lighting and shall be so directed to avoid spilling onto adjacent properties and public roadways.
- E. Equipment Shelters/Appurtenant Structures.** All equipment shelters and appurtenant structures shall be screened from adjacent properties and public roadways.
- F. Setbacks.** All facilities associated with a wireless communications site shall meet minimum setback standards established in Article 2 (Zones, Allowable Uses, and Development Standards), or shall be setback from all property lines and public road easements and rights-of-way a minimum distance equal to the height of the facility, whichever is greater. Waivers to this standard can only be granted through the Conditional Use Permit process established in **Chapter 17.104 (Conditional Use Permits and Administrative Use Permits)**. Guy wire anchors for wireless communication towers shall comply with setback standards contained in Article 2 (Zones, Allowable Uses, and Development Standards).
- G. Marking of Hazards.** The facility shall comply with the recommendations outlined in the FAA’s Advisory Circular pertaining to the marking of hazards.
- H. Roads and Parking.** To minimize ground disturbance, wireless telecommunication facilities shall be served by the minimum level of road improvements needed to provide safe access and minimum parking and turnaround areas needed to serve maintenance vehicles as follows:
 - 1. Existing roads and parking areas shall be used, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the California Department of Forestry and Fire Protection (CAL FIRE) and/or the Department of Public Works.
 - 2. Any new roads built to serve the facility shall meet the width and structural requirements of CAL FIRE and/or the Department of Public Works.
 - 3. Any new parking areas shall be constructed with an all-weather surface and shall be no larger than 350 square feet unless otherwise required by CAL FIRE and/or the Department of Public Works.
- I. Height.** The height of wireless telecommunication towers shall not exceed one hundred and fifty (150) feet. Tower height is also subject to the height standards contained in **Subsection 17.25.020 (Airport Overlay Zone)**.

17.58.070 – Service Gaps

- A. Excluding setback standards, the Director may consider an application for a wireless telecommunication facility in a location at which it would otherwise be prohibited, if the applicant establishes that:
1. The facility is necessary to comply with Federal law; or
 2. The facility will fill an existing significant gap in the applicant's communication service to remote users.
- B. The applicant shall establish that there is no alternative to the proposed location, and that the manner in which it proposes to fill the service gap complies in all other respects with the provisions established in this Chapter. These requirements may be waived if an applicant establishes an inability to comply with these provisions that would prevent the facility from being constructed at that location. As a condition of approval of an Administrative Use Permit for a wireless telecommunication facility to fill a service gap, the Director may require the facility to be designed and used as a co-location or multiple user facility.

17.58.080 – Noise

Wireless telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to neighboring uses. All of the following measures shall be implemented to minimize disruption:

- A. **Construction.** Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday, and County holidays, unless otherwise approved by the Director.
- B. **On-Site Generators.** All generators shall be enclosed within structures and insulated to minimize off-site noise impacts in compliance with [Section 17.56.040 \(Noise and Vibration\)](#) and the General Plan.
- C. **Equipment Testing and Maintenance.** Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the wireless communication system.
- D. **Noise Exposure.** The facility shall not exceed the normally acceptable Community Noise Exposure Ldn or CNEL range between dB fifty (50) and sixty (60) at any property line of the parcel on which it is located.

17.58.090 – Co-Located and Multiple User Facilities

- A. All co-located and multiple user wireless telecommunication facilities shall be designed to promote and enable facility and site sharing, including but not limited to parking areas, access roads, utilities, and equipment structures. The purpose of this requirement is to minimize overall visual impact of wireless communication facilities to the community.
- B. Any new facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for facility space use and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it would be necessary for the host to go off-line for a maximum of twenty-four (24) hours.

- C. Approval for the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility which is anticipated to create interference as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. The applicant shall be responsible for paying all costs associated with the relocation of these facilities.
- D. Co-located and multiple user facilities shall comply with FCC regulations.

17.58.100 – Abandonment of Facility

A major wireless communication facility which has not been used for a period of eighteen (18) months shall be deemed abandoned and shall be removed in compliance with the agreement to maintain and remove the facility in compliance with [Section 17.58.110 \(Agreement and Security to Maintain and Remove\)](#).

17.58.110 – Agreement and Security to Maintain and Remove

- A. **Agreement.** An agreement to maintain the wireless telecommunication facility or to remove it upon abandonment of the facility or upon determination that the facility has become structurally obsolete shall be signed by the owner of the property on which the facility is proposed. The agreement shall be submitted to the Director, along with a security in the form of a surety bond, an irrevocable letter of credit, assigned certificate of deposit or other security as approved by the Director, to guarantee maintenance and removal of the major wireless communication facility before issuance of a Building Permit for the facility.
- B. **Security Amount.** The amount of security shall be based upon an engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. A surety bond or irrevocable letter of credit shall be adjusted for inflation every three years by the facility owner and the updated instrument shall be provided to the Director.
- C. **Binding Agreement.** The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance and structural integrity of and ultimately remove the facility in compliance with the provisions of this Chapter and any conditions of approval of the Administrative Use Permit. It shall further bind the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County.
- D. **Lien.** If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement.

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Article 6 – Nonconforming Uses, Structures, and Parcels

Title 17 – Development Code

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.90 – General Nonconforming Provisions.....	6-1
17.90.010 – Purpose and Intent.....	6-1
17.90.020 – Establishment of Legal Nonconforming Status.....	6-2
17.90.030 – Continuation and Maintenance	6-2
17.90.040 – Continuation of Incidental Nonconformity	6-3
17.90.050 – Prior Permits	6-3
Chapter 17.92 – Nonconforming Uses.....	6-5
17.92.010 – Continuation of Legal Nonconforming Uses	6-5
17.92.020 – Modifications or Expansion of Legal Nonconforming Uses	6-6
17.92.030 – Discontinuance of Legal Nonconforming Uses	6-6
Chapter 17.94 – Nonconforming Structures	6-8
17.94.010 – Continuation of Legal Nonconforming Structures	6-8
17.94.020 – Destruction of Legal Nonconforming Structures	6-8
17.94.030 – Residential Exceptions.....	6-9
17.94.040 – Discontinuance of Legal Nonconforming Structures	6-9
Chapter 17.96 – Nonconforming Parcels	6-11
17.96.010 – Continuation of Legal Nonconforming Parcels	6-11
17.96.020 – Modification of Legal Nonconforming Parcels	6-11

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Chapter 17.90 – General Nonconforming Provisions

Sections

- 17.90.010 – Purpose and Intent
- 17.90.020 – Establishment of Legal Nonconforming Status
- 17.90.030 – Continuation and Maintenance
- 17.90.040 – Continuation of Incidental Nonconformity
- 17.90.050 – Prior Permits

17.90.010 – Purpose and Intent

A. Purpose. This Article provides regulations for:

1. Nonconforming parcels, signs, structures, and uses that were lawfully allowed before the adoption or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the terms of this Development Code.
2. The continuance, maintenance, and repair of nonconformities under certain circumstances and limiting reconstruction, expansion and reestablishment of nonconformities. These nonconformities may continue or be discontinued as specified in this Article.

B. Intent.

1. In order to limit the number and extent of nonconformities created by adoption or amendment of this Development Code, it is the County's intent to generally allow nonconformities to continue until they are removed or abandoned for a specified period of time.
2. It is further the intent of this Article that nonconformities shall not be altered, enlarged, expanded, extended, moved, reestablished, or changed to another nonconforming use, including after abandonment or discontinuance, or restored after involuntary destruction, except in compliance with this Article.
3. It is the County's intent to ensure that certain nonconformities, including certain classes of nonconforming uses, nonconforming structures of nominal value, and certain uses not meeting screening, performance, or parking standards, are discontinued or become conforming over time.
4. This Article shall only apply to legal nonconformities and shall not apply to any use or structure established in violation of the adopted or amended Development Code in effect at the time of establishment or other applicable laws, unless the use or structure presently conforms with the provisions of this Development Code and all other applicable laws.

17.90.020 – Establishment of Legal Nonconforming Status

- A. Property Owner's Responsibility.** The property owner has the burden to prove a legal nonconformity and the related protected status that comes with a legal nonconformity as specified in this Article. The property owner shall provide sufficient objective evidence to the satisfaction of the Director that the subject parcel, sign, structure, or use is a legal nonconformity.
- B. County is Not Responsible.** The County is not responsible to prove the legal status of the nonconformity, however the County shall assist the property owner in providing any available county records if those records would assist the property owner in providing evidence.
- C. Director's Determination.**
1. The legal status determination process begins with the property owner submitting sufficient written evidence to the Director demonstrating that the nonconformity is legal and subject to the protected status specified in this Article.
 2. The Director may decide the matter favorably based on the documentation provided. In the alternative, the Director shall conduct an administrative hearing and provide notice of the hearing to the property owner in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
 3. If an administrative hearing is conducted, the property owner shall have the opportunity to appear and provide oral testimony and present evidence on the legality of the nonconformity.
 4. The Director shall consider the testimony and evidence and make a written determination as to the legality of the nonconformity and the available protections provided by this Article.
 5. The Director's determination of legal nonconformity shall be appealable as specified in **Chapter 17.134 (Appeals)**.

17.90.030 – Continuation and Maintenance

- A. Existing Structures.** Notwithstanding any other provision in this Development Code, the lawful use of structures existing before the effective date of this Development Code may continue until use of the existing structure (including any expansions) has been discontinued for a period of thirty-six (36) consecutive months, at which time the prior zoning shall become inapplicable, and the other sections of this Development Code shall apply from that point forward.
- B. Existing Uses.** For parcels with legal uses of land or structures existing before the effective date of this Development Code, allowed uses of the prior zone are allowed to continue until the existing use (including any expansions) has been discontinued for a period of thirty-six (36) consecutive months.

- C. Conditional Uses.** For parcels with legal uses of land or structures existing before the effective date of this Development Code that were conditionally allowed uses (under a Conditional or Administrative Use Permit) under a prior version of the Development Code, the uses are allowed to continue, provided that the uses continue to comply with all conditions that were imposed at the time the original permit was approved, and until the existing uses (including any expansions) have been discontinued for a period of thirty-six (36) consecutive months.
- D. Development Standards.** For parcels with legal uses of land or structures existing before the effective date of this Development Code, development standards of the prior zone shall apply until the existing use (including any expansions) has been discontinued in its entirety.

17.90.040 – Continuation of Incidental Nonconformity

- A. Customary Maintenance and Repair.** A nonconformity (i.e., parcel, sign, structure, or use) may be maintained and continued with customary maintenance and repair without any expansion or enlargement of area, space, or volume, except as otherwise provided in this Article.

17.90.050 – Prior Permits

- A. No Changes Required.** Nothing contained in this Development Code shall require any change in plans, construction size, or designated use of any building or structure or part thereof for which a Building Permit has been issued and is valid and unexpired before the effective date of this Development Code.
- B. Extensions.** An extension of these permits shall be granted the same as for any Building Permit.

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Chapter 17.92 – Nonconforming Uses

Sections

17.92.010 – Continuation of Legal Nonconforming Uses

17.92.020 – Modifications or Expansion of Legal Nonconforming Uses

17.92.030 – Discontinuance of Legal Nonconforming Uses

17.92.010 – Continuation of Legal Nonconforming Uses

A nonconforming use established before the effective date of this Development Code, or before any subsequent amendment which creates the nonconformity, may be continued, expanded, and maintained, including necessary repairs, consistent with the provisions of this Section, subject to all the following:

- A. Change of Ownership.** 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.
- B. Additional Development.** Additional development of any property on which a nonconforming use exists shall require that all new uses and structures comply with all the applicable provisions of this Development Code.
- C. Prior Use Continuance.** The lawful use existing at the time of adoption or amendment of this Development Code, although the use does not conform to the provisions hereof, may be continued.
- D. Abandoned or Discontinued.** Nonconforming status shall terminate if a nonconforming use is abandoned or discontinued for thirty-six (36) consecutive months or more. Once the nonconforming status is lost, any subsequent use of the property must comply with all applicable provisions of this Development Code.
- E. Conversion of a Nonconforming Use.** If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- F. Changes to a Nonconforming Use.**
 - 1. Nonconforming uses may be expanded through a Director approval of a Site Plan application processed in compliance with Chapter 17.120 (Site Plan and Design Review) and the notice requirements of Chapter 17.136 (Public Notices and Hearings).
 - 2. However, under no circumstances shall the expansion exceed a fifty (50) percent increase in square footage. Notwithstanding anything to the contrary contained herein, if a proposed expansion would result in increasing the number of housing units which are available for occupancy or increasing the density above the maximum allowed by this Development Code, the expansion shall be denied.

3. In addition to the factors specified in **Section 17.112.050 (Findings and Decision)**, 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 dust, lights, noise, odor, smoke, traffic, vibrations, or drainage.
 4. Determinations made regarding these applications may be appealed in compliance with **Chapter 17.134 (Appeals)**.
 5. A nonconforming use may be changed to a conforming use, but only in the following manner:
 - a. A nonconforming use may be changed to a another nonconforming use of a similar or less intensive classification, as determined by the Director.
 - b. Once changed, the nonconforming use may not be changed back to a nonconforming use of a more intensive classification, as determined by the Director.
- G. Date of Applicability.** The foregoing provisions shall also apply to nonconforming uses in zones hereafter changed or established and any time limit for the suspension of a nonconforming use of land shall date from the date of the adoption or amendment of this Development Code or any amendment of the Zoning Map boundaries which first created the nonconforming use(s).

17.92.020 – Modifications or Expansion of Legal Nonconforming Uses

Any expansion or modification of a legal nonconforming use shall only be allowed in compliance with all applicable provisions of this Development Code.

17.92.030 – Discontinuance of Legal Nonconforming Uses

If the use of a structure 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 36 consecutive months, any subsequent use of the structure or premises shall conform to the regulations of the zone in which it is located.

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Chapter 17.94 – Nonconforming Structures

Sections

- 17.94.010 – Continuation of Legal Nonconforming Structures
- 17.94.020 – Destruction of Legal Nonconforming Structures
- 17.94.030 – Residential Exceptions
- 17.94.040 – Discontinuance of Legal Nonconforming Structures

17.94.010 – Continuation of Legal Nonconforming Structures

- A. Structural Alteration Requirements.** No existing structure arranged, designed, or intended for or devoted to a use not allowed in compliance with the regulations of this Development Code for the zone in which the structure or premises is located shall be enlarged, extended, reconstructed unless the structure is changed to a use allowed under the regulations specified by this Development Code for the zone in which the structure is located.
- B. Allowed Maintenance and Repairs.** A legal nonconforming land use and the use of a legal nonconforming structure may be continued, notwithstanding any transfers of ownership, provided that the continuation complies with the requirements of this Article. A legal nonconforming structure may be maintained subject to the following:
- 1. Ordinary Maintenance and Repairs.** A nonconforming structure may undergo ordinary maintenance and repairs.
 - 2. Nonstructural Alterations to Structure(s).** Necessary repairs and desired alterations may be made to a nonconforming structure(s).
 - 3. Additions to Nonconforming Structure(s).** Additions may be made to a structure(s) that are nonconforming due to their placement on the parcel.

17.94.020 – Destruction of Legal Nonconforming Structures

- A. May be Restored.** When a structure which does not conform to the provisions of this Development Code is damaged or destroyed, it may be restored or rebuilt to accommodate its original use.
- B. Existing Building Requirements.** The restoration or rebuilding shall conform to the existing Building Code requirements.

17.94.030 – Residential Exceptions

- A. Reconstruction or Replacement – Single-Family Dwelling.** An involuntarily damaged or destroyed nonconforming single-family dwelling may be reconstructed or replaced with a new or rebuilt structure with the same footprint, including preexisting nonconforming setbacks, and height in compliance with applicable County Building and Fire Code requirements. The dwelling may also be replaced with a structure which has the same occupancy as the destroyed structure, but which complies with all other code requirements.
- B. Reconstruction or Replacement – Multi-Family Dwelling.** An involuntarily damaged or destroyed nonconforming multi-family dwelling unit or structure may be reconstructed or replaced with a new or rebuilt unit or structure with the same footprint, including preexisting nonconforming setbacks, height, and number of dwelling units, in compliance with applicable County Building and Fire Code requirements and Government Code Sections 65852.25 and 65863.4. The dwelling may also be replaced with a structure which has the same occupancy as the destroyed structure, but which complies with all other code requirements.

17.94.040 – Discontinuance of Legal Nonconforming Structures

If the use of a structure 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 36 consecutive months, any subsequent use of the structure or premises shall conform to the regulations of the zone in which it is located.

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Chapter 17.96 – Nonconforming Parcels

Sections

17.96.010 – Continuation of Legal Nonconforming Parcels

17.96.020 – Modification of Legal Nonconforming Parcels

17.96.010 – Continuation of Legal Nonconforming Parcels

A single nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Development Code is a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the property owner.

- A. Approved Subdivision.** The parcel was created by a recorded subdivision;
- B. Individual Parcel Legally Created by Deed.** The parcel is under single ownership and was legally created by a recorded deed before the effective date of the provision which made the parcel nonconforming;
- C. Issuance of Development Permit.** The parcel was legally recognized by issuance of a development permit issued to the parcel's APN (Assessor's Parcel Number).
- D. Variance/Minor Variance or Lot Line Adjustment.** The parcel was approved through the Variance or Minor Variance procedure or resulted from a lot line adjustment; or
- E. Partial Government Acquisition.** The parcel was created in compliance with the provisions of this Development Code but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size was decreased not more than twenty (20) percent and the yard facing a public right-of-way was decreased not more than seventy-five (75) percent.

17.96.020 – Modification of Legal Nonconforming Parcels

- A. Subdivision of Legal Nonconforming Parcels.** A subdivision of land (i.e., lot line adjustment, final, parcel, or tentative map) shall not be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel except as provided herein.
- B. Minimum Parcel Size Standards.** Minimum parcel size shall apply to all proposals or actions which will result in the creation of a parcel, or the modification of the dimensions or land area of a parcel. In a proposal to modify the boundaries of one or more parcels where one or more of these parcels do not meet minimum parcel size or density of the applicable zone, the County may approve the boundary modifications, but only in the following manner:

1. The modifications will result in the improvement of the circumstances and/or design of both parcels and in achieving the goals and policies of the General Plan and the purpose of the applicable zone. In a proposal to modify the boundaries of one or more parcels where one or more of these parcels do not meet minimum parcel size standards of the applicable zone, the Commission may approve the boundary modifications provided the modifications will result in the improvement of the circumstances and/or design of both parcels. Under no other circumstances can a boundary modification proposal be approved where the boundary modification will result in the creation of a substandard parcel.
2. The minimum parcel size specified in a zone description shall not preclude the requirement for larger parcel sizes on proposals resulting in the creation or modification of a parcel where the Commission or Board determines that larger acreages are necessary due to terrain or unique site considerations, standards contained in the General Plan, or other applicable provisions of the County Code or State law.
3. No Variance or Minor Variance shall be granted, under any circumstances, for reducing the minimum parcel size.
4. The minimum parcel size specified in a zone shall not apply to parcels conveyed to a special district, public utility, or private utilities (i.e., a mutual water company) for utility purposes provided an enforceable restriction approved by the County is recorded on the parcel which restricts the use of the property to utility distribution facilities, sewage systems, well sites, and utility storage buildings less than one hundred and forty-four (144) square feet in area. The restrictions must remain effective in perpetuity. Notwithstanding the provisions of this Section, the minimum parcel size of the designated zone shall apply to all non-utility parcels created by such conveyances.

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Article 7 – Permit Processing Procedures**Title 17 – Development Code****REVISED PRELIMINARY DRAFT****September 2024****Table of Contents**

Chapter 17.100 – General Provisions	7-5
17.100.010 – Purpose and Intent	7-5
17.100.020 – Discretionary Permits and Actions	7-5
17.100.030 – Additional Permits May Be Required	7-8
17.100.040 – Burden of Proof and Precedence	7-8
Chapter 17.102 – Application Processing Procedures	7-9
17.102.010 – Purpose and Intent	7-9
17.102.020 – Authority for Land Use and Zoning Decisions	7-9
17.102.030 – Application Preparation and Filing	7-11
17.102.040 – Concurrent Processing	7-13
17.102.050 – Eligible Applicants	7-13
17.102.060 – Submittal Requirements	7-13
17.102.070 – Filing Fees and Requirements	7-14
17.102.080 – Initial Application Completeness Review	7-15
17.102.090 2.– Environmental Assessment	7-18
Chapter 17.104 – Conditional and Administrative Use Permits	7-21
17.104.010 – Purpose and Intent	7-21
17.104.020 – Applicability	7-22
17.104.030 – Application Filing, Processing, and Review	7-22
17.104.040 – Review Authority	7-22
17.104.050 – Project Notice and Hearing	7-22
17.104.060 – Findings and Decision	7-23
17.104.070 – Conditions of Approval	7-24
17.104.080 – Permit to Run with the Land	7-25
17.104.090 – Post Decision Procedures	7-25
Chapter 17.106 – Planned Development Permits	7-27
17.106.010 – Purpose and Intent	7-27
17.106.020 – Applicability	7-28
17.106.030 – Application Filing, Processing, and Review	7-28
17.106.040 – Review Authority	7-29
17.106.050 – Project Notice and Hearing	7-29
17.106.060 – Findings and Decision	7-29

17.106.070 – Planned Development Permit Amendment	7-31
17.106.080 – Conditions of Approval	7-31
17.106.090 – Post Decision Procedure	7-31
Chapter 17.108 – Reasonable Accommodation.....	7-33
17.108.010 – Purpose and Intent	7-33
17.108.020 – Applicability	7-33
17.108.030 – Application Filing, Processing, and Review.....	7-34
17.108.040 – Review Authority.....	7-35
17.108.050 – Findings and Decision	7-35
17.108.060 – Conditions of Approval	7-36
17.108.070 – Rescission of Approval of Reasonable Accommodation.....	7-36
17.108.080 – Post Decision Procedures	7-36
Chapter 17.110 – Design Review.....	7-38
17.110.010 – Purpose and Intent	7-38
17.110.020 – Application Filing, Processing, and Review.....	7-38
17.110.030 – Conditions of Approval	7-44
17.110.040 – Issuance of Other Required Permits and Approvals	7-44
17.110.050 – Minor Changes by Director.....	7-45
17.110.060 – Post Decision Procedures	7-45
Chapter 17.112 Temporary Use Permits.....	7-46
17.112.010 – Purpose and Intent	7-46
17.112.020 – Definitions	7-46
17.112.030 – Applicability.....	7-46
17.112.040 – Exempt Temporary Uses.....	7-47
17.112.050 – Allowed Temporary Uses	7-48
17.112.060 – Application Filing and Processing	7-49
17.112.070 – Director’s Review.....	7-50
17.112.080 – Findings and Decision	7-50
17.112.090 – Conditions of Approval	7-51
17.112.100 – Condition of Site Following Temporary Use	7-52
17.112.110 – Post Decision Procedures	7-52
Chapter 17.114 – Variances and Minor Variances	7-54
17.114.010 – Purpose and Intent	7-54
17.114.020 – Applicability.....	7-54
17.114.030 – Review Authority.....	7-55
17.114.040 – Application Filing, Processing, and Review.....	7-55
17.114.050 – Findings and Decision	7-55
17.114.060 – Precedents.....	7-56
17.114.070 – Conditions of Approval	7-56
17.114.080 – Post Decision Procedures	7-56
Chapter 17.116 – Zoning Clearances.....	7-58
17.116.010 – Purpose and Intent	7-58
17.116.020 – Applicability/Permit Requirement	7-58
17.116.030 – Review Procedures	7-59
17.116.040 – Post Decision Procedures	7-59

Chapter 17.118 – Demolition Permit – Historic Structures	7-60
17.118.010 – Applicability/Permit Requirement	7-60
17.118.020 – Application and Processing Procedures.....	7-60
17.118.030 Demolition Permit Findings.....	7-61
Chapter 17.120 – Permit Implementation, Time Limits, and Extensions	7-62
17.120.010 – Purpose and Intent	7-62
17.120.020 – Conformance to Approved Plans	7-62
17.120.030 – Effective Dates of Permits	7-62
17.120.040 – Applications Deemed Approved	7-63
17.120.050 – Permits to Run with the Land	7-63
17.120.060 – Performance Guarantees	7-64
17.120.070 – Expiration.....	7-64
17.120.080 – Time Extensions	7-66
17.120.090 – Changes to an Approved Project	7-66
17.120.100 – Resubmittals	7-67
17.120.110 – Notifying County Assessor-Recorder	7-68
17.120.120 – Periodic Review	7-68
17.120.130 – Periodic Review	Error! Bookmark not defined.

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Chapter 17.100 – General Provisions

Sections

- 17.100.010 – Purpose and Intent
- 17.100.020 – Discretionary Permits and Actions
- 17.100.030 – Additional Permits May Be Required
- 17.100.040 – Burden of Proof and Precedence

17.100.010 – Purpose and Intent

- A. Purpose and Intent.** This Article establishes the overall structure for the application, processing, review, and action on discretionary and nondiscretionary permit applications and identifies and describes those permits and other approvals required or offered by this Development Code in Table 7-1 (Review Authority).
- B. Application of this Development Code.** The regulations established by this Development Code shall apply to all property within the boundaries or the agreed upon line of assessment of the County, except for such lands as may be specifically excluded from County land use regulations by Federal or State statute or regulations. Nothing contained in this Development Code shall require any change in the plans, construction, or designated use of a structure for which a Building Permit has heretofore been issued and which is valid and unexpired.
- C. Lands Subject to Memorandums of Understanding.** Memorandums of Understanding between the County of Mariposa and the United States Department of the Interior/National Park Service/Yosemite National Park establish some or limited regulatory authority for land use and permitting, for lands located within the communities of Wawona, Foresta, and El Portal.

17.100.020 – Discretionary Permits and Actions

- A. Administrative Actions and Permits.** Except when combined with legislative actions or other nonadministrative actions specified in this Article, the Director or his/her designee, is the designated Review Authority for the following quasi-judicial permits and actions, which are generally limited to interpretation of policy or relatively minor land uses and adjustments of Development Code standards. Additionally, the Director has primary administrative authority for certain activities which require the determination of compliance with applicable Development Code provisions. The Director, at the Director's sole discretion, may elevate the level of review to the next higher Review Authority.
 - 1. Administrative Use Permit.** An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Development Code and the procedures specified in **Chapter 17.104 (Conditional and Administrative Use Permits)**.

2. **Minor Variance.** An administrative action granting an exception to specified development standards of this Development Code in cases where strict compliance would result in a physical obstruction(s) in its compliance with [Chapter 17.116 \(Variances and Minor Variances\)](#).
 3. **Reasonable Accommodation.** An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and the procedures specified in [Chapter 17.110 \(Reasonable Accommodation\)](#).
 4. **Sign-Related Permits.**
 - a. **Sign Permit.** An administrative permit authorizing a variety of signs, including individual signs for promotional advertising in compliance with specific provisions and conditions of this Development Code and [Chapter 17.40 \(Sign Standards\)](#). Temporary signs may also be approved in conjunction with a Temporary Use Permit granted in compliance with [Chapter 17.114 \(Temporary Use Permits\)](#).
 - b. **Comprehensive Sign Program.** An administrative permit process through which permissible on-site signs are reviewed to provide for a coordinated, complementary program of signs within a single development project consisting of multiple tenant spaces or a district.
 5. **Design Review.** An administrative review process providing for review of applications for compliance with the provisions of this Development Code and with any site plan or architectural design guidelines adopted by the County as specified in [Chapter 17.112 \(Design Review\)](#). The Director's and Commission's review roles are specified in [Chapter 17.112 and Table 7-3](#).
 6. **Temporary Use Permit.** An administrative permit authorizing specific limited term uses in compliance with conditions and performance criteria specified in [Chapter 17.114 \(Temporary Use Permits\)](#).
 7. **Zoning Clearance.** An administrative nondiscretionary "plan check" type process for nonexempt uses and structures that do not otherwise require review to determine compliance with applicable provisions of this Development Code as specified in [Chapter 17.118 \(Zoning Clearances\)](#).
 8. **Development Code Interpretation.** An administrative interpretation of certain provisions of this Development Code in an effort to resolve any perceived ambiguity in the regulations and to ensure their consistent application in compliance with [Chapter 17.04 \(Interpretation of the Development Code Provisions\)](#).
- B. Quasi-Judicial Actions and Permits.** Except when combined with legislative actions, the Commission is the designated Review Authority for the following quasi-judicial permits and actions. Additionally, the Director may refer applications to the Commission. A public hearing is required for the following quasi-judicial actions in compliance with [Chapter 17.136 \(Public Notices and Hearings\)](#).

1. **Conditional Use Permit.** A permit authorizing a specific use of land or a structure in a particular location in compliance with the provisions of this Development Code and the procedures specified in [Chapter 17.104 \(Conditional and Administrative Use Permits\)](#).
 2. **Planned Development Permit.** A permit authorizing the development of land that may not conform with all of the applicable zone-driven standards or related regulations, but which complies with the goals and policies of the General Plan and any applicable area plan for a particular area in compliance with [Chapter 17.108 \(Planned Development Permits\)](#). A Variance or Minor Variance may also allow for exceptions to development standards, but only when specific mandated findings can be made.
 3. **Variance.** An action granting exception to the development standards of this Development Code in cases where strict compliance would result in a unique hardship in compliance with [Chapter 17.116 \(Variances and Minor Variances\)](#). A Planned Development Permit may also allow for exceptions to development standards, but only when provisions for enhanced amenities can be demonstrated and the project site is at least five acres in size.
- C. **Legislative Actions.** The designated Review Authority for all legislative actions is the Board. A public hearing is required for the following legislative actions in compliance with [Chapter 17.136 \(Public Notices and Hearings\)](#).
1. **Area Plan.** An action authorizing the review and adoption of an area plan in compliance with the provisions specified in [Chapter 17.140 \(Area Plans\)](#).
 2. **Density Bonus for Affordable Housing.** An action authorizing a residential density bonus in compliance with [Chapter 17.64 \(Density Bonuses for Affordable Housing\)](#).
 3. **Development Code Text/Zoning Map Amendment.** An action authorizing either a text amendment to this Development Code or a Zoning Map amendment changing the zoning designation of particular property in compliance with [Chapter 17.132 \(Amendments\)](#).
 4. **General Plan Text/Map Amendment.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property in compliance with [Chapter 17.132 \(Amendments\)](#).
- D. **Subdivision Maps and Other Approvals.**
1. **Subdivision of Land.** Regulations governing the subdivision of land are established in Article 5 (Subdivisions).
 2. **Buildings and Construction.** Provisions for buildings and construction are established in Mariposa County Code Title 15 (Buildings and Construction).
- E. **Approval or Disapproval (Section 17.08.100).** Any application made in compliance with this Development Code shall be approved or denied within the time limits specified by State law. With the mutual consent of both the Review Authority considering the application and the applicant, the time may be extended one six (6)-month period.

17.100.030 – Additional Permits May Be Required

A land use on property that complies with the permit requirements or exemption provisions of this Development Code shall also comply with the permit requirements of other Mariposa County Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Development Code shall eliminate the need to obtain any permits required by:

- A. Mariposa County Code Provisions.** Any other Mariposa County Code provisions, including Building, Grading, Environmental Health or other construction permits, Title 15 (Buildings and Construction), Title 8 (Health and Safety), Title 12 (Streets, Sidewalks or Other Public Property), Title 13 (Water and Sewers) or subdivision approval if required by Article 5 (Subdivisions); or
- B. Other Regulations.** Any applicable County, regional, State, or Federal regulation.

17.100.040 – Burden of Proof and Precedence

- A. Burden of an Applicant.** It shall be the burden of an applicant to provide all necessary information in support of any matter heard and decided by the applicable Review Authority. Failure to provide such necessary information in support of a matter as described above shall be deemed grounds for denial of the application.
- B. Previously Issued Permits.** No previously issued permits, issued in compliance with the County Code or ordinance, shall be deemed revoked, null and void, altered, or otherwise affected as a result of enactment of this Development Code. Any structure which was erected, constructed, enlarged, moved, or otherwise legally established in compliance with the provisions of County Code or other regulations, but which does not conform to the provisions of this Development Code shall be deemed a legal structure. Any addition or expansion of a legal structure shall be required to conform to the provisions of this Development Code unless otherwise provided herein.

Chapter 17.102 – Application Processing Procedures

Sections

- 17.102.010 – Purpose and Intent
- 17.102.020 – Authority for Land Use and Zoning Decisions
- 17.102.030 – Application Preparation and Filing
- 17.102.040 – Concurrent Processing
- 17.102.050 – Eligible Applicants
- 17.102.060 – Submittal Requirements
- 17.102.070 – Filing Fees and Requirements
- 17.102.080 – Initial Application Completeness Review
- 17.102.090 2.– Environmental Assessment

17.102.010 – Purpose and Intent

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the permit applications and approvals required or offered by this Development Code.

17.102.020 – Authority for Land Use and Zoning Decisions

Table 7-1 (Review Authority) identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Development Code.

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority ⁽¹⁾⁽²⁾⁽³⁾		
		Director	Commission	Board
A. Administrative Permits and Actions				
Administrative Use Permit	17.104	Decision	Appeal	Appeal
Modification to Administrative Use Permit	17.104	Decision	Appeal	Appeal
Minor Variance	17.116	Decision	Appeal	Appeal
Reasonable Accommodation	17.110	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Program	17.40	Decision	Appeal	Appeal
Design Review	17.112	Decision	Appeal	Appeal
Temporary Use Permit	17.114	Decision	Appeal	Appeal
Zoning Clearance	17.118	Issuance	Appeal	Appeal
Development Code Interpretation	17.04	Issuance	Appeal	Appeal
B. Quasi-Judicial Permits and Actions				
Conditional Use Permit	17.104		Decision	Appeal
Major Modifications to CUP	17.104		Decision	Appeal
Minor Modifications to CUP	17.104	Decision	Appeal	Appeal
Planned Development Permit	17.108		Decision	Appeal
Variance	17.116		Decision	Appeal
C. Legislative Actions				
Area Plans and Amendment	17.150		Recommend	Decision
Density Bonus for Affordable Housing	17.64		Recommend	Decision
Development Agreements	17.138		Recommend	Decision
Development Code Text/Zoning Map Amendment	17.132		Recommend	Decision
General Plan Text/Map Amendment	17.132		Recommend	Decision
Land Conservation Act Contracts (LCA's)	BoS Res. No. 10-150		Recommend	Decision
D. Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps	See Article 5 (Subdivisions)			
Lot Line Adjustments, Mergers, Certificates of Compliance and Approvals	See Article 5 (Subdivisions)			

Notes:

1. "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with **Chapter 17.134 (Appeals)**; "Issuance" means that the Review Authority may consider and grant the request in compliance with this Development Code; "Recommend" means that the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration.
2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Board is specified as the Review Authority, the Board shall be the final level of review.
3. For all project applications proposed for property located in an area subject to a County Advisory Committee review and recommendation, the application shall be first sent to the Advisory Committee for their review and recommendations.

17.102.030 – Application Preparation and Filing

A. Development Review Process. A proposed development project is typically subject to five review phases:

1. **Pre-application Conference.** Discussion with Department staff to determine applicable zoning requirements and standards; **(See Subsection B., below.)**
2. **Site Plan/Pre-Application Review Application.** Discussion with and written response from Department staff and other County and Agency staff involved in processing application;
3. **Application Submittal.** An application is submitted to the Department, determined if complete for processing, determined if exempt from or subject to environmental review, and fees are paid;
4. **Application Processing.** Review by County departments and other concerned agencies;
5. **Application Action.** Approval, conditional approval, or denial of the application. A denial, condition of approval, or specific operations time frame may be appealed to the next higher Review Authority; and
6. **Building Permits.** Construction plans are reviewed and approved by County. Review of application conditions occurs prior to building permit issuance.

B. Pre-application Conference.

1. A prospective applicant is encouraged to request a pre-application conference with the Director or designated Department staff member(s) before completing and filing a permit application required by this Development Code.
2. If a prospective applicant is considering a piece of property and wants to know what it can be used for, the applicant may give the Department the address or Assessor's Parcel Number and they will explain what zone it is in and what provisions of this Development Code apply.

3. The land use tables in Article 2 (Zones, Allowable Uses, and Development Standards) list uses allowed in each zone, the type of permit, if any, that will be required.
4. When the applicant knows the type of planning permit needed, **Table 7-1 (Review Authority)** will specify the appropriate Review Authority for that permit (i.e., Director, Commission, or Board).
5. After the applicant knows what zone or zones the project is allowed in, the applicant may look in the Chapter for each zone for more detail on development in those zones. At the beginning of each land use category (agricultural, residential, commercial, or industrial) is a summary page of the purposes of each of the zones in that category.
6. The Chapter for each zone also lists all of the land uses that are allowed, the planning permit needed, if any, and general development standards (minimum parcel size, setbacks of structures to property lines, maximum height of structures, percent building coverage, etc.). Additional development standards covering landscaping, parking, signs, performance standards (dust, noise, vibration, etc.) and standards for specific uses are contained in Articles 3 (Regulations Applicable to All Zones) and 4 (Standards for Specific Land Uses).
7. If the applicant has a parcel that is not zoned to allow the desired use, a Zoning Map Amendment may be submitted in compliance with **Chapter 17.132 (Amendments)**. However, the requested zone must be consistent with the goals, objectives, and policies of the General Plan.
8. The purpose of a pre-application conference is to generally:
 - a. Inform the applicant of County requirements as they apply to the proposed project;
 - b. Discuss the County's review process, possible project alternatives, or modifications;
 - c. Identify information and materials the County will require with the application, including any necessary technical studies and information anticipated for the environmental review of the project; and
 - d. Identify specific comments, concerns, or observations from supporting agencies.
9. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by the County's representative.
10. Failure of the County's representative to identify all required studies or all applicable requirements at the time of pre-application review shall not constitute a waiver of those studies or requirements.

C. Site Plan/Pre-Application Review Application.

1. A prospective applicant may submit a Site Plan/Pre-Application Review Application before completing and filing a permit application required by this Development Code.
2. A Site Plan/Pre-Application Review Application provides the preliminary review and information described in the Pre-Application Conference listed above. However, it also includes formal notification of the application to affected agencies and departments, consideration and discussion of the application at a Development Review meeting, identification of potential permitting issues and application or site plan requirements (including environmental review requirements), and written comments.
3. A Site Plan/Pre-Application Review Application is useful for those projects for which conceptual level design work has commenced.

17.102.040 – Concurrent Processing

When a project requires the approval of multiple applications, the County shall make every effort to process those applications concurrently to ensure a timely and equitable permit process. Where such applications are subject to different County Review Authorities, the applicant may elect to have all applications heard and decided upon concurrently by the Review Authority that has the highest jurisdiction among all those reviewing the multiple applications. If the applicant selects this option, the original Review Authority would review the application in the same manner it otherwise would, but instead of rendering a decision it would formulate a recommendation to the new Review Authority.

17.102.050 – Eligible Applicants

Application for a County required or provided permit shall be made in writing by the owners of the property or by a lessee, an authorized agent, purchaser in escrow, or optionee with the written consent of the owners, on a form prescribed by the County. The application shall be accompanied by a fee, as set by the Board, together with plans showing the details of the proposed use.

17.102.060 – Submittal Requirements

- A. Complete Application Package.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department on a County application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date Department handout for the specific type of application and/or as specified by the Director.
- B. Necessary Materials and Fees.** Applicants are encouraged to contact the Director or designated Department staff member before submitting an application to verify which materials and fees are necessary for application filing and/or to arrange for an appointment for submittal.
- C. Verification of Contents.** The applicant shall verify the contents of the application and the date of verification shall be noted on the application.
- D. Applicant Indemnification (Chapter 18.06 - Indemnification Agreements).**

1. Applicant Indemnity Agreement Required.

- a. Purpose.** This Section is enacted to ensure the taxpayers of the County do not pay legal costs associated with private projects.
 - b. Obligation to Defend and Indemnify.** As a condition for a land use entitlement or issuance of any development permit (hereafter referred to as "Project"), an owner or applicant shall provide an indemnity agreement that defends, indemnifies, and holds harmless (including legal fees and costs) the County and its agents, officers, and employees from and against any and all claims, actions, or proceedings against the County or its agents, officers, or employees to attack, set aside, void, or annul the project or any prior or subsequent development approvals regarding the project or project condition imposed by the County or any of its agencies, departments, commissions, agents, officers, or employees concerning the project, or to impose personal liability against such agents, officers, or employees resulting from their involvement in the project, including any claim for private attorney fees claimed by or awarded to any party from the County.
 - c. May be Appealed.** Any requirement for an indemnity agreement may be appealed in compliance with [Chapter 17.134 \(Appeals\)](#).
 - d. Form of Agreement.** The indemnification agreement shall be executed on a form approved as to legal form by the County Counsel.
 - e. Notification.** In the event of any claim, action, or proceeding against the County as described in [Subsection 1.b.](#), the County shall promptly notify the owner, applicant, or permit holder of the claim, action, or proceeding and the County shall fully cooperate with the owner, applicant, or permit holder in the defense of the action.
- 2. County Participation in Defense.** Nothing in this Section shall prohibit the County from participating in the defense of any action, claim, or proceeding if the County elects to bear its own attorneys' fees and costs and defends the action in good faith.

17.102.070 – Filing Fees and Requirements**A. Fee Schedule.**

- 1. The Board shall establish a schedule of fees for the processing of the applications required or provided by this Development Code, hereafter referred to as the Fee Schedule.
- 2. The Fee Schedule is intended to allow recovery of all costs, to the maximum extent allowed by law, incurred by the County in processing permit applications.
- 3. The Fee Schedule may be amended as often as deemed necessary by the Board.

B. Timing of Payment.

1. Along with each application, a processing fee shall be paid by the applicant that is based on the average or estimated amount of County staff time to process the application.
2. The total fee is due and payable when the project application is submitted.
3. Additional fees may be required if the level of environmental review required is an Environmental Impact Report. Additionally, if the project is a cost accounting application (fees are based on actual staff time and costs spent processing the application), additional fees will be required when the deposit falls below ten (10) percent of the initial required fee.
4. Applications shall not be deemed complete and processing shall not commence on any application until the applicant has paid all required application and processing fees or deposits. Payment of required fees and/or deposits shall not deem the application complete.
5. Failure to make timely payments of required fees and/or deposits, or additional required fees or deposits within thirty (30) calendar days from the date of invoice shall be considered the basis for application closure, notwithstanding any other provisions of this Development Code.
6. Applications will not be scheduled for public hearing if the project fees are not current and sufficient to cover continued processing or completion of processing.

C. Refunds and Withdrawals.

1. Application fees cover County costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications.
2. No fee refund based on application denial shall be allowed, unless there are unused processing fees for a cost accounting application.
3. In the case of an application withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

17.102.080 – Initial Application Completeness Review

- A. Determination of Completeness.** Within the timelines prescribed by law, the Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the County's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period.

1. **Determination of Completeness.** As required by Government Code Section 65943, within thirty (30) days of application filing, the applicant shall be notified by a letter that the application is complete and the remaining fees that are necessary in order for processing to begin; or that the application is incomplete and that additional information shall be provided within thirty (30) days, or a longer period of time as established by the Director, in order to complete any required special studies. Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with [Chapter 17.134 \(Appeals\)](#).
2. **Environmental Determination.** The environmental determination will assess whether the project is exempt from environmental review or requires either a Negative Declaration or Environmental Impact Report. ([See Section 17.102.090](#)). Even after finding the application complete, the Director may still require additional information from the applicant to complete the required environmental review.
3. **Submittal of Additional Information.**
 - a. When the Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by [Subparagraph A. 4.](#)
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Director.
 - c. The Director's review of the additional information submitted by the applicant shall be accomplished in compliance with [Subparagraph A.1.](#), along with another thirty (30)-day period of review for completeness.
4. **Expiration of Application.**
 - a. If an applicant fails to provide the additional information specified in the Director's letter within sixty (60) days following the date of the letter, or shorter time frame as specified by the Director, the application shall expire and be deemed withdrawn without any further action by the County, unless a written request for a time extension is submitted by the applicant and approved by the Director.
 - b. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated filing fees.
5. **Processing Schedule.** Any application made in compliance with this Development Code shall be approved or denied within the time limits specified by State law. With the mutual consent of both the Review Authority considering the application and the applicant, the time period may be extended one, one hundred and eighty (180)-day period.

6. **Application Available for Public Review.** After an application has been accepted for processing, in compliance with the Freedom of Information Act (or Public Records Act), the County may, if requested, make the application available for public review.
 7. **Environmental Information.** After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the County's CEQA guidelines.
- B. Withdrawal or Return of Application.** An application may be withdrawn and returned to the applicant if requested by the applicant. The Department may also terminate an application if the applicant fails to supply requested information necessary to formulate a recommendation within a reasonable period of time after notification.
- C. Referral of Application.** At the discretion of the Director and where required by County, State, or Federal law, any land use application may be referred to any responsible public agency that may be affected by or have an interest in the proposed project.
- D. Project Review Procedures.**
1. **Investigation of Facts.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Development Code.
 2. **Inspection of Premises.**
 - a. **Pre-inspections.** The Director and other commenting staff from other departments or responsible public agencies shall have access to the premises subject to the application in order to make an inspection(s) to confirm the statements contained in the application and accompanying graphic materials and to make a judgment as to its suitability.
 - b. **Post-inspections.** After approval, the Director and other commenting staff from other departments or responsible public agencies shall have access to the subject premises to confirm compliance with this Development Code and all conditions of permit approval.
- E. Application Filing Status.**
1. **Application Filing and Determination.** The application shall be prepared by the applicant and submitted to the Department where County staff will make the following determinations, as applicable:
 - a. Proposal is consistent with the General Plan (unless an amendment to the General Plan is requested).
 - b. Proposed use(s) are allowed within the zone in which they would be located.
 - c. Type of permit required.
 - d. Legal status of property.

- e. There are no outstanding violations on the property which need to be corrected prior to application acceptance.
2. **Cannot Lawfully Be Approved.** If the Director determines that an application cannot lawfully be approved by the County (e.g., a request for a Zoning Map Amendment or Conditional Use Permit could not be approved in the absence of a concurrent General Plan Amendment application or a Conditional Use Permit application proposes a use that is not allowable in the subject zone, etc.), or the application constitutes a non-allowed resubmittal of a previously denied request in compliance with **Section 17.120.110 (Resubmittals)**, the Director shall not accept the application for processing and any collected fees shall be returned.
3. **Not within the Scope.** In cases where the Director considers the reasons and conditions specified in the application not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed and given an opportunity to complete the application in compliance with **Section 17.102.080 (Initial Application Completeness Review)**.
4. **Signed by Eligible Applicants.** If the application is filed and the required fees are accepted, the application shall be signed by the applicant to the effect that the applicant was made aware of the matters specified in **Subparagraphs E. 2. or 3.**
5. **Acceptance Does Not Constitute Approval.** Acceptance of the application and/or fees does not constitute an indication of approval nor imply that the application is complete.
- F. **Parcels With Code Violations.** Applications for Building Permits, Administrative Use Permits, Conditional Use Permits, Zoning Map Amendment, or other entitlements shall not be processed for parcels in violation of the County Code, unless the proposed entitlement application is intended to correct the violation.
- G. **Staff Report and Recommendations.**

Staff Report Preparation. The report shall identify the project compliance and consistency with the Mariposa County Code, this Development Code, other applicable County provisions, the General Plan, and any applicable area plans. The staff report shall include a recommendation for approval, conditional approval, or denial of the application, based on the evaluation and consideration of information provided on the application, agency comments, and the initial study or an environmental review. The staff report shall include a list of recommended findings and conditions of approval (including mitigation measures), as necessary. Except for over the counter permits and approvals, a staff report shall be prepared by the Director that describes the conclusions and associated findings of the staff about the proposed land use and any accompanying development.

17.102.090 2.– Environmental Assessment

- A. **CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:
 1. The proposed project is exempt from the requirements of CEQA;

2. The proposed project is not a “project” as defined by CEQA;
 3. A Negative Declaration may be issued;
 4. A Mitigated Negative Declaration may be issued; or
 5. An Environmental Impact Report (EIR) shall be required.
- B. Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall comply with CEQA and the County's CEQA guidelines.
- C. Special studies required.** One or more special studies, paid for in advance by the applicant, may be required to complete the County's CEQA compliance review. These studies, except cultural resource studies, shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

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Chapter 17.104 – Conditional and Administrative Use Permits

Sections

- 17.104.010 – Purpose and Intent
- 17.104.020 – Applicability
- 17.104.030 – Application Filing, Processing, and Review
- 17.104.040 – Review Authority
- 17.104.050 – Project Notice and Hearing
- 17.104.060 – Findings and Decision
- 17.104.070 – Conditions of Approval
- 17.104.080 – Permit to Run with the Land
- 17.104.090 – Post Decision Procedures

17.104.010 – Purpose and Intent

The purpose of the Conditional and Administrative Use Permit is to allow the proper integration of uses into the community, which may be suitable only in specific locations in a zone, or only if the uses are designed or arranged on the site in a particular manner in compliance with established development standards of this Development Code, policies of the General Plan and any applicable area plan, and any conditions of approval imposed on the permit.

- A. Purpose.** The purpose of this Chapter is to provide procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and its surroundings cannot be determined before an application for that use has been submitted and analyzed.
- B. Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the County because they have unique characteristics or present special challenges that make automatic inclusion as allowed uses either impractical or undesirable due to potential and unforeseeable effects on the surrounding area. Guarantees to ensure compliance with the terms and conditions of this Development Code may be required by the applicable Review Authority.
- C. Intent.** Conditional and Administrative Use Permits, which may be conditional and revocable are intended to provide sufficient flexibility in the use regulations to further the objectives of this Development Code and to provide the County with the opportunity to impose special conditions to mitigate potential impacts that could result from allowing the identified use(s) at the requested location.

17.104.020 – Applicability

Approval of a Conditional or Administrative Use Permit is required to authorize proposed land uses specified by Article 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of a Conditional or Administrative Use Permit.

17.104.030 – Application Filing, Processing, and Review

- A. Filing and Processing.** An application for a Conditional or Administrative Use Permit shall be filed and processed in compliance with [Chapter 17.102 \(Application Processing Procedures\)](#).
- B. Application Contents.** The application shall include the information and materials specified in the most up-to-date Department handout for Conditional and Administrative Use Permit applications, together with the required fee in compliance with the Fee Schedule.
- C. Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 17.104.060 \(Findings and Decision\)](#).
- D. Initial Review.** Initial review of the application, including time requirements and requests for information, shall be as provided in [Section 17.102.080 \(Initial Application Completeness Review\)](#).

17.104.040 – Review Authority

- A. Administrative Use Permits – Director as Review Authority.**
 - 1. Administrative Use Permits shall be reviewed and either approved, denied, or conditionally approved by the Director.
 - 2. The Director may choose to refer any Administrative Use Permit application to the Commission.
- B. Conditional Use Permits – Commission as Review Authority.** Conditional Use Permits shall be reviewed and either approved, denied, or conditionally approved by the Commission.

17.104.050 – Project Notice and Hearing

Each application shall first be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

- A. Administrative Use Permits.** The Director's action to approve an Administrative Use Permit shall be noticed in compliance with [Chapter 17.136 \(Public Notices and Hearings\)](#).
 - 1. Public Hearing not Required.**
 - a. A public hearing in compliance with the provisions of [Chapter 17.136](#) shall not be required on an application for an Administrative Use Permit before action being taken by the Director to approve, deny, or conditionally approve the application.

- b. However, a public hearing in compliance with the provisions of Chapter 17.136 shall be conducted when the Director defers action and refers the application to the Commission.
 2. **Notice Requirements.** The Director's action on an Administrative Use Permit shall be noticed in compliance with the following:
 - a. All Director determinations shall be noticed in a newspaper of general circulation within the County at least once prior to the end of the appeal period and posted in not less than three (3) public places within twenty-four (24) hours after determination is made and shall remain posted during the length of the appeal period.
 - b. Additional noticing requirements for certain specified Administrative Use Permit approvals are cited in specific sections of this Development Code.
 - c. The Department shall maintain a list of sites where notice in neighborhoods or communities will be posted.
 3. **Appeals.** The Director's decision is appealable to the Commission in compliance with Chapter 17.134 (Appeals).
- B. **Conditional Use Permits.** A public hearing in compliance with Chapter 17.136 (Public Notices and Hearings) will be required on any application for a Conditional Use Permit before action being taken by the Commission to approve, deny, or conditionally approve the application.
 1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision to approve, conditionally approve, or deny the application.
 2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 17.136 (Public Notices and Hearings).
 3. The Commission decision is appealable to the Board in compliance with Chapter 17.134 (Appeals).

17.104.060 – Findings and Decision

The Review Authority may approve or conditionally approve a Conditional or Administrative Use Permit only after first making all the following findings:

- A. **Administrative Use Permit Findings.** In evaluating a proposed project, the Director before approving an Administrative Use Permit, must find that all the following findings can be made:
 1. The proposed use is consistent with the policies and development standards of the General Plan, this Development Code, other County codes, any applicable area plan, and any other applicable code and regulations;
 2. There is no substantial evidence that the project as approved will have a significant adverse effect on the environment, and will not be detrimental to the public health, safety and general welfare; and

3. The Director shall impose any conditions and/or requirements necessary to guarantee compliance with the findings in this Section.

B. Conditional Use Permit Findings. In evaluating a proposed project, the Commission before approving a Conditional Use Permit, must find that all the following findings can be made:

1. Adequate open space is being provided;
2. The site is physically suited for the proposed development;
3. Adequate provisions have been made for sewage disposal and handling of solid waste;
4. The proposed development will have adequate potable water for public use and fire protection;
5. The project complies with all standard and special setback requirements and appropriate buffers have been provided for adjacent land uses;
6. Appropriate access is available or is proposed to the development;
7. The proposed use is consistent with the policies and standards of the General Plan and any applicable area plan;
8. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Mariposa County Code;
9. The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns; and
10. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of the proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the County.

17.104.070 – Conditions of Approval

- A. Conditional Use Permits.** The Commission may impose such conditions as it deems necessary to secure the purposes of this Development Code and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the Conditional Use Permit, as it deems necessary, for the protection of the property owners and the public interest, and may require tangible guarantees or evidence that such conditions are being, or will be complied with.

- B. Administrative Use Permits.** The Director may impose such conditions as deemed necessary to secure compliance with the requirements of this Development Code, the General Plan or other regulations, and may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, and time limits for the Administrative Use Permit, as are deemed necessary, for the protection of the property owners and the public interest and may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

17.104.080 – Permit to Run with the Land

- A. Continues to be Valid.** A Conditional or Administrative Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit approval in the same area, configuration, and manner as it was originally approved in compliance with this Chapter, except as specified in **Subparagraph B**, below.
- B. When Invalid.** Any Conditional or Administrative Use Permit that is not diligently pursued for a continuous period of thirty-six (36) months shall become invalid, unless otherwise specified in the resolution approving the project.

17.104.090 – Post Decision Procedures

The procedures and requirements in **Chapter 17.120 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Conditional or Administrative Use Permit application.

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Chapter 17.106 – Planned Development Permits

Sections

- 17.106.010 – Purpose and Intent
- 17.106.020 – Applicability
- 17.106.030 – Application Filing, Processing, and Review
- 17.106.040 – Review Authority
- 17.106.050 – Project Notice and Hearing
- 17.106.060 – Findings and Decision
- 17.106.070 – Planned Development Permit Amendment
- 17.106.080 – Conditions of Approval
- 17.106.090 – Post Decision Procedure

17.106.010 – Purpose and Intent

The Planned Development Permit allows for review and approval of customized development standards for projects where flexibility in standards can produce unique living and business environments. The Planned Development Permit is intended to:

- A. Provide for Efficient Use of Land and Excellence of Design.** Create a process that provides for flexibility in the application of Development Code standards to proposed development projects under limited and unique circumstances. The purpose is to allow consideration of innovative site planning and project design; more effective design responses to site features, uses on abutting properties, and environmental conditions; result in a more efficient use of land; and achieve higher quality site planning and excellence of design than may otherwise not be possible through the strict application of the development standards specified in Article 2 (Zones, Allowable Uses, and Development Standards) and Article 3 (Regulations Applicable to All Zones - Site Planning and General Development Standards);
- B. Provide for Enhanced Amenities and Innovation in Energy Efficiency.** Require enhanced amenities (e.g., additional and creative private and public open space areas) and provide greater incentives for enhanced energy-efficiency and sustainable building approaches than generally required by this Development Code; and
- C. Meet County Expectations.** Meet the County's expectations that each Planned Development Permit project be of obvious and significantly higher quality than would otherwise be achieved through compliance with the development standards of the subject zone.

17.106.020 – Applicability

- A. Allowed Development Projects.** A Planned Development Permit may only be requested for a commercial retail, industrial, mixed-use, office, residential, or business campus-type development project.
- B. Minimum Site Area.** A Planned Development Permit may only be requested for a site(s) with a minimum of two- and one-half (2.5) acres when located within a planning area and twenty (20) acres when located within all other County areas.
- C. Planned Development Permit Procedures - Building or Grading Permits.** For projects proposing a Planned Development Permit, a Building or Grading Permit shall not be issued until the Planned Development Permit has been approved and becomes effective in compliance with this Chapter.
- D. Allowed Land Uses Limited to those Allowed in the Subject Zone.** A Planned Development Permit may not authorize land uses not allowed in the subject zone. Changes to the allowed land uses shall require a General Plan and/or Zoning Map Amendment. However, a separate Conditional or Administrative Use Permit may be processed concurrently, if required by this Development Code.
- E. Modify Standards.**
1. The Planned Development Permit may modify any development standard (e.g., building envelope [coverage, FAR, height, and setbacks], fence and wall heights, landscaping, parking, open space, street layout, except for sign regulations) specified in this Development Code, with the exception of an increase in the applicable density or intensity specified in Article 2 (Zones, Allowable Uses, and Development Standards). Changes to the allowed density or intensity of the property shall require a General Plan and/or Zoning Map Amendment.
 2. Residential development projects with densities increased above the maximums specified in Article 2 (Zones, Allowable Uses, and Development Standards) may only be approved in compliance with Government Code Section 65915 and Chapter 17.64 (Density Bonuses for Affordable Housing).
 3. Any request to adjust or modify applicable development standards shall include clear, written justification for each adjustment or modification, and shall include proposals for enhanced on- and off-site amenities (e.g., additional and enhanced private and public open space areas) that contribute to the overall quality of the project.

17.106.030 – Application Filing, Processing, and Review

- A. Application.** An application for a Planned Development Permit shall be filed and processed in compliance with [Chapter 17.102 \(Application Processing Procedures\)](#). The application shall include the information and materials specified in the most up-to-date Department handout for Planned Development Permit applications, together with the required fee in compliance with the Fee Schedule.

- B. Responsibility of Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 17.108.060 \(Findings and Decision\)](#). Initial review of the application, including time requirements and requests for information, shall be as provided in [Section 17.102.080 \(Initial Application Completeness Review\)](#).
- C. Commission as Review Authority.** The Commission shall review and may either approve, approve in modified form, conditionally approve, or deny the Planned Development Permit application, based upon the findings contained in [Section 17.108.060 \(Findings and Decision\)](#).

17.106.040 – Review Authority

- A.** Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.
- B.** The Director shall submit a staff report and recommendation to the Commission for its consideration. The staff report shall, among other things, describe the proposed project enhancements that justify deviation from the development standards that would otherwise apply.

17.106.050 – Project Notice and Hearing

- A.** A public hearing shall be required for Commission action on a Planned Development Permit application.
- B.** The Director shall schedule a public hearing after first deeming the application complete in compliance with [Section 17.102.080 \(Initial Application Completeness Review\)](#) and the Director has completed the staff analysis, CEQA, and the appropriate staff report and recommendations.
- C.** Notice of the public hearing shall be given and the hearing shall be conducted in compliance with [Chapter 17.136 \(Public Notices and Hearings\)](#).
- D.** The Commission decision on a Planned Development Permit application is appealable to the Board in compliance with [Chapter 17.134 \(Appeals\)](#).

17.106.060 – Findings and Decision

- A. Commission as Review Authority.** The Commission shall serve as the applicable Review Authority and shall record the decision and the findings upon which the decision is based.
- B. Required Findings.** The Commission may approve or conditionally approve a Planned Development Permit application only after first making all the following findings:
1. The Planned Development Permit will:
 - a. Accommodate only uses that are allowed within the subject zone;
 - b. Be consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any adopted area plan;

- c. Be generally in compliance with all of the applicable provisions of this Development Code relating to both on- and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Chapter and the subject zone, including prescribed development standards and any applicable design guidelines, except for those provisions adjusted/modified in compliance with this Chapter; and
 - d. Ensure compatibility with those uses in the vicinity of the proposed development.
- 2. The proposed development will result in a development of superior quality and excellence of design, including but not limited to appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high-quality architectural design and materials, additional and enhanced private and common open space areas, significantly increased amounts and varieties of landscape, improved solutions to the design and placement of parking and loading facilities, incorporation of a program of highly enhanced amenities, and/or energy-efficient related standards and guidelines (i.e., sustainable design practice) than might otherwise occur in a standard development;
- 3. Appropriate standards and conditions have been imposed to ensure the protection of the public health, safety, and general welfare;
- 4. Appropriate on-site circulation (i.e., pedestrian, bicycle, and vehicular) and traffic control is designed into the proposed development to ensure facilities equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards specified in Article 2 (Zones, Allowable Uses, and Development Standards);
- 5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
- 6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare;
- 7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed uses;
- 8. If the proposed development offers to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is appropriately buffered from the commercial use and has sufficiently enhanced amenities to create a comfortable and healthy residential environment and provide a positive quality of life for the residents. The enhanced amenities may include additional landscaping, additional private and common open space, private or separated entrances; and
- 9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, and scale.

17.106.070 – Planned Development Permit Amendment

- A. Commission, Action on Requested Changes.** Requested changes to an approved Planned Development Permit, other than those allowed by this Section, shall be submitted to the Commission for review and approval, conditional approval, or denial.
- B. Added Stipulations Deemed Reasonable and Necessary.** The Commission may, as a condition of approval of requested changes, impose added stipulations, changes, and/or conditions to the Planned Development Permit as it deems reasonable and necessary to carry out the purpose and intent of this Chapter.
- C. Minor Changes by Director.** Minor changes in the Planned Development Permit that do not involve an increase in the number of dwelling units, substantial change in intensity of use, or any changes to the conditions of approval may be approved by the Director in compliance with **Section 17.120.100 (Changes to an Approved Project)**.

17.106.080 – Conditions of Approval

- A. May Impose Conditions.** In approving a Planned Development Permit, the Review Authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by **Section 17.108.060 (Findings and Decision)**.
- B. Minimum Density Subdivision Map.** As a condition of approval of a Planned Development Permit, the Review Authority may add a condition that specifies that a minimum density subdivision map shall not allow further subdivision of the parcels beyond that which was approved with the Planned Development Permit.

17.106.090 – Post Decision Procedure

The procedures and requirements in **Chapter 17.120 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Planned Development Permit application.

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Chapter 17.108 – Reasonable Accommodation

Sections

- 17.108.010 – Purpose and Intent
- 17.108.020 – Applicability
- 17.108.030 – Application Filing, Processing, and Review
- 17.108.040 – Review Authority
- 17.108.050 – Findings and Decision
- 17.108.060 – Conditions of Approval
- 17.108.070 – Rescission of Approval of Reasonable Accommodation
- 17.108.080 – Post Decision Procedures

17.108.010 – Purpose and Intent

It is the policy of the Mariposa County to provide individuals with disabilities reasonable accommodation in its application of zoning standards and other land use regulations, policies, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities in compliance with the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts). This Chapter provides a procedure for making requests for reasonable accommodation in zoning standards and other land use regulations, policies, and procedures to comply fully with the intent and purpose of fair housing laws.

17.108.020 – Applicability

- A. Persons defined as disabled under the Acts may request Reasonable Accommodations when the strict application of the provisions within the County's General Plan or this Development Code act as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment.
- C. A request for Reasonable Accommodation may be made by any person with a disability, his or her representative (e.g., family member, care provider), or a provider of housing for persons with disabilities.
- D. A request for Reasonable Accommodation may include a minor modification or exception to the standards contained in the County's General Plan and Development Code relating to the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

17.108.030 – Application Filing, Processing, and Review

- A. The Department shall assist the applicant in completing the form, as necessary, or, shall elicit oral information from the applicant necessary for the Department to complete the form itself. In the event the Department completes the form by eliciting oral information from the applicant, the Department shall read the completed form to the applicant to ensure its accuracy and shall provide a copy of the completed form to the applicant.
- B. If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit, Design Review, etc.), the applicant shall file the information required by Subsection A. (Application), together with the materials required for the other discretionary approval.
- C. An applicant for a request for Reasonable Accommodation shall not be assessed a fee to process the application.
- D. A request for Reasonable Accommodation shall be filed on an application form provided by the Department, shall be signed by the applicant, and shall include all of the following information:
 - 1. The applicant's name, address, and telephone number;
 - 2. The name and address of the property owner, if different than the applicant. The property owner, if different than the applicant, shall be required to sign an affidavit stating they do not object to the application for Reasonable Accommodation;
 - 3. Verification that the property is the primary residence of the person(s) for whom the Reasonable Accommodation is requested;
 - 4. The address for the property for which the Reasonable Accommodation request is being made;
 - 5. Current use of the property;
 - 6. A description of how the property will be used by the person(s) requesting Reasonable Accommodation;
 - 7. The specific reason the requested accommodation is necessary to make a particular dwelling available to the disabled person(s) with a citation of the specific provision within the General Plan or this Development Code from which accommodation relief is being sought; and
 - 8. The basis for the claim that the Acts apply to the person(s) requesting the Reasonable Accommodation and evidence supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled person license, or other appropriate evidence which establishes that the person(s) needing the Reasonable Accommodation is disabled as specified in the Acts.

17.108.040 – Review Authority

The Director shall review and make a written determination regarding a request for a Reasonable Accommodation.

- A. Director Review.** The Director shall make a written determination with findings within 30 calendar days following the submittal of a complete application and either approve, approve with modifications, or deny a request for a Reasonable Accommodation in compliance with **Section 17.110.050 (Findings and Decision)**.
- B. Director May Consult.** The Director may consult with other County agencies if the Reasonable Accommodation request affects the jurisdiction or the review, permitting, and/or enforcement processes of those agencies. The Director may review General Plan and Development Code standards when considering a request for Reasonable Accommodation, including, but not limited to, land use classification, zoning district, design, setback, and parcel coverage standards.
- C. Stays.** If necessary, to reach a determination on the request for Reasonable Determination, the Director may request further information from the applicant consistent with the Acts, specifying in detail the information that is required. In the event a request for additional information is made, the 30 day period to issue a decision is stayed until the applicant responds to the request.
- D. Available Actions.** The applicable Review Authority shall take one of the following actions regarding a request for Reasonable Accommodation:
 - 1. Grant the Reasonable Accommodation request, based upon the findings specified in **Section 17.110.050 (Findings and Decision)**;
 - 2. Grant the Reasonable Accommodation request, subject to specified conditions;
 - 3. Deny the Reasonable Accommodation request; or
 - 4. Refer the determination of the Reasonable Accommodation request to the Commission which shall render a determination on the application.

17.108.050 – Findings and Decision

The written decision to approve, conditionally approve, or deny a request for Reasonable Accommodation shall be based on consideration of all the following factors:

- A.** Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B.** Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C.** Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the County;
- D.** Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning;

- E. Potential impact on surrounding uses;
- F. Physical attributes of the property and structures; and
- G. Alternative Reasonable Accommodations that may provide an equivalent level of benefit.

17.108.060 – Conditions of Approval

In granting a request for Reasonable Accommodation, the Director or the Commission, as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings specified in [Section 17.110.050 \(Findings and Decision\)](#). The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

17.108.070 – Rescission of Approval of Reasonable Accommodation

- A. **Rescission.** An approval or conditional approval of an application made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the disabled individual vacates the subject site), unless allowed to remain in compliance with [Subsection B. \(Discontinuance\)](#).
- B. **Discontinuance.**
 - 1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least three hundred and sixty-five (365) consecutive days.
 - 2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Director first determines that:
 - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
 - 3. The Director may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the County of a previously approved Reasonable Accommodation.

17.108.080 – Post Decision Procedures

- A. An individual needing assistance in filing an appeal on an adverse decision shall be provided assistance by the Department to ensure that the appeal process is accessible.

- B. The procedures and requirements in Chapter 17.120 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Reasonable Accommodation application.

Chapter 17.110 – Design Review

Sections

- 17.110.010 – Purpose and Intent
- 17.110.020 – Application Filing, Processing, and Review
- 17.110.030 – Conditions of Approval
- 17.110.040 – Issuance of Other Required Permits and Approvals
- 17.110.050 – Minor Changes by Director
- 17.110.060 – Post Decision Procedures

17.110.010 – Purpose and Intent

- A. Purpose.** The purpose of this Chapter is to provide a process for the appropriate review of the design of development projects by the Director.
- B. Intent.** The intent of this Chapter is to ensure that all approved site and structural development:
1. Promotes the orderly development of the County in compliance with the goals, objectives, and policies of the General Plan, any applicable area plan, the applicable standards specified in this Development Code, and any applicable design guidelines;
 2. Respects the physical and environmental characteristics of the site;
 3. Ensures safe and convenient access and circulation for pedestrians and vehicles;
 4. Encourages the maintenance of a distinct neighborhood and/or community identity; and
 5. Minimizes or eliminates negative or undesirable visual impacts.
- C. Chapter Application.** Design Review in compliance with this Chapter shall apply only to the exterior architecture and design, and not to any interior portion of a structure.

17.110.020 – Application Filing, Processing, and Review

Permit processing, application requirements, and applicable exemptions for required plans in the Design Review Overlay Zone (DR), Historic Design Review Overlay Zone (HDR), the Scenic Highway Overlay Zone (SH), and the Rural Economic Land Use Classification E(3) Design shall be as follows.

A. Design Review Overlay Zone (DR). Except as provided in this Section, no commercial, industrial, or multi-family residential use shall be established, no development shall occur, no exterior advertising display installed, and no Building or Grading Permit shall be issued for any commercial, industrial, or multi-family residential use or development in the DR Overlay Zone until an application for a Design Review has been submitted to and approved by the Director in compliance with the procedures established in this Section.

1. Application Contents. An application for a Design Review shall be filed and processed in compliance with **Chapter 17.102 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Department handout for Design Review applications, together with the required fee in compliance with the Fee Schedule.

2. Application Processing Procedures.

- a. A pre-application meeting with the Department to discuss a proposed project and the applicable design review standards is strongly encouraged.
- b. Upon receipt and acceptance of a Design Review application as complete, the Department shall refer such application to the Director.
- c. The Director shall decide to approve, conditionally approve, or deny the Design Review within fourteen (14) days of the receipt of a completed application.
- d. The Directors action shall be based on the findings specified in Subsection 4. (Special Development Standards for the DR Zone), below.
- e. The Director shall provide specific written findings if a Design Review is denied.

3. Plan Review Exemption.

- a. The Director may approve an exemption from review where it can be determined that the proposed development is of a minor alteration or expansion of an existing development that clearly complies with all of the special development standards established in compliance with this Chapter. For the purpose of this Subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant is required to submit the information required by this Section in order to justify the exemption.
- b. An emergency shelter that is proposed to be located within a DR Zone shall be exempt from the DR application review. The shelter shall be developed in compliance with the emergency shelter standards contained in the Mariposa Town Plan and in **Section 17.62.110**.

4. Special Development Standards for the DR Zone.

- a. The Director shall find that the development complies with all applicable standards in compliance with this Chapter, and is consistent with the goals, policies, and standards of the General Plan.
- b. Development in the DR zone shall conform to architectural theme and development guidelines established by the Board in compliance with **Subsection d., below**. In reviewing and approving the application for a Design Review, the Director shall find that the application complies with the architectural theme and development guidelines established by the Board.
- c. In the instance that a special development standard established by this Section conflicts with a Development Standard of the primary zone, the special development standard established by this Section shall apply.
- d. Establishment of architectural theme and development guidelines for the DR Zone.
 - (1) The Board shall establish an architectural theme and development guidelines for each DRO Zone established in compliance with this Section.
 - (2) The standards shall provide guidelines for development in compliance with the special development standards established by this Subsection.
 - (3) The standards may be adopted separately or as part of an area plan for an area and shall be adopted by resolution or ordinance.

B. Historic Design Review Overlay Zone (HDR).

1. **Required Review.** Except as provided in this Section, no commercial, industrial, or residential use shall be established, no development shall occur, no exterior advertising display shall be installed, and no Building and Grading Permit shall be issued for any commercial, industrial, or residential development in the (HDR) Overlay Zone until an application for Design Review has been submitted to and approved by the Director in compliance with the procedures established in this Section.
2. **Application Contents.** An application for a Design Review shall be filed and processed in compliance with **Chapter 17.102 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Department handout for Design Review applications, together with the required fee in compliance with the Fee Schedule.
3. **Application Processing Procedures.**
 - a. A pre-application meeting with the Department to discuss a proposed project and the applicable design review standards is strongly encouraged.
 - b. Upon receipt and acceptance of a Design Review application as complete, the Department shall refer such application to the Director.

- c. The Director shall decide to approve, conditionally approve, or deny the Design Review within fourteen (14) days of the receipt of a completed application.
- d. The Director shall find that the development complies with all applicable standards in compliance with this Chapter, and is consistent with the goals, policies, and standards of the General Plan.
- e. The Director shall provide specific written findings if a Design Review is denied.

4. Plan Review Exemption.

- a. The Director may approve an exemption from review where it can be determined that the proposed development is a minor alteration or expansion of an existing development that will not affect the achievement of the architectural and design review goals established by the Board for the affected area.
- b. For the purpose of this Subsection a minor alteration or expansion is defined as less than ten (10) percent of the existing structure size that will not significantly modify the exterior appearance of the structures and/or site.
- c. The applicant shall be required to submit the information required by this Subsection in order to justify the exemption.

5. Demolition Permit Required - Review Findings. No permit shall be issued to demolish or cause to be demolished any building, structure, or portion thereof that has been identified by the County as historically significant within any HDR Zone, unless the Director first determines:

- a. The building or structure has no historical value or significance and does not contribute to the historical character of the zone;
- b. The owner would have no economic use of the property unless the building or structure is removed. It is the applicant's responsibility to submit to the County financial data to substantiate the claim, including the cost, assessed value, taxes, appraisals, listings, and income from the property;
- c. The building or structure is in such a deteriorated condition that it is determined to be unrepairable and that demolition will not have a significant effect on the achievement of the purpose of this title; or
- d. Upon consultation with the Chief Building Inspector, County Engineer, County Fire Warden, or other appropriate individuals that an imminent safety hazard exists, and that demolition of the building or structure is the only feasible means to secure the public safety. The Director's determination in this matter shall be guided by the standards and criteria specified in the current editions of the Uniform Building Code, Uniform Fire Code, and State Historic Building Code.

C. Scenic Highway Overlay Zone (SH).**1. Scenic Highway Review Plan - Required Review.**

- a. Except as provided for in this Section, no commercial, industrial, or residential use (including home enterprises) shall be established, no development or grading shall occur, no sign shall be installed, and no Building or Grading Permit shall be issued for any use which is located wholly or partially within the SH Zone until an application for Scenic Highway Review Plan has been submitted to and approved by the Director in compliance with the procedures and standards established in this Subsection.
- b. Where the applicant can demonstrate to the Director that the proposed development is not visible from the scenic highway, the project shall be exempt from the requirements of this Subsection.
- c. In addition, Building Permits which will not result in any exterior modifications are exempt, as are single-family residential developments which do not require a Grading Permit.

2. Application Contents. An application for a Design Review shall be filed and processed in compliance with **Chapter 17.102 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Department handout for Design Review applications, together with the required fee in compliance with the Fee Schedule.

3. Processing Procedures.

- a. Upon receipt of a Scenic Highway Review Plan application, the Department shall, within ten (10) working days determine whether the application is complete.
- b. Upon acceptance of the application as complete, the Director shall consider the Scenic Highway Review Plan and act to approve, conditionally approve, or deny the Scenic Highway Review Plan within thirty (30) days.
- c. The Director's action shall be based upon the finding that the development is harmonious with the scenic quality of the designated highway, complies with all applicable standards in compliance with this Chapter, and is consistent with the goals, policies, and standards of the General Plan as specified in **Subsection 1. (Scenic Highway Review Plan - Required Review)**. The Commission's action on uses subject to a Conditional Use Permit shall also be based upon the findings specified in Subsection 1.
- d. The Director shall provide specific findings if a Scenic Highway Review Plan is denied.
- e. Determinations made regarding a Scenic Highway Review Plan application may be appealed in compliance with **Chapter 17.134 (Appeals)**.

D. Rural Economic Land Use Classification E(3) Design.

1. **Required Review.** Except as provided in this Section, no commercial, industrial, or residential use shall be established, no development shall occur, no exterior advertising display shall be installed, and no Building and Grading Permit shall be issued for any commercial, industrial, or residential development in the Rural Economic Land Use Classification E(3) Design Overlay Zone until an application for Design Review has been submitted to and approved by the Director in compliance with the procedures established in this Section.
2. **Application Contents.** An application for a Design Review shall be filed and processed in compliance with **Chapter 17.102 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Department handout for Design Review applications, together with the required fee in compliance with the Fee Schedule.
3. **Application Processing Procedures.**
 - a. A pre-application meeting with the Department to discuss a proposed project and the applicable design review standards is strongly encouraged.
 - b. Upon receipt and acceptance of a Design Review application as complete, the Department shall refer such application to the Director.
 - c. The Director shall decide to approve, conditionally approve, or deny the Design Review within 14 days of the receipt of a completed application.
 - d. The Director shall find that the development complies with all applicable standards in compliance with this Chapter, and is consistent with the goals, policies, and standards of the General Plan.
 - e. The Director shall provide specific written findings if a Design Review is denied.
4. **Plan Review Exemption.**
 - a. The Director may approve an exemption from review where it can be determined that the proposed development is a minor alteration or expansion of an existing development that will not affect the achievement of the architectural and design review goals established by the Board for the affected area.
 - b. For the purpose of this Subsection a minor alteration or expansion is defined as less than 10 percent of the existing structure size that will not significantly modify the exterior appearance of the structures and/or site.
 - c. The applicant shall be required to submit the information required by this Subsection in order to justify the exemption.
5. **Compliance with Adopted Design Guidelines.** All development shall comply with the adopted Design Guidelines for the Rural Economic land use classification incorporating performance standards of design for the following:

- a. **Overall Site Design.** Overall site design shall be considered on a comprehensive project-wide basis and not as individual components, as determined by the Director.
- b. **Viewshed.** Views from public rights-of-way in the foreground, middleground, or background shall not be obstructed by the bulk or height of a structure. The maximum obstruction of a viewshed shall not be more than thirty-three (33) percent, as determined by the Director.
- c. **Structure Design - Landscaping, and Scenic Environment:** The colors, materials, texture, and architectural style of a structure shall complement the view and not detract from the quality of the view, as determined by the Director.
- d. **Landform Grading.** No grading shall be allowed before approval of the Design Review and no grading shall commence until the necessary Grading Permits have been obtained. Grading and site design shall reflect the natural topography with appropriate terracing and structure design into the topography rather than reflective of grading or fill, as determined by the Director.
- e. **Site Development.** Site development shall be compatible with rural character and its setting, terrain, and vegetation. This shall be reflected in the project's mass, bulk, height, materials, architectural style, detail, grading, landscaping, and siting, as determined by the Director.

17.110.030 – Conditions of Approval

In approving a Design Review application, the Director may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by this Section.

17.110.040 – Issuance of Other Required Permits and Approvals

- A. **Permits for Grading, Structures, and Uses.** Upon approval or conditional approval of a Design Review, or a revised Design Review, the County may issue permits for grading, structures, and uses.
- B. **Compliance with Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Chapter, except in compliance with the approved Design Review and the conditions of approval imposed on the review.
- C. **Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable Review Authority.
- D. **Determination by Building Official.** Before a Building Permit may be issued for any structure in a development requiring Design Review, the Building Official shall make a determination that the proposed structure(s) is in compliance with the approved Design Review.

- E. Expiration.** Construction of improvements permitted by a Design Review approval shall be “exercised” or commenced within thirty-six (36) months of the actual date of approval; provided, that this time limit may be increased or decreased, at the time of granting the approval, to allow the time limit to be concurrent with any other entitlement to construct identified in this Development Code.
- F. Extension.** Upon receiving a written request filed at least eighteen (18) months before the expiration of any approved time period, the Director may grant an extension for a period not exceeding twelve (12) additional months in compliance with **Section 17.120.090 (Time Extensions)**; provided, that it is found that there has been no subsequent change in the findings, conditions of approval, and applicable regulations governing the approval.

17.110.050 – Minor Changes by Director

Minor changes in a Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with **Section 17.120.100 (Changes to an Approved Project)**.

17.110.060 – Post Decision Procedures

The procedures and requirements in **Chapter 17.120 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Design Review application.

Chapter 17.112 Temporary Use Permits

Sections

- 17.112.010 – Purpose and Intent
- 17.112.020 – Definitions
- 17.112.030 – Applicability
- 17.112.040 – Exempt Temporary Uses
- 17.112.050 – Allowed Temporary Uses
- 17.112.060 – Application Filing and Processing
- 17.112.070 – Director's Review
- 17.112.080 – Findings and Decision
- 17.112.090 – Conditions of Approval
- 17.112.100 – Condition of Site Following Temporary Use
- 17.112.110 – Post Decision Procedures

17.112.010 – Purpose and Intent

- A. The purpose of this Chapter is to allow for short-term land uses that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.
- B. In summary, a short-term activity may require either a Temporary Use Permit (if a land use) in compliance with this Chapter, or a Public Assemblage Permit (if an event includes a public assembly element as defined in Article 8) in compliance with Chapter 8.28, or as determined applicable by the Director.
- C. This Chapter does not replace the current County Code provisions for Public Assembly Uses in compliance with Chapter 8.28 (Public Assemblages).

17.112.020 – Definitions

For purposes of this Chapter, a temporary (short-term) land use is defined as a use that is interim, non-permanent, and/or seasonal in nature, and lasting from one to thirty (30) days, and generally not more than ninety (90) consecutive days in duration. A temporary land use includes those uses which are not otherwise allowed by this Development Code and are not an appurtenant use to an existing allowed use on the parcel. A temporary land use does not include a public assembly use.

17.112.030 – Applicability

- A. **Short-Term Activities.** A Temporary Use Permit allows short-term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. **Categories of Land Uses.** The following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. **Exempt Temporary Uses.** Exempt temporary uses do not require a Temporary Use Permit and are identified in [Section 17.114.040 \(Exempt Temporary Uses\)](#); and
2. **Allowed Temporary Uses.** Non-exempt temporary uses shall require a Temporary Use Permit and are identified in [Section 17.114.050 \(Allowed Temporary Uses\)](#).

17.112.040 – Exempt Temporary Uses

The following temporary activities are exempt from the permit requirement for a Temporary Use Permit. Temporary uses that do not fall within the categories defined below shall comply with [Section 17.114.050 \(Allowed Temporary Uses\)](#).

A. Construction Sites – On-Site.

1. On-site contractors' construction and/or storage uses, in conjunction with an approved construction project on the same parcel.
2. One caretaker living unit may be present on-site during the construction project.
3. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Emergency Facilities.

Emergency public health and safety needs/land use activities, as determined by the Board or as otherwise allowed in compliance with County Code Chapter 18.05 (Post-Disaster Recovery).

C. Events on Publicly Owned Property.

1. Events that are conducted solely on publicly owned property and are sponsored by educational, fraternal, or service organizations directly engaged in civic or charitable efforts, or tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code, subject to the approval of the Director.
2. Public assemblage events conducted solely on publicly owned property may still require a Public Assemblage Permit in compliance with Chapter 8.28 (Public Assemblages).

D. Uses Conducted Entirely Within a Structure.

Temporary uses conducted entirely within a structure that is occupied by an existing business or organization.

E. Events Entirely Conducted on the Mariposa County Fairgrounds property,

including but not limited to the Annual Mariposa County Fair and Homecoming.

F. Events Conducted at a Permitted Special Event Facility,

established in compliance with [Section 17.xx.xxx \(currently 17.108.220\)](#).

17.112.050 – Allowed Temporary Uses

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with the specified time limits and **Section 17.114.090 (Conditions of Approval)**. The temporary uses identified in this Section are those uses which are not typically appurtenant to an allowed use on the property. A Temporary Use Permit shall not be issued if another temporary use has occurred on the subject property within the previous sixty (60) days (whether by the same applicant or otherwise). Temporary Use Permits shall be limited to the specific durations of time specified, unless modified by the Review Authority which should generally not exceed thirty (30) consecutive calendar days and not exceed thirty (30) total days within any ninety (90)-day period.

A. Contractors' Construction Sites – Off-Site. The temporary use of a site for an off-site contractor's construction, staging, or storage area(s). The permit may be effective for up to one hundred and eighty (180)-days and extended in one hundred and eighty (180)-day increments, with Director approval, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Activities or Land Uses.

1. Outdoor display and sale events conducted by a retail business may be allowed a maximum of six outdoor sale events (excluding County-sponsored activities) in a calendar year. For purposes of this Subsection, an outdoor sale event shall be no longer than seven consecutive days in duration. When an annual plan is submitted to and approved by the Director, the frequency and duration of these activities, strictly limited to sales, may be extended.
2. Seasonal sales (i.e., Halloween pumpkin sales/patches and Christmas tree sale lots) provided, the length of the activity may not exceed forty-five (45) days in any three hundred and sixty-five (365)-day period. Christmas tree sales lots and the preparation of a site in any manner for such sales, may be allowed on a seasonal basis in any zone if a Temporary Use Permit has been obtained. A seasonal sale activity associated with an allowed Special Event Venue shall not be subject to a Temporary Use Permit.
3. Car washes, limited to one event each month for each site, not exceeding three days in length, and prohibited within the residential zones. Sponsorship shall be limited to charitable, educational, fraternal, religious, schools, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

C. Temporary Residential Real Estate Sales Offices. One temporary real estate office may be located in any approved residential subdivision located within any residential or mixed-use zone in the County.

1. The temporary real estate office shall be used only for the sale of residential or commercial property located within the subdivision in which the office is located.
2. The temporary real estate office shall be removed at the end of 24 months following the date of the recording of the parcel or final map of the subject subdivision in which the office is located.

3. If any parcels within the subdivision have not been sold at the end of the original twenty-four (24)-month period, the Director may approve extensions for the continuation of the real estate office on a month-to-month basis.
- D. Temporary Structures.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum period of twelve (12) months, as an accessory use or as the first phase of a development project on sites located within the commercial, mixed-use, and industrial zones of the County. Additionally, a Building Permit may be required for these temporary structures.
- E. Temporary Work Trailers.**
1. A trailer or mobile home may be used as a temporary work site for employees of a business
 - a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
 - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 2. A Building Permit for temporary work trailer(s) may be approved by the Director for up to 12 months.
- F. Other Similar Temporary Uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

17.112.060 – Application Filing and Processing

- A. Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 17.102 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Fee Schedule.
 2. The application shall be filed with the Department at least thirty (30) days before the date that the proposed temporary use is scheduled to take place.
 3. Initial review of the application, including time requirements and requests for information, shall be as provided in Section 17.102.080 (Initial Application Completeness Review).
- B. Evidence.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.114.080 (Findings and Decision).
- C. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.
- D. Public Hearing Not Required.** A public hearing shall not be required for the Director's decision on a Temporary Use Permit application.

17.112.070 – Director’s Review

- A. Director as Review Authority.** The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with **Section 17.114.090 (Conditions of Approval)**; or the Director may defer action and refer the application to the Commission for review and final decision.
- B. Referral of Application.** Each Temporary Use Permit application shall also be referred, as needed, to the Building Official, Environmental Health, Fire Department, CAL FIRE, Sheriff’s Office, Public Works Department, or their designees, for their recommendations for approval, modification, conditions, or denial in compliance with their respective entitlements and regulations. Referral to Caltrans or other agencies may also be appropriate.

17.112.080 – Findings and Decision

- A. Director’s Review and Decision.** The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. Required Findings.** The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only after first making all the following findings:
1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a threat to the public convenience, health, safety, or general welfare;
 2. The operation of the requested temporary use will not be detrimental to abutting properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
 3. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
 4. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the type and quantity of traffic that the temporary use will or could reasonably be expected to generate;
 5. The proposed site is adequately served for potable water, emergency water, emergency services, and waste water needs generated by the use;
 6. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director;
 7. Approved measures for the removal of the use/improvements and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code;
 8. The applicant agrees in writing to comply with any and all of the conditions imposed by the Review Authority in the approval of the Temporary Use Permit; and

9. The proposed site and use will not create or introduce an unacceptable risk to wildland fire ignition or hazards, including public safety and egress.

17.112.090 – Conditions of Approval

A. Applicable Standards.

1. The temporary uses shall be conducted in compliance with the applicable standards specified in [Section 17.62.300 \(Temporary Events\)](#).
2. The standards for parking, vehicle and delivery truck ingress and egress, structure setbacks, heights, landscaping requirements, noise, dust, hours of operation, and other structure and property development standards that generally apply to the category of use or the zone of the subject property shall be used by the Director as a guide for determining the appropriate development standards for temporary uses. However, in approving the Temporary Use Permit, the Director may authorize variation from the specific requirements as may be appropriate, to ensure that the use does not negatively impact abutting or nearby properties.

- B. May Impose Conditions.** In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would protect the public interest or the rights of adjacent surrounding users to be free of objectionable interferences or undue detriment to existing uses and be in full compliance with the findings required by [Section 17.114.080 \(Findings and Decision\)](#).

- C. Appropriate Conditions.** Conditions may address any pertinent factors affecting the operation of the temporary event or use, and may include the following, in compliance with [Section 17.62.300 \(Temporary Events\)](#):

1. Fixed period of time;
2. Operating hours and days;
3. Temporary pedestrian and vehicular access, circulation, and parking;
4. Regulation of nuisance factors;
5. Regulation of temporary structures;
6. Litter, medical, sanitary, and water facilities;
7. Waste collection, recycling, and/or disposal;
8. Sheriff/security and safety measures;
9. Signs;
10. Performance bond or other security;
11. Limitations on alcoholic beverage sales or consumption;

12. Compliance with applicable provisions; and
13. Other conditions, including conditions to address wildland fire risk.

17.112.100 – Condition of Site Following Temporary Use

- A. Site Restoration.** Each site occupied by a temporary use shall be cleaned of all temporary structures, equipment, materials, debris, litter, or any other evidence of the temporary use upon completion or removal of the use. The premises shall be returned to its original condition or better, as determined by the Director, and shall continue to be used in compliance with this Development Code.
- B. Deposit Required.** A security deposit, in compliance with [Section 17.120.070 \(Performance Guarantees\)](#), may be required by the Director before initiation of any proposed temporary use for the purpose of defraying any cost of site clean-up by the County in the event the applicant fails to leave the property clean and free of debris associated with the approved temporary use. The amount of the security deposit, what interest may be incurred, and where it is to be maintained shall be determined by the Director or as specified in the Fee Schedule.

17.112.110 – Post Decision Procedures

The procedures and requirements in [Chapter 17.120 \(Permit Implementation, Time Limits, and Extensions\)](#), and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Temporary Use Permit application.

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Chapter 17.114 – Variances and Minor Variances

Sections

- 17.114.010 – Purpose and Intent
- 17.114.020 – Applicability
- 17.114.030 – Review Authority
- 17.114.040 – Application Filing, Processing, and Review
- 17.114.050 – Findings and Decision
- 17.114.060 – Precedents
- 17.114.070 – Conditions of Approval
- 17.114.080 – Post Decision Procedures

17.114.010 – Purpose and Intent

- A. Purpose.** The purpose of a Variance is to allow variation from the strict application of the standards of this Development Code, where it is found that practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this Development Code, would occur by its implementation.
- B. Initiation of Variance.** The Commission, on its own motion or through proper application by the public, may initiate proceedings for issuance of Variances.
- C. Limitations.** No Variance shall be granted which authorizes a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. Flexibility in allowable land uses is provided for in **Chapter 17.104 (Conditional and Administrative Use Permits)**.
- D. Difference Between a Variance and a Minor Variance.** The difference between a Variance and a Minor Variance is that the Minor Variance allows only those adjustments specified in **Subsection 17.116.020 B**, while a Variance allows adjustment to any of the development standards specified in this Development Code, all in compliance with Government Code Section 65906.

17.114.020 – Applicability

- A. Variances – Commission as Review Authority.** The Commission may approve a Variance that allows for any adjustment from any of the development standards required by this Development Code only after first making the findings specified in **Subsection 17.116.050 (Findings and Decision)**.
- B. Minor Variances – Director as Review Authority.** The Director is authorized to grant a Minor Variance for the following:

1. **Setbacks.**
 - a. Front yard setbacks may be reduced by not more than twenty-five (25) percent of minimum requirements.
 - b. Side and rear yard setbacks may be reduced by not more than forty (40) percent of minimum requirements, but no closer than three feet to any property line.
2. **Height of Structures.** Height of structures may be increased by not more than 10 percent of maximum allowed height.
3. **Parking Spaces.** Parking spaces may be reduced in number by ten (10) percent of the required parking but not to exceed three spaces.
4. **Sign Area.** Sign area may be increased by not more than ten (10) percent of maximum allowed area.

17.114.030 – Review Authority

- A. **Review by Director.** Each Variance and Minor Variance application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.
- B. **Variances – Notice and Public Hearing Required.** A public hearing shall be required for the Commission's meeting to consider action on a Variance application.
 1. **Scheduling of hearing.** The public hearing shall be scheduled once the Director has determined the application complete.
 2. **Notice and Hearing.** Notice of the public hearing shall be given and the hearing shall be conducted in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
- C. **Minor Variances – No Notice or Public Hearing Required.** No notice or public hearing shall be required for the Director's decision on a Minor Variance application. Published and posted notices shall be sent out following the Director's decision.
- D. **Appeals.** The Director and/or Commission's decision may be appealed in compliance with **Chapter 17.134 (Appeals)**.

17.114.040 – Application Filing, Processing, and Review

Applications for a Variance or Minor Variance shall be made in writing by a property owner or by a lessee, purchaser in escrow, or optionee with the consent of the owners, on a form and in a manner as prescribed by the County. The application shall be accompanied by a fee, as set by the Board, for the Variance or Minor Variance.

17.114.050 – Findings and Decision

- A. **Review Authority Actions.** The applicable Review Authority shall approve or deny Variance and Minor Variance applications to preserve the public convenience, health, interest, safety, or general welfare, and necessary to make the findings required by this Section.

- B. Decision.** The Review Authority shall record the decision in writing and shall recite the findings upon which the decision is based.
- C. Required Findings.** The Review Authority may approve a Variance or Minor Variance application only after first making all of the following findings:
1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;
 2. The granting of the Variance or Minor Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the property is located;
 3. The granting of the Variance or Minor Variance will not adversely affect the comprehensive General Plan;
 4. There are special circumstances applicable to the property in which the strict application of Development Code regulations will deprive the property of privileges enjoyed by other property in the vicinity and under the identical zone; and
 5. The granting of the Variance or Minor Variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

17.114.060 – Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

17.114.070 – Conditions of Approval

The Review Authority shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings by this Section.

17.114.080 – Post Decision Procedures

The procedures and requirements in **Chapter 17.120 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals, revocation, and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Variance or Minor Variance application.

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Chapter 17.116 – Zoning Clearances

Sections

- 17.116.010 – Purpose and Intent
- 17.116.020 – Applicability/Permit Requirement
- 17.116.030 – Review Procedures
- 17.116.040 – Post Decision Procedures

17.116.010 – Purpose and Intent

Zoning Clearance is the procedure used by the County for projects not requiring any discretionary review to verify that a proposed land use or structure complies with the list of uses allowed in the applicable zone and all of the development standards applicable to the use or structure.

17.116.020 – Applicability/Permit Requirement

A Zoning Clearance shall be submitted to and approved by the Department before the issuance of a Building Permit or change in use. All Zoning Clearances shall be reviewed by the Department for conformance with the provisions of this Development Code before the issuance of a Building Permit. All Zoning Clearance reviews shall be completed within fourteen (14) days of submittal, provided that the Zoning Clearance conforms with the provisions of this Development Code.

- A. Single-family Dwelling Zoning Clearances.** Zoning Clearances for single family dwellings shall be submitted to the Department. These site plans shall contain all of the information and materials specified in the most up-to-date Department handout for Zoning Clearance applications, together with the required fee in compliance with the Fee Schedule.
- B. Commercial, Industrial, or Multi-Family Dwelling Zoning Clearances.** Zoning Clearances for commercial, industrial, or multi-family dwellings shall contain all of the information and materials specified in the most up-to-date Department handout for Zoning Clearance applications, together with the required fee in compliance with the Fee Schedule.
- C. Zoning Clearance Processing Procedures.** This Section applies to new construction or modifications of existing structures requiring a Building Permit:
 - 1. The applicant shall first apply to the Planning Department for Zoning Clearance review and approval.
 - 2. The Department shall:
 - a. Approve the application; or

- b. Deny the application if it does not comply with this Development Code.
3. When approved, the Zoning Clearance will be routed to the Building Department for review of the required Building Permit. As an alternative, the applicant may choose to hand carry the approved Zoning Clearance to the Building Department.

D. Permit Time Limits.

1. An approved site plan shall be null and void if the project is not completed within thirty-six (36) months from date of approval thereof, unless the Review Authority finds and stipulates in its original approval that a different time limit is necessary and not detrimental to the public health, safety, and general welfare, or, unless an extension of time has been approved.
2. Notwithstanding anything to the contrary contained in this Development Code, and notwithstanding the length of time for which permits may be issued in compliance with this Development Code, nothing contained herein shall in any way affect the length of time for which permits are issued in compliance with County Building and Construction Code (MCC Title 15).

E. Extension of Time. The Review Authority may approve one (1) extension of time on a permit approved in compliance with this Development Code, for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it finds that the extension is necessary and not detrimental to the public health, safety, and general welfare.

F. Application Deemed Approved. Any application approved in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Development Code, which must be satisfied by the applicant before any construction permit is issued.

17.116.030 – Review Procedures

- A. Director – Review Authority.** The Director shall issue the Zoning Clearance only after first determining that the request complies with all Development Code provisions applicable to the proposed land use or structure(s).
- B. Form of Approval.** An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

17.116.040 – Post Decision Procedures

The procedures and requirements in **Chapter 17.120 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals and enforcement in Article 8 (Development Code Administration) shall apply following the decision on a Zoning Clearance application.

Chapter 17.118 – Demolition Permit – Historic Structures

Sections

- 17.116.010 – Purpose and Intent
- 17.116.020 – Applicability/Permit Requirement
- 17.116.030 – Review Procedures
- 17.116.040 – Post Decision Procedures

17.118.010 – Applicability/Permit Requirement

Except as provided in this Chapter no structure identified by the County as historically significant as shown in Appendix C of the Mariposa Town Planning Area Specific Plan, or within a designated historic design review overlay zone (HDRO), shall be demolished without first obtaining approval from the Planning Director. [Source: 17.67.020.A]

17.118.020 – Application and Processing Procedures

- A. Pre-application Meeting.** A pre-application meeting with the Department to discuss a proposed project and the applicable design review standards is strongly encouraged.
- B. Receipt of Complete Application.** Upon receipt and acceptance of a complete Design Review Plan application, the Department shall, within five (5) days, refer such application to the Design Review Committee appointed by the Board of Supervisors having jurisdiction over the area in which the development is proposed.
- C. Design Review Committee Review Authority.** The Design Review Committee shall formulate a recommendation to approve, conditionally approve or deny the design review plan within fourteen (14) days of the receipt of a completed application from the Department.
 - 1. In the instance that no Design Review Committee has been appointed or the appointed Design Review Committee fails to formulate a recommendation by majority vote, the Director shall consider the Design Review Plan.
 - 2. The Director shall consider the Design Review Plan application along with the recommendation and act to approve, conditionally approve or deny the application. Action on the design review plan shall occur within five (5) days of receipt of the recommendation from the Design Review Committee.
 - 3. The Director's action shall be based upon the findings listed in **Subsection 17.67.010(B)** of this Section. The planning director shall provide specific findings if the design review plan is denied.

17.118.030 Demolition Permit Findings

No permit shall be issued to demolish or cause to be demolished any building, structure or portion thereof that has been identified by the County as historically significant within any Historic Design Review Overlay District unless:

- A.** It is determined the building or structure has no historical value or significance and does not contribute to the historical character of the district;
- B.** It is determined the owner would have no economic use of the property unless the structure is removed. It is the applicant's responsibility to submit to the county financial data to substantiate such claim, including the cost, assessed value, taxes, appraisals, listings and income from the property;
- C.** It is determined the structure or building is in such a deteriorated condition that it is determined to be unrepairable and that demolition will not have a significant effect on the achievement of the purpose of this title; or
- D.** It is determined, upon consultation with the Chief Building Inspector, County Engineer, County fire warden or other appropriate individuals that an imminent safety hazard exists, and that demolition is the only feasible means to secure the public safety. The director's determination in this matter shall be guided by the standards and criteria set forth in the current editions of the Uniform Building Code, Uniform Fire Code and State Historic Building Code.

Chapter 17.120 – Permit Implementation, Time Limits, and Extensions

Sections

- 17.120.010 – Purpose and Intent
- 17.118.020 – Conformance to Approved Plans
- 17.118.030 -- Effective Date of permit
- 17.118.010 – Applications Deemed Approved
- 17.118.020 – Permits to Run with Land
- 17.118.030 – Performance Guarantees
- 17.118.040 – Expiration
- 17.118.050 – Time Extensions
- 17.118.060 – Changes to an Approved Projects
- 17.118.070 – Resubmittals
- 17.118.080 – Time Extensions
- 17.118.090 – Periodic Review

17.120.010 – Purpose and Intent

This Chapter provides requirements for the implementation or "exercising" of the permits or approvals required or offered by this Development Code, including time limits and procedures for approving extensions of time.

17.120.020 – Conformance to Approved Plans

- A. Compliance.** All work performed under a Building Permit for which project drawings and plans have received approval by the Director, Commission, or Board shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable Review Authority.
- B. Changes.** Requested changes to an approved project shall be submitted and processed in compliance with [Section 17.120.100 \(Changes to an Approved Project\)](#).

17.120.030 – Effective Dates of Permits

- A. Approvals, Permits, Variances, and Minor Variances.**
 - 1. A Reasonable Accommodation, Temporary Use Permit, and Zoning Clearance shall become effective immediately following its approval/issuance.
 - 2. An Administrative Use Permit, Conditional Use Permit, Minor Variance, Planned Development Permit, Design Review, or Variance shall become effective on the 21st calendar day following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with [Chapter 17.134 \(Appeals\)](#) before the effective date.

3. Denial of a request for an approval, permit, Variance, or Minor Variance becomes effective on the date of denial.

B. Agreements, Plans, and Amendments.

1. Board actions to adopt or amend a development agreement, an area plan (adopted by ordinance), this Development Code, or the Zoning Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Board. For example, an ordinance adopted on October 1st will actually be effective on October 31st.
2. Board actions to adopt or amend the General Plan or an area plan (adopted by resolution) shall become effective upon the adoption of the resolution by the Board.

C. Issued on the Effective Date.

1. Permits, certificates, and/or other approvals shall not be issued until the effective date specified in **Subsections A.** (Approvals, Permits, Variances and Minor Variances) and **B.** (Agreements, Plans, and Amendments); provided, that no appeal of the Review Authority's decision has been filed, in compliance with **Chapter 17.134 (Appeals)**.
2. Public Resources Code Sections 21167-21167.8, inclusive, specify the applicable time constraints for CEQA compliance. Failure by the applicant to comply with all applicable CEQA time constraints places the burden on the applicant for being responsible for all associated risks.

17.120.040 – Applications Deemed Approved

- A. Applicable Provisions.** Any application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Development Code, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.
- B. Public Hearing.** The application shall be deemed approved only if the application received proper notice in compliance with **Chapter 17.136 (Public Notices and Hearings)** and Government Code Section 65956(b).

17.120.050 – Permits to Run with the Land

- A. Run with the Land.** An Administrative Use Permit, Conditional Use Permit, Minor Variance, Planned Development Permit, Design Review, Temporary Use Permit, or Variance that is approved in compliance with **Chapter 17.102 (Application Processing Procedures)** shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with **Section 17.102.080 (Expiration)**, below.
- B. Conditions Shall Apply.** All applicable conditions of approval shall continue to apply after a change in property ownership.

17.120.060 – Performance Guarantees**A. Deposit of Security.**

1. As a condition of approval of an Administrative Use Permit, Conditional Use Permit, Minor Variance, Planned Development Permit, Reasonable Accommodation, Design Review, Temporary Use Permit, or Variance, upon a finding that the County's health, safety, and general welfare warrant, the Review Authority may require the execution of a covenant to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the permit in the event that the obligor fails to perform.
2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).
3. The security shall, as required by law or otherwise at the option of the County, be in the form of cash or a certified or cashier's check.
4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director, in conjunction with the County Engineer, where applicable.
5. Security required in compliance with this Section shall be payable to the County.

B. Release of Security. Upon satisfactory compliance (as determined by the Director) with all applicable provisions of the conditions specified in the approval/permit, the security and any interest accrued shall be released.

C. Failure to Comply.

1. Upon failure to perform any secured condition(s), the County may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs, including any additional costs exceeding the security deposit, and measurable costs for administration.
2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

17.120.070 – Expiration

A. Expiration of Permit or Approval. Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Map Act shall comply with the following expiration provisions.

1. **Shall Be Exercised.** Any permit or approval shall be null and void if not used and/or a companion Building Permit is not issued and diligently pursued within thirty-six (36) months from date of approval thereof, or granted an extension in compliance with **Section 17.120.090** unless the Review Authority finds and stipulates in its original approval that a different time limit is necessary and not detrimental to the public health, safety, and general welfare.

2. Allowable Phasing.

- a. All phasing plans for project development in two or more phases or units shall include the entire project and require Review Authority approval, before commencement of project construction.
- b. Pre-approved phases.
 - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have thirty-six (36) months from the previous phase date of construction commencement to the next phase date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.
 - (2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map.

3. Shall Be Exercised before Expiration. A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

- a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or
- b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director, in preparation for the work described in Subsection a.; and
- c. Diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building or Grading Permit and not lapsed for longer than allowed by **Subsection A. 1. c.**; or
- d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

B. Effect of Expiration. Where the permit or approval has expired and/or has been deemed void:

- 1. No further action is required by the County;
- 2. No further reliance may be placed on the previously approved permit or approval;
- 3. The applicant shall have no rights previously granted under the permit or approval;
- 4. The applicant shall file a new application(s), together with all required fees, and obtain all required approvals before construction can commence or an allowable use may be implemented; and
- 5. Any security provided by the applicant under the previously approved permit or approval may be used by the County to provide suitable protection from any harm that may result from the terminated development.

17.120.080 – Time Extensions

- A. Approval of Extension(s).** The Review Authority which approved the original permit may approve one or more extensions of time on the permit approved in compliance with this Development Code, for up to thirty-six (36) additional months, in increments of eighteen (18) months each, after notice is given in the same manner as the original approval.
- B. Required Findings.** An extension of the permit or approval may be granted only if the Director first makes all of the following findings:
1. The extension is necessary and not detrimental to the public health, safety, and general welfare;
 2. There have been no changes in circumstances or law that would preclude the Director from making the findings upon which the original approval was based; and
 3. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.
- C. Not a Matter of Right.** The granting of an extension of a discretionary permit or approval is not a matter of right and the Review Authority may deny the application or grant the application subject to new or different conditions.

17.120.090 – Changes to an Approved Project

- A. Application.**
1. **Shall be In Compliance With the Approved Drawings and Plans.** A development or new land use allowed through an Administrative Use Permit, Conditional Use Permit, Minor Variance, Planned Development Permit, Reasonable Accommodation, Design Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the project are approved in compliance with this Section.
 2. **Request Desired Changes In Writing.** An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reason(s) for the change(s).
 3. **Type of Changes Allowed.** Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the operation, use, or physical characteristics of the project (e.g., hours of operation, expansion of a use) as originally proposed by the applicant or approved by the Review Authority.
 4. **Shall First be Approved by Review Authority.** Changes shall not be implemented until first approved by the applicable Review Authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and Hearing, If Required.

1. If the original matter required a noticed public hearing, the Review Authority shall hold a public hearing, except for the minor changes outlined below (See **Subsection C. [Minor Changes by Director]**), and shall give notice, in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
2. If the original matter did not require a noticed public hearing, the Review Authority shall not be required to hold a public hearing. However, the Review Authority may conduct a public hearing in compliance with **Chapter 17.136 (Public Notices and Hearings)** if deemed appropriate by the Review Authority.

C. Minor Changes by Director. The Director may authorize minor changes to an approved permit, site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval.
2. Do not involve a feature of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
 - b. A basis for conditions of approval for the project; or
 - c. A specific consideration by the Review Authority (e.g., the Director, Commission, or Board) in granting the permit or approval.
3. Do not involve any expansion or intensification of the use or structure of over ten (10) percent, in terms of the area, space, or volume occupied by the use, number of on-site employees, daily vehicle traffic, or business or production output. Does not allow an increase in the number of permanent or temporary occupancy units.
4. Would not result in a significant effect on the environment.
5. Would not be materially detrimental to other properties or land uses in the area.

D. Major Changes. All other changes would be considered major changes and would include changes to the project involving features specifically described in **Subsections C. 2. through 5. (Minor Changes by Director)** and shall only be approved by the original Review Authority through a new application, processed in compliance with this Development Code.**17.120.100 – Resubmittals****A. Resubmittal after Denial with Prejudice.**

1. The Review Authority may reject an application for a planning permit, approval, or amendment, on the grounds that one or more similar applications for the same site have been denied in the past 180 days (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.

2. For a period of one hundred and eighty (180) days following the actual date of denial with prejudice by the Director, Commission, or Board, or, if appealed, the actual date of denial by the applicable Review Authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion thereof.
- B. Exception to Subsection A.** The Director may allow exception to Subsection A., based on one or more of the following findings:
1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant;
 2. The surrounding area has been rezoned or a major change in the area has taken place since the previous hearing(s), which materially affects the applicant's real property; or
 3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.
- C. Resubmittal after Denial without Prejudice.** There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.
- D. Director's Determination, Appeal.**
1. The Director shall determine whether a new application is for a planning permit, approval, or amendment that is the same or substantially similar to a previously approved or denied permit, approval, or amendment, and shall either process or reject the application in compliance with this Section.
 2. The Director's determination may be appealed to the Commission, in compliance with [Chapter 17.134 \(Appeals\)](#).

17.120.110 – Notifying County Assessor-Recorder

Whenever the zoning of a property is changed from one classification to another, or an Administrative Use Permit, Conditional Use Permit, or Variance is granted, the Department shall notify the County Assessor-Recorder of the action within thirty (30) days. If the zoning classification change, Administrative Use Permit, Conditional Use Permit, or Variance was requested by other than the owner of record, the Department shall simultaneously notify the owner of record of the property of the action taken and that notice has been sent to the County Assessor - Recorder.

17.120.120 – Periodic Review

The Director may periodically review any project authorized by planning permit approval for compliance with any applicable condition of approval. If any condition is being violated, the Director may schedule a public hearing before the original Review Authority to consider the revocation of the permit in compliance with [Chapter 17.142 \(Permit Modifications and Revocations\)](#).

Article 8 – Development Code Administration

Title 17 – Development Code

REVISED PRELIMINARY DRAFT

September 2024

Table of Contents

Chapter 17.130 – Administrative Responsibility.....	8-1
17.130.010 – Purpose and Intent.....	8-1
17.130.020 – Planning Agency Defined.....	8-1
17.130.030 – Board of Supervisors	8-1
17.130.040 – Planning Commission	8-2
17.130.050 – Planning Director	8-2
Chapter 17.132 – Amendments (Development Code, General Plan, and Zoning Map)	8-3
17.132.010 – Purpose and Intent.....	8-3
17.132.020 – Initiation of Amendment	8-3
17.132.030 – Processing, Notice, and Hearings	8-4
17.132.040 – Commission's Action on Amendment	8-5
17.132.050 – Board's Action on Amendment	8-5
17.132.060 – Findings and Decision.....	8-6
17.132.070 – Effective Dates.....	8-6
Chapter 17.134 – Appeals.....	8-8
17.134.010 – Purpose and Intent.....	8-8
17.134.020 – Appeal Subjects and Jurisdiction	8-8
17.134.030 – Filing and Processing of Appeals	8-9
17.134.040 – Judicial Review	8-11
Chapter 17.136 - Public Notices and Hearings	8-12
17.136.010 – Applicability, Purpose, and Intent	8-12
17.136.020 – Notice of Hearing	8-12
17.136.030 – Hearing Procedures	8-15
17.136.040 – Recommendation or Action by Commission.....	8-16
17.136.050 – Decision and Notice	8-16
17.136.060 – Effective Date of Decision.....	8-17
Chapter 17.138 - Development Agreements	8-18
17.138.010 – Purpose and Intent.....	8-18
17.138.020 – Application Requirements	8-19
17.138.030 – Application Filing, Processing, and Review	8-19

17.138.040 – Contents of Development Agreement.....	8-20
17.138.050 – Execution and Recordation.....	8-20
17.138.060 – Amendment and Cancellation of Development Agreements.....	8-22
17.138.070 – Modification or Suspension of Development Agreements.....	8-22
17.138.080 – Periodic Review	8-22
17.138.090 – Effect of Development Agreements	8-24
17.138.100 – Approved Development Agreements.....	8-24
Chapter 17.140 – Area Plans (Town Planning Areas, Community Planning Areas, and Special Planning Areas)	8-25
17.140.010 – Purpose and Intent.....	8-25
17.140.020 – Applicability	8-26
17.140.030 – Initiation of Area Plans	8-27
17.140.040 – Application Filing, Processing, and Review	8-27
17.140.050 – Preparation and Content.....	8-28
17.140.060 – Adoption or Amendment of an Area Plan	8-28
Chapter 17.142 – Permit Modifications and Revocations	8-29
17.142.010 – Purpose and Intent.....	8-29
17.142.020 – Modifications	8-29
17.142.030 – Revocations	8-29
17.142.040 – Findings to Modify or Revoke	8-30
17.142.050 – Notice and Hearing Required.....	8-30
17.142.060 – Appeals	8-30
Chapter 17.144 – Enforcement.....	8-33
17.144.010 – Purpose.....	8-33
17.144.020 – Zoning Enforcement Administration.....	8-33
17.144.030 – Extent of Zoning Enforcement	8-33
17.144.040 – Unabated Code Violations	8-33
17.144.050 Lawfulness of Permits and Licenses	8-34
17.144.060 – Declaration of Public Nuisance	8-34
17.144.070 – Violation Constitutes Infraction	8-34
17.144.080 – Role of the Director	8-34
17.144.090 – Right to Appeal	8-35
17.144.100 – Role of the Commission – Appeal Hearing.....	8-35
17.144.110 – Role of the Board – Appeal Hearing	8-36

Chapter 17.130 – Administrative Responsibility

Sections

17.130.010 – Purpose and Intent
17.130.020 – Planning Agency Defined
17.130.030 – Board of Supervisors
17.130.040 – Planning Commission
17.130.050 – Planning Director

17.130.010 – Purpose and Intent

The purpose of this Chapter is to describe the authority and responsibilities of the Board of Supervisors, Planning Commission, and Planning Director in the administration of this Development Code.

17.130.020 – Planning Agency Defined

In compliance with Government Code Sections 65100 through 65105, the Planning Agency of Mariposa County is comprised of the following:

- A. The Board of Supervisors;
- B. Planning Commission; and
- C. Planning Department.

17.130.030 – Board of Supervisors

The Board of Supervisors, referred to in this Development Code as the Board, in matters related to the County's planning process shall perform the duties and functions prescribed in Mariposa County Code Section 2.50.030 (The Board of Supervisors) and this Development Code, which include all of the following:

- A. **Review Authority on Specified Legislative Planning Matters.** Final legislative decisions on development agreements and amendments, General Plan amendments, area plans and amendments, Development Code amendments, Zoning Map amendments, related CEQA environmental documents, and other applicable policy or Development Code matters related to the County's planning process.
- B. **Appeals.** The review of appeals filed from Commission or Director decisions.
- C. **Compliance.** The above-listed functions shall be performed in compliance with Table 7-1 (Review Authority), Table 7-3 (Review Authority for Site Plan and Design Review), and the California Environmental Quality Act (CEQA).

- D. Imposition of Conditions.** In making decisions on applications, the Board may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable area plans, the County Code standards that apply to development, to make any required findings, and to further the public health, safety, and general welfare of the community.
- E. Board Review.** The Board, on its own motion, may review any matter decided by the Commission in compliance with provisions of **Chapter 17.134 (Appeals)**.

17.130.040 – Planning Commission

The Planning Commission, referred to in this Development Code as the Commission, is established and shall conduct its duties and responsibilities in compliance with Mariposa County Code **Chapter 2.52 (Planning Commission)**.

17.130.050 – Planning Director

- A. Appointment.** The Planning Director, referred to in this Development Code as the Director, shall be appointed by the Board, in compliance with Mariposa County Code **Section 2.50.070 (Director of Planning)**.
- B. Duties and Authority.** The Director shall:
1. Have the responsibility to perform all of the functions designated by State law and this Development Code;
 2. Perform all of the duties specified in Mariposa County Code **Section 2.50.080 (Duties Of Planning Director)**;
 3. Perform the duties and functions prescribed in this Development Code, including compliance with **Table 7-1 (Review Authority)**, **Table 7-3 (Review Authority for Site Plan and Design Review)**, and the CEQA determination;
 4. Have the authority to defer action on an application and refer the request to the Commission for consideration and final action;
 5. Perform other responsibilities directed by the Board or Commission; and
 6. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.
- C. Imposition of Conditions.** In making decisions on applications, the Director may impose conditions the Director deems reasonable and necessary to implement the General Plan, any applicable area plans, the Mariposa County Code standards that apply to development, to make required findings and to further the public health, safety, and general welfare of the community.
- D. Appeals.** Discretionary decisions by the Director may be appealed to the Commission, in compliance with **Chapter 17.134 (Appeals)**.

Chapter 17.132 – Amendments (Development Code, General Plan, and Zoning Map)

Sections

- 17.132.010 – Purpose and Intent
- 17.132.020 – Initiation of Amendment
- 17.132.030 – Processing, Notice, and Hearings
- 17.132.040 – Commission's Action on Amendment
- 17.132.050 – Board's Action on Amendment
- 17.132.060 – Findings and Decision
- 17.132.070 – Effective Dates

17.132.010 – Purpose and Intent

- A. Procedures for Amendments.** This Chapter provides procedures for the amendment of this Development Code, the General Plan, and the County's Official Zoning Map whenever the Board determines public convenience, interest, necessity, and general welfare require an amendment.
- B. General Plan and Zoning Map.** The General Plan is the County's guiding land use policy document on which the Official Zoning Map is based, and the two shall be consistent. Amendments to the General Plan shall be by resolution adopted by the Board, following noticed public hearings before the Commission and Board.
- C. Development Code.** This Development Code contains the County's regulations addressing allowed land uses and development and operational standards and subdivision requirements which, taken together, shall be consistent with the General Plan. Amendments to this Development Code shall be by ordinance adopted by the Board, following noticed public hearings before the Commission and Board.

17.132.020 – Initiation of Amendment

An amendment to this Development Code, the General Plan, and/or the County's Official Zoning Map may be initiated by:

- A.** For an amendment to the Zoning Map or General Plan Land Use Diagram, the filing of an amendment application with the Department signed by all of the property owners or authorized agent(s)/representative(s) of the property owner(s) to be affected by the amendment, or the plaintiff in an action in eminent domain to acquire the subject property, no part of which shall be returnable to the petitioner;
- B.** For an amendment to the text of the Development Code or General Plan, the filing of an amendment application with the Department;

- C. Resolution of Intention by the Board; or
- C. Resolution of Intention by the Commission.

17.132.030 – Processing, Notice, and Hearings

A. Application Filing and Processing.

1. If initiated by the filing of an amendment application in compliance with **Section 17.132.020 (Initiation of Amendment)**, the application shall be processed in compliance with **Chapter 17.102 (Application Processing Procedures)**.
2. The application shall include all of the information and materials specified in the most up-to-date Department handout for Development Code, General Plan, and/or the County's Official Zoning Map Amendment applications, together with the required filing fee in compliance with the Fee Schedule.
3. The Department shall send out referrals to all of the affected agencies and County departments for their review and comment in compliance with Government Code Section 65352 (Referral of plans).
4. It is the responsibility of the applicant to provide evidence in support of the findings required by **Section 17.132.060 (Findings and Decision)**.

B. Public Hearings Required. The Commission and Board shall each conduct one or more public hearings regarding the amendment

C. Notice of Hearings Required. Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with **Chapter 17.136 (Public Notices and Hearings)** and as specified in Government Code Sections 65090 and 65091. Any failure to provide required public notices shall not invalidate any proceedings for an amendment.

D. Concurrent Proceedings. Any amendment to the Title, which requires an amendment to the General Plan, may be heard concurrently with the General Plan amendment hearings provided that all requirements of both amendment procedures are complied with and provided that action on any general plan amendment is taken prior to action being taken on the amendment to this title.

E. Abandonment of Amendment Proceedings. The applicable Review Authority may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that the abandonment may be made only when the proceedings are before the subject Review Authority for consideration, and further provided that any hearing of which public notice has been given shall be held.

17.132.040 – Commission's Action on Amendment**A. Recommendation to Board.**

1. After the public hearing, the Commission shall forward a written recommendation in the form of a resolution, together with the reasons for the recommendation and recommended required findings, to the Board whether to approve, approve in modified form, or deny the proposed amendment.
2. The public hearing on a proposed amendment may be continued from time to time.
3. A recommendation for approval or approval in modified form of an amendment shall require the affirmative vote of the majority of the entire membership of the Commission, irrespective of the number of Commissioners present and voting.

B. Action for Denial by Commission. The action to recommend denial of an amendment shall require the affirmative vote of a majority of the entire membership of the Commission, irrespective of the number of Commissioners present and voting.**17.132.050 – Board's Action on Amendment****A. Recommendation for Approval.**

1. Upon receipt of the Commission's recommendation to approve, or approve in modified form the amendment, or deny the amendment, the Board shall conduct a public hearing and either approve, approve in modified form, or deny the amendment.
2. The action by the Board to approve the Commission's recommendation regarding an amendment shall require the affirmative vote of a majority of the entire membership of the Board and shall be final and conclusive. The majority is irrespective of the number of Board members present and voting.

B. Referral to Commission.**1. Board Referral for Further Study.**

- a. When the Board has requested the Commission to study and report on a proposed amendment and the Commission fails to act on the request within a reasonable time, the Board may, by written notice, require the Commission to render its report within forty-five (45) days for a General Plan amendment (Government Code Section 65356) and forty (40) days for a zoning text or map change (Government Code Section 65853).
- b. Upon receipt of the written notice, the Commission shall conduct the required public hearing if it has not already done so.
- c. Failure of the Commission to report back to the Board within the times specified in **Subparagraph B.1.a. above** shall be deemed the Commission's recommendation for approval of the amendment in compliance with Government Code Sections 65356 and 65853.

2. Board Referral for Information Not Previously Considered.

- a. If the Board proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65853.
- b. The Commission shall not be required to hold a public hearing on the referral.
- c. Failure of the Commission to report back to the Board within the times specified in Subparagraph B.1.a. above, or a longer period as may be designated by the Board, shall be deemed the Commission's recommendation for approval of the amendment in compliance with Government Code Sections 65356 and 65853.

17.132.060 – Findings and Decision

The applicable Review Authority may approve, or approve in modified form, the amendment only after first making all the following findings:

- A. That such an amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare;
- B. That such an amendment is desirable for the purpose of improving the General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making;
- C. That such an amendment conforms to the requirements of State law and County policy;
- D. That such an amendment is consistent with other guiding policies, goals, policies, and standards of the General Plan;
- E. In the case of an amendment to the zoning classification on an individual parcel or General Plan Land Use Map,
 1. 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; and
 2. The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

17.132.070 – Effective Dates

- A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Board.
- B. **Development Code and Zoning Map.** A Development Code or Zoning Map amendment shall become effective on the 31st day following the adoption of an ordinance by the Board.

- C. Concurrent General Plan and Development Code Amendments.** When action is taken concurrently on both an amendment to the General Plan and Development Code, the effective date of the General Plan amendment shall be the effective date of the Development Code in compliance with **Subsection B** of this Section.

Chapter 17.134 – Appeals

Sections

- 17.134.010 – Purpose and Intent
- 17.134.020 – Appeal Subjects and Jurisdiction
- 17.134.030 – Filing and Processing of Appeals
- 17.134.040 – Judicial Review

17.134.010 – Purpose and Intent

This Chapter establishes procedures for the appeal of determinations and decisions rendered by the Director or Commission.

17.134.020 – Appeal Subjects and Jurisdiction

- A. Development Code Administration and Interpretation.** The following interpretations, determinations, and enforcement actions of the Director may be appealed to the Commission or the Board:
1. **Interpretations.** Any discretionary determination on the meaning or applicability of the regulations contained in this Development Code that are believed to be in error, and cannot be resolved at the Director level;
 2. **Determinations.** Any determination that a permit application or information submitted with the application cannot be accepted or is incomplete, in compliance with Government Code Section 65943; and
 3. **Enforcement Actions.** Any enforcement action filed in compliance with Chapter 17.144 (Enforcement Provisions).
- B. Planning Permit Decisions.**
1. **Director's Decisions.** Any discretionary decision of the Director may be appealed to the Commission or the Board.
 2. **Commission Decisions.** Any discretionary decision of the Commission may be appealed to the Board, which shall serve as the final Review Authority for appeals of the Planning Commission.

C. CEQA Decisions.

1. Any CEQA decision of the Director may be appealed to the Commission or the Board. The decision on the appeal by the Commission would be final unless that decision is appealed to the Board.
2. Any CEQA decision of the Commission may be appealed to the Board, which shall serve as the final Review Authority for appeals of the Commission.

17.134.030 – Filing and Processing of Appeals

A. Eligibility to Appeal. Decisions of the planning director or planning commission may be appealed by an applicant or aggrieved person in accordance with this chapter.

B. Timing and Form of Appeal. An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.

1. The pertinent facts and the basis for the appeal shall include the specific grounds for the appeal, where there was an error or abuse of discretion by the previous Review Authority in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record
2. The appeal shall be filed with the Department or Clerk of the Board, as applicable, within twenty (20) days following the actual date the decision was rendered by the applicable Review Authority.
 - a. An appeal addressed to the Commission shall be filed with the Department; and
 - b. An appeal addressed to the Board shall be filed with the Clerk of the Board.
3. The appeal shall be accompanied by the filing fee specified in the Fee Schedule.
4. The appeal shall be accompanied by a written and signed verification by at least one of the petitioners attesting to the truth and correctness of all facts and/or maps and/or other graphic materials presented with the appeal petition.
5. If an appeal is not filed within the time or in the manner prescribed in this Section, the right to review the action against which the complaint is made shall be deemed to have been waived.
6. If the appeal does not contain sufficient itemization of the issues or the finding, decision or determination being appealed the appeal will not be accepted as complete and the petitioner will have seven (7) days to provide additional information which sufficiently itemizes the issues, decision or determination being appealed. If the additional information is not provided within seven (7) days, the appeal will not be accepted by the County for processing and the person filing the appeal will lose their appeal rights.

7. Once an appeal is accepted as complete, the appellant can raise additional issues on the appeal, limited to issues which were raised during the public review period or public hearing or to new information, up to twenty-five (25) days prior to the appeal hearing. Additional issues cannot be raised after this time or at the public hearing.
8. After the filing of an appeal, the appropriate Review Authority shall conduct a public hearing for the purpose of determining whether the appeal should be granted.
9. Once an appeal is filed, any action on the subject project is stayed until the appeal is processed and a final decision is rendered by the applicable Review Authority.

C. Report and Scheduling of Hearing.

1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate Review Authority identified in **Section 17.134.020 (Appeal Subjects and Jurisdiction)**, within thirty (30) to ninety (90) days of the filing of the appeal unless a greater time period is mutually agreed upon by the Review Authority and appellant.
2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
 - a. Notice shall be mailed to the applicant and to all persons who spoke at the public hearing on the matter being appealed, to all persons who submitted written evidence before or during the public hearing on the matter being appealed, and to all persons whose names appear on the latest County equalized assessment roll as owning property located within the notification distances specified in **Subparagraph 17.136.020 B.1.c. (Affected Owners)** of the parcel subject to the appeal.
 - b. Notice shall also be published at least once in a newspaper of general circulation within the County not later than ten (10) calendar days before the hearing date.

D. Hearing and Decision.

1. During the appeal hearing, the issues that may be raised and considered by the Review Authority shall be as specified in **Subparagraph 17.134.040 C. (Scope of Planning Permit Appeals)**. The Review Authority may affirm, affirm in part, modify, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Development Code; and
2. Members of the Commission or Board may appear in opposition to the appeal or may give such explanation of the action as deemed advisable.
3. If new or different evidence is presented on appeal, the Commission or Board may refer the matter to the Director or Commission for further consideration.
4. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.

5. The Review Authority may continue the hearing from time to time as suits the convenience of the Review Authority and appellant, in order to give all parties an opportunity to present all matters necessary to a fair determination of the appeal.
 6. All appeal hearings conducted in compliance with the provisions of this Development Code shall follow the rules of proceedings as prescribed by State law, Mariposa County Code, and adopted policy of the Board, as may be amended from time to time.
 7. An appeal denied by the Commission may be further appealed to the Board, but only if filed within twenty (20) days following the actual date the decision was rendered by the Commission.
 8. All appeal decisions by the applicable Review Authority shall be rendered by formal resolution.
- E. Effective Date of Appeal Decisions.** Final action by the applicable Review Authority shall be effective in compliance with the provisions of **Section 17.132.030 (Effective Dates of Permits)** if no additional appeals or successful calls for review are filed in compliance with this Chapter.

17.134.040 – Judicial Review

No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Development Code unless and until all available appeals to the Commission and/or Board have been first exhausted in compliance with this Chapter.

Chapter 17.136 - Public Notices and Hearings

Sections

- 17.136.010 – Applicability, Purpose, and Intent
- 17.136.020 – Notice of Hearing
- 17.136.030 – Scheduling of Hearing
- 17.136.040 – Hearing Procedures
- 17.136.050 – Recommendation or Action by Commission
- 17.136.060 – Decision and Notice
- 17.136.070 – Effective Date of Decision

17.136.010 – Applicability, Purpose, and Intent

- A. Applicability.** This Chapter shall govern how public notices and hearings are provided and conducted by the applicable Review Authority (i.e., Director, Commission, or Board).
- B. Procedures.** This Chapter provides the minimum procedures for notices and public hearings required by this Development Code.
- C. Compliance Required.** When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted in compliance with this Chapter.

17.136.020 – Notice of Hearing

When this Development Code requires a noticed public hearing before a decision on a permit or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65092, 65094 and 66451.3, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. Content of Notice.** Mailed, published, or posted notice of a public hearing shall include all the following information, as applicable.
 - 1. Hearing Information.** The date, time, and place of the hearing and the name of the Review Authority; the actions to be taken with respect to the proposed project; a brief description of the County's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); a link to the County's main website; and the phone number and street address of the Department where an interested person could call, visit, or view online to review the initial studies, staff reports, and any other relevant information on the proposed project or obtain additional information.

2. **Project Information.** The date of filing of the application and the name of the applicant; the County's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and the anticipated closing date of the public review and comment period.
 3. **Statement on Environmental Document.** If a Notice of Exemption, Negative Declaration, Mitigated Negative Declaration, or final Environmental Impact Report has been prepared for the project in compliance with the CEQA and the County CEQA Guidelines, the hearing notice shall include a statement that the Review Authority will also consider adoption of the proposed Negative Declaration or Mitigated Negative Declaration, or certification of the final Environmental Impact Report, as applicable.
 4. **Available Options.** Options an affected property owner may have with respect to the proposed project, including comments and appeal rights.
- B. Method of Notice Distribution.** Notice of a public hearing required by this Chapter for a planning permit, amendment, appeal, or other approval shall be given as follows, as required by Government Code Sections 65090 and 65091.
1. **Mailing for a Hearing Before the Review Authority - With a Public Hearing.** Notice shall be mailed at least twenty (20) days before the scheduled hearing date to all of the following:
 - a. **Project Site Owner(s) and the Applicant.** The owner(s) of the property being considered in the application or the owner's authorized agent, the applicant (at the addresses designated on the application), and any appellant(s).
 - b. **Local Agencies.** Notice for amendments in compliance with Chapter 17.132 (Amendments [Development Code, General Plan, and Zoning Map]) which affect the permitted uses or intensity of uses of real property shall be mailed to each local agency expected to provide water, sewage, streets, road, schools, or other essential facilities or services to the project, including wildfire protection, whose ability to provide those facilities and services may be significantly affected.
 - c. **Affected Owners**

(1) **All applications – noticing requirements.**

- (a) **2,500 feet.** Notice of a public hearing for any proposed project located in the CR zone shall be provided to all property owners within two thousand five hundred (2,500) feet of the project parcel's exterior boundaries.
- (b) **300 feet.** Notice of a public hearing for any proposed project located within any town planning area, as described in Chapter 17.18, shall be three hundred (300) feet from the project parcel's exterior boundaries.
- (c) **600 feet.** Notice of a public hearing for any proposed project located in all other areas shall be six hundred (600) feet from the project parcel's exterior boundaries.
- (d) **Property Owner Defined.** For purposes of this Section, the property owner shall be defined as the name listed on the current assessment roll and to whom the County's property tax bill is sent.

(2) **Current Assessment Roll.** The current assessment roll of Mariposa County shall be used to identify owner(s) of property surrounding and including the project parcel boundaries.

(3) **How noticing distances are to be measured.** The distance shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the subject parcel to the neighboring boundary or property line.

(4) **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection c. (1), is more than one thousand (1,000), the Director may choose to provide a one-eighth page newspaper advertisement in one newspaper of general circulation within the County, allowed by Government Code Section 65091(a)(3).

d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director.

e. **Other Person(s).** Any other person(s), whose property might, in the judgment of the Director, be affected by the proposed project.

f. **Failure to Receive.** Failure of a property owner of record to receive a mailed notice shall not invalidate any hearing conducted in compliance with this Development Code.

2. **Publication and Posting.**

a. **Publication for All Applications.** Notice of a public hearing required by this Development Code for a permit, permit modification, amendment, or appeal shall be published at least once in a newspaper of general circulation within the County at least ten (10) days before the scheduled hearing date.

b. Posting for All Applications.

- (1)** The Department shall have a copy of the notice of the time and place of the hearing posted in not less than three public places at least ten (10) days before the scheduled hearing date.
 - (2)** At least one (1) of these notices shall be posted in the affected neighborhood or community.
 - (3)** The Department shall maintain a list of sites where notice in neighborhoods or communities has been posted.
- 3. Additional Notice.** In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the County's website) as the Director determines is necessary or desirable.
- 4. Defect or Error in Notice.** Any defect or error appearing in any notice shall not divest or deny the Director, Commission, or Board of jurisdiction nor invalidate any proceedings.

17.136.030 – Hearing Procedures

- A. Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. Burden of Proof.** The applicant or petitioner has the burden and shall offer competent evidence in support of their application or petition.
- C. Rules of Conduct.** All public hearings conducted in compliance with the provisions of this Development Code shall follow the rules of proceedings as prescribed by State law, the Mariposa County Code, and adopted policy of the Board and/or Commission, as may be amended from time to time.
- D. Continued Hearing.** Any hearing may be continued from time to time without further notice; provided, the chair of the Review Authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- E. Required Vote.**
- 1. Vote of the Majority of the Review Authority.** Any vote of the Review Authority shall be the vote of the majority of the entire membership of the Review Authority. The majority is irrespective of the number of Review Authority members present and voting.
 - 2. Tie Votes.** Tie votes of the Review Authority for all matters shall result in no action by the Review Authority. The motion shall fail to pass unless the Review Authority continues the matter to a date and time certain when a majority vote of the quorum is achieved.
- F. Adoption of Resolution.**
- 1.** Any decision resulting from a matter heard in compliance with this Chapter shall be in the form of a resolution or ordinance rendered before the conclusion of the public hearing.

2. No decision shall be considered rendered until the resolution or ordinance is formally adopted by the Review Authority.

17.136.040 – Recommendation or Action by Commission

- A. **Recommendation to the Board.** After a public hearing on a proposed amendment to the General Plan, this Development Code, the Zoning Map, or an area plan, the Department shall forward the recommendation and findings of the Commission and the minutes of the Commission meeting to the Board.
- B. **Recommendation Mailed to the Applicant.** The recommendation and findings shall be mailed to the applicant at the address shown on the application.

17.136.050 – Decision and Notice

A. Decision.

1. Unless otherwise required by law, the Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or continue the matter to a later meeting agenda in compliance with **Section 17.136.040 (Hearing Procedure)**.
2. Unless otherwise required by law, a majority of the entire membership of the Review Authority shall be required for any formal action by the Review Authority. The majority is irrespective of the number of Review Authority members present and voting.
3. The Director may refer an administrative matter to the Commission for review and final decision.
4. All decisions shall be in writing and, if required by law, shall contain written findings.
5. Any decision resulting from a matter heard in compliance with this Chapter, shall be rendered in the form of a resolution or ordinance at the conclusion of the public hearing.

B. Notice of Decision.

1. **Provision of Notice.** Following the final decision on an application for a permit or other approval required or offered by this Development Code, the County shall provide notice of its final action to the applicant and to any person who specifically requested notice of the County's final action.
2. **Contents of Notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the County, and the procedures for appeal.

- C. **Notifying County Assessor.** Whenever a General Plan or Zoning Map amendment, Administrative Use Permit, Conditional Use Permit, Minor Modification, or Variance is granted with respect to any property, the Department shall, within 30 days, notify the County Assessor of the action in compliance with Government Code Section 65863.5.

17.136.060 – Effective Date of Decision

- A. Adopted by Ordinance.** A decision of the Review Authority adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Review Authority, unless otherwise provided in the adopting ordinance. For example, an ordinance adopted on October 1st will actually be effective on October 31st.
- C. Contingent on Future Date or Event.** The Review Authority may take a final action and make it contingent on a future date or event.

Chapter 17.138 - Development Agreements

Sections

- 17.138.010 – Purpose and Intent
- 17.138.020 – Application Requirements
- 17.138.030 – Application Filing, Processing, and Review
- 17.138.040 – Contents of Development Agreement
- 17.138.050 – Execution and Recordation
- 17.138.060 – Amendment and Cancellation of Development Agreements
- 17.138.070 – Modification or Suspension of Development Agreements
- 17.138.080 – Periodic Review
- 17.138.090 – Effect of Development Agreements
- 17.138.100 – Approved Development Agreements

17.138.010 – Purpose and Intent

- A. Purpose.** A development agreement is a contract between the County and a person with a legal or equitable interest in land subject to development, in compliance with Government Code Article 2.5 (Development Agreements).
- B. Intent.**
1. A development agreement is intended to provide assurance to the applicant that an approved project may generally proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to County policies, rules, and regulations after project approval.
 2. In return, the County is provided assurance that the project would further implement Countywide goals and policies that have been officially recognized by the Board, and provide the County with significant, tangible benefits beyond those that may be required by the County through project conditions of approval.
- C. Construing the Provisions.** In construing the provisions of any development agreement entered into in compliance with this Chapter, those provisions shall be read to fully effectuate, and to be consistent with, the language of this Chapter, Government Code Article 2.5, and the agreement itself. Should any apparent discrepancies between the meaning of these documents arise, reference shall be made to the following documents, and in the following order:
1. The provisions of Government Code Article 2.5;
 2. The provisions of this Chapter; and
 3. The plain terms of the development agreement itself.

17.138.020 – Application Requirements

- A. Initiation.** A development agreement may be initiated by:
1. An application of one or more qualified applicants, as defined in Subsection B., below;
 2. By resolution of intention of the Board; or
 3. By resolution of intention of the Commission, with approval of the Board.
- B. Qualification of applicant.** Only a qualified applicant or his/her authorized agent may file an application in compliance with this Chapter. A qualified applicant is a person who (which) has a legal or an equitable interest in the real property which is the subject of the development agreement. The interest must be such that the applicant has or will have control of the use of the property during the proposed term of the agreement. The Department may require an applicant to submit proof of his/her (its) interest in the real property and of the authority of the agent, if any, designated to act for the applicant. The Department may require an applicant or agent to submit a title report from a reputable title insurance company or other evidence to verify the legal or equitable interest of the applicant in the property.
- C. Fees.** Processing fees, as established by the Board's adopted Fee Schedule, shall be collected for an application for a development agreement made in compliance with this Chapter. Additionally, appropriate fees shall be established and collected for amendments to a development agreement and the periodic review identified in Section 17.138.080 (Periodic Review).

17.138.030 – Application Filing, Processing, and Review

- A. Application.** Application for a development agreement shall be made in writing to the Department on a form prescribed by the Department.
- B. Additional Information.** In addition to the information required by Subsection A., the Department may require a qualified applicant to submit additional information and supporting data as it considers necessary to process the application.
- C. Withdrawal.** An applicant may withdraw an application filed in compliance with this Chapter at any time before Board action on the application. Any fee required for processing the application to the time of withdrawal shall not be returned or refunded to the applicant.

17.138.040 – Contents of Development Agreement

The application shall be accompanied by detailed data/materials identified in the most up-to-date Department handout for development agreement applications and all the following.

- A. Mandatory Contents.** A development agreement shall contain the applicable mandatory provisions identified in Government Code Section 65865.2.
- B. Permissive Contents.** A development agreement may contain the applicable permissive provisions identified in Government Code Section 65865.2.
- C. Standard Form.**
 - 1. The County Counsel shall prepare a standard form of the agreement which shall be used as the base document for each development agreement.
 - 2. Changes and additions to the standard form shall be made as individual circumstances dictate.
 - 3. An applicant may suggest modification(s) to the standard form.
 - 4. The County Counsel shall forward the draft standard agreement to the Director.

17.138.050 – Execution and Recordation

- A. Acceptance of Application.** The Department Staff shall accept the application for filing if it is complete and accurate.
- B. Preparation of Staff Report.** The Department Staff shall review the application and shall prepare a staff report and recommendation to the Commission regarding the proposed agreement.
- C. Transmittal to the Commission - Public Hearing.** The Director shall transmit the application and the draft agreement to the Commission for a public hearing when all of the necessary reports and recommendations are complete. Notice of the public hearing shall be given as provided in Subsection 17.138.050 G. (Required Notice for Public Hearing). The application for a development agreement may be considered concurrently with other discretionary permits or approvals for the project.
- D. Report of the Commission.** After the Commission has held a public hearing, it shall render its decision in the form of a written report and recommendation to the Board. The report and recommendation shall include proposed findings on the matters stated in Subsection 17.138.040 E.3.
- E. Hearing by the Board.**
 - 1. Upon receipt of the recommendation and report of the Commission, the Board shall hold a public hearing. Notice of the public hearing shall be given as provided in Subsection 17.138.050 G. (Required Notice for Public Hearing).

2. After the Board has held a public hearing, it may approve, modify and approve, or deny the development agreement. It may, but need not, refer matters not previously considered by the Commission to the Commission for a report and recommendation. The Commission may, but need not, hold a public hearing on matters referred to it by the Board.
 3. The Board shall not approve the development agreement unless it first finds that the development agreement:
 - a. Is consistent with the objectives, policies, land uses and programs specified in the General Plan and any applicable Area Plan;
 - b. Is compatible with the uses authorized in and the regulations prescribed for, the zone(s) in which the real property is located;
 - c. Is in conformity with public convenience, general welfare, and good land use practices;
 - d. Will not be detrimental to the health, safety, and general public of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the County as a whole;
 - e. Will not adversely affect the orderly development or property or the preservation of property values; and
 - f. Is consistent with the provisions of Government Code Sections 65864 through 65869.5.
 4. The agreement may provide that the rules, regulations, and official policies governing the allowed uses of land, density, design, improvement, and construction standards or any one of these, shall be those rules, regulations, and official policies in force at the date of execution of the development agreement.
- F. Approval of Development Agreement.** If the Board approves the development agreement, it shall adopt an ordinance approving the agreement and direct the Chairperson of the Board to execute the agreement after the effective date of the ordinance.
- G. Required Notice for Public Hearing.**
1. Notice of public hearings required by this Chapter shall be given as provided in Government Code Sections 65854, 65854.5 and 65856, in addition to the notice required by Chapter 17.136 (Public Notices and Hearings).
 2. The notice requirements referred to in this Subsection are as required by the laws existing at the time of adoption of this Chapter (Government Code Sections 65854, 65854.5, 65856 and 65867). If State law is amended to prescribe a different notice requirement, notice shall be given in that manner.
 3. The failure of any person to receive notice required by law of any hearing as required by this Subsection shall not affect the authority of the Board to enter into a development agreement.

- H. **Recordation.** Within ten (10) days after the effective date of a development agreement, or any modification or the cancellation thereof, the Clerk of the Board shall have the agreement, the modification, or the notice of cancellation recorded with the County Recorder.
- I. **Agreement File.** The Clerk of the Board shall be the official custodian of the agreement file. The file shall include an executed copy of the agreement and the originals of all exhibits, reports of periodic review, amendments, and modifications or cancellation to the agreement.

17.138.060 – Amendment and Cancellation of Development Agreements

- A. **Proposed Amendment or Cancellation.** Any party to a development agreement may propose an amendment to or cancellation of the agreement in whole or in part.
- B. **Same Procedures.**
 - 1. Except as otherwise provided in this Section and in **Section 17.138.080 (Periodic Review)**, the procedures for proposing and adopting an amendment to, or a cancellation in whole or in part of, the development agreement shall be the same as the procedures for entering into an agreement in the first instance.
 - 2. However, if the County initiates a proposed amendment to or a cancellation in whole or in part of the agreement, the County shall first give written notice to each party, other than the County, who executed the agreement of its intention to initiate the proceedings, not less than thirty (30) days in advance of giving public notice of the hearing to consider such amendment or cancellation.
- C. **Public Hearing Requirements.** Any amendment to the development agreement which does not relate to the duration of the agreement, allowed uses of the property, density or intensity of use, height or size of proposed structures, provisions for reservation or dedication of land, or to any conditions, terms, restrictions, and requirements relating to subsequent discretionary actions related to design, improvement, and construction standards and specification, or any other condition or covenant relating to the use of the property shall not require a noticed public hearing before the parties may execute an amendment to the agreement.

17.138.070 – Modification or Suspension of Development Agreements

The County may modify or suspend a development agreement if the County determines that failure of the County to do so would place the residents of the County in a condition dangerous to their health or safety, or both, in compliance with Government Code Section 65865.3(b).

17.138.080 – Periodic Review

- A. **Director's Review.** The Director shall not less than once every thirty-six(36) months from the effective date of the development agreement review the same for compliance with its terms and conditions. If the Director finds that there is not compliance with those terms and conditions the Director shall refer the development agreement to the Commission for review at a public hearing.
- B. **Commission's Review.** The Commission shall not less than once every thirty-six (36) months from the effective date of the development agreement review the same for compliance with its terms and conditions.

C. Notice of Periodic Review.

1. The applicant/contracting party or its successor(s)-in-interest shall initiate the review proceeding by making application to the Director in compliance with this Section and shall pay processing fees in accordance with the Department's adopted fee schedule. It shall be the responsibility of the applicant/contracting party or its successor(s)-in-interest to provide documentation regarding compliance with the terms of the agreement.
2. The Department shall begin the review proceedings by giving notice of the periodic review of the development agreement to each party to the agreement other than the County.
3. The Department shall give the mailed notice at least twenty (20) days in advance of the time at which the matter will be considered by the Commission.

D. Procedure for periodic review.

1. The Commission shall conduct a public hearing at which time the party or parties to the agreement, other than the County, must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue shall be upon the party or parties.
2. The Commission shall determine upon the basis of substantial evidence whether or not, for the period under review, there has been compliance in good faith with the terms and conditions of the agreement.
3. After the public hearing the Commission shall render its determination in the form of a report to the Board. If the Commission determines that there has not been compliance in good faith with the terms and conditions of the agreement, the Commission may include in its report a recommendation for the modification or termination of the agreement.

E. Hearing by the Board - Modification or Termination Following Periodic Review.

1. If the Commission reports that there has been compliance in good faith with the terms and conditions of the agreement for the period under review, the Board shall accept the report for filing and shall not take any further action unless:
 - a. The Board, on its own motion, votes to set the matter for hearing; or
 - b. An appeal is filed from the determination of the Commission.
2. If the Commission reports that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review, the Board shall hold a public hearing to consider the report and recommendation of the Commission.
3. Whenever the Commission report is scheduled for hearing, notice of the hearing shall be given, as provided in **Subsection 17.138.060 C. (Public Hearing Requirements)**. The notice shall provide:
 - a. The time and place of the public hearing;

- b. A statement that the Commission has or has not determined that there has not been compliance in good faith with the terms and conditions of the agreement for the period under review;
- 4. At the conclusion of the public hearing, the Board may refer the matter to the Commission for a further report and recommendation, or it may make a final determination on whether or not there has been compliance in good faith with the terms and conditions of the agreement.
 - a. If the Board finds and determines, on the basis of substantial evidence, that there has not been compliance in good faith with the terms and conditions of the review, the Board may terminate the agreement or the Board may modify the agreement and impose those conditions which it considers necessary and appropriate to protect the interests of the County.
 - b. Any court action or proceeding to attack, review, set aside, void, or annul the final determination by the Board shall be commenced within sixty (60) days from the date upon which a final determination is made, as specified in this Section.

17.138.090 – Effect of Development Agreements

- A. Rules in Force at the Time of Execution.** Unless otherwise provided by the development agreement, the policies, regulations, and rules governing allowed uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the policies, regulations, and rules in force at the time of execution of the agreement, unless otherwise stated in the development agreement.
- B. Application of New Rules.** In compliance with Government Code Section 65866, a development agreement shall not prevent the County, in subsequent actions applicable to the property, from applying new policies, regulations, and rules that do not conflict with those policies, regulations, and rules applicable to the property, nor shall a development agreement prevent the County from conditionally approving or denying any subsequent development project application on the basis of existing or new policies, regulations, and rules.

17.138.100 – Approved Development Agreements

Development agreements approved by the Board shall be on file with the Clerk of the Board.

Chapter 17.140 – Area Plans (Town Planning Areas, Community Planning Areas, and Special Planning Areas)

Sections

- 17.140.010 – Purpose and Intent
- 17.140.020 – Applicability
- 17.140.030 – Initiation of Area Plans
- 17.140.040 – Application Filing, Processing, and Review
- 17.140.050 – Preparation and Content
- 17.140.060 – Adoption or Amendment of an Area Plan

17.140.010 – Purpose and Intent

- A. Provide a Process.** The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending area plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.
- B. In the Event of Inconsistencies or Conflicts.** In the event there is a perceived inconsistency or conflict between an adopted area plan and comparable regulations of this Development Code, the area plan shall prevail.
- C. Authority.** Area plans are authorized by Government Code Section 65450 et seq., which specifies minimum contents and provides for fees and an additional environmental review procedure (Section 65457).
- D. Intent.**
 - 1. If Adopted by Resolution.** An area plan, because it is a part of the General Plan, shall be adopted by resolution. Like the General Plan, it shall establish community specific general policies, regulations, standards, and guidelines and the applicable provisions contained in this Development Code shall take precedence over the regulations, standards, and guidelines identified in the area plan until the area plan is implemented by ordinance.
 - 2. If Adopted by Ordinance.** An area plan shall be implemented with regulatory provisions adopted by ordinance; the regulations shall replace the base zone(s) for the subject properties. The regulations, standards, and guidelines identified in the area plan shall take precedence over the more general regulations, standards, and guidelines contained in this Development Code.
 - 3. General Plan Conflict.** In the event there is a conflict between the Mariposa County General Plan and an adopted Area Plan, the General Plan standard(s) shall prevail.

17.140.020 – Applicability

- A. Area plan – When Required.** When required by the General Plan or this Development Code to systematically implement the General Plan, or when a Planning Advisory Committee (PAC) wants to achieve flexibility and innovation, an area plan shall be prepared, processed, approved and implemented, denied, and amended in compliance with this Chapter.
- B. Flexibility and Innovation.** An area plan is a mini-General Plan, adopted to meet the needs of each town, community, or uniquely identified special area of the County. It is designed to provide for flexibility, innovative use of land resources and development, and possibly other development types than allowed by the General Plan.
- C. Designated Area Plans.**
- Throughout Mariposa County, 17 areas have been designated as having or needing area plans (Town Plans, Community Plans, or Special Plans).
 - The 17 areas designated as having or needing an area plan are as follows:

1. Bear Valley	10. Hornitos
2. Bootjack	11. Lake Don Pedro
3. Buck Meadows	12. Mariposa
4. Catheys Valley	13. Midpines
5. Coulterville	14. Mt. Bullion
6. El Portal	15. Wawona
7. Fish Camp	16. Yosemite West
8. Foresta	17. Yosemite National Park
9. Greeley Hill	

- D. Development Standards for Area Plans.** Development standards shall be established in the area plans. Within areas designated as an area plan, where specific land use policies have been developed, or other areas affected by adopted area plans, approval of all Building Permits, site plans, development agreements, Conditional Use Permits, and subdivisions shall be consistent with those adopted area plans. This Chapter shall remain in effect in the area plans until such time as precise zoning regulations and zones are adopted to implement those plans.
- E. Land Use Policies for Town Planning Areas (zone) or TPAs.** Within areas designated as a TPA where specific land use policies have not been developed in compliance with the provisions of **Section 17.12.010**, the land use regulations of the Rural Residential Zone (RR) contained in Chapter 17.16 shall apply as interim land use regulations. In addition to the RR uses, the uses described as allowed uses in Neighborhood Commercial Zone (INDOOR) CN contained in **Chapter 17.76** and in Neighborhood Commercial (CN) contained in **Chapter 17.80** will be considered subject to the conditional use permit process contained in **Chapter 17.116**. The uses described as allowed uses in the Resort Commercial Zone (CR) contained in **Chapter 17.96** may be considered subject to the Conditional Use Permit specified in **Chapter 17.112**. This interim land use policy shall remain in effect until such time as specific land use policies are adopted for each Planning Area respectively.
- F. Minimum Parcel Size.** Parcels shall have a minimum size of two and one half (2.5) acres (exclusive of easements).
- G. Procedures for Adoption or Amendment of an Area Plan.** An application for an area plan shall be considered by the Commission and the Board through a General Plan Amendment process.

17.140.030 – Initiation of Area Plans

An area plan for Planning Study Areas shown on the adopted General Plan Land Use Diagram may only be initiated by the Board. A Special Plan (type of Area Plan) for any other area may be initiated by private application.

17.140.040 – Application Filing, Processing, and Review

- A. Area Plan Contents.** An application for a special plan or an application for an amendment to an adopted area plan shall be filed and processed in compliance with **Section 17.102 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Department handout for area plan applications or amendments, together with the required fee in compliance with the Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the finding required by **Section 17.140.060 (Adoption or Amendment of an Area Plan)**. Initial review of the application, including time requirements and requests for information, shall comply with **Section 17.102.080 (Initial Application Completeness Review)**.
- B. Hearings.** Public hearings shall be required for the Commission's recommendation and the Board's action on an area plan or amendment.
- C. Notice.** Notice of the public hearings shall be given and the hearings shall be conducted in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
- D. Environmental Review.**
1. It is anticipated, under the CEQA and County CEQA Guidelines, that most area plans will require preparation of an environmental impact report (EIR).

2. Once certified, the EIR for an area plan may be relied upon for further entitlements sought subsequent to the adoption of the area plan.

17.140.050 – Preparation and Content

If property-owner initiated, the application shall be accompanied by the information identified in the Department handout for area plan applications. It is the responsibility of the applicant to provide evidence in support of the findings required by **Section 17.140.060 (Adoption or Amendment of an Area Plan)**, below.

17.140.060 – Adoption or Amendment of an Area Plan

- A. Process for Amendment.** An area plan may be amended through the same procedures specified by this Chapter for the adoption of an area plan.
- B. Mandatory Finding for Amendment.** An area plan may only be amended if first found consistent with the General Plan.
- C. Frequency of Amendments.** The area plan may be amended as often as deemed necessary by the Board, providing the amendments are consistent with state General Plan amendment frequency requirements.

Chapter 17.142 – Permit Modifications and Revocations

Sections

17.142.010 – Purpose and Intent
17.142.020 – Modifications
17.142.030 – Revocations
17.142.040 – Findings to Modify or Revoke
17.142.050 – Notice and Hearing Required
17.142.060 – Appeals

17.142.010 – Purpose and Intent

- A. Procedures.** This Chapter provides procedures for securing corrective modification or revocation of previously approved permits or approvals.
- B. May Be Modified or Revoked.** A discretionary permit may be modified or revoked for cause as provided by this Chapter.
- C. Action to Modify or Revoke.** Any action to modify or revoke a permit or approval may be initiated by order of the Board, or Commission on its own motion or at the request of the Director.

17.142.020 – Modifications

The County's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, outdoor lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

17.142.030 – Revocations

- A.** The County's action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.
- B.** A permit or approval granted in compliance with this Development Code may be revoked by resolution of the original Review Authority, if it is found that any or all the requirements that were imposed as conditions on the permit or approval have not been met.
- C.** The revocation cannot take place until all procedures for public hearings, as specified in **Chapter 17.136 (Public Notices and Hearings)** have been performed.
- D.** After final determination is made following the public hearing on the revocation, the Review Authority shall develop findings explaining the grounds for revocation and base the revocation on those findings.

17.142.040 – Findings to Modify or Revoke

An Administrative Use Permit, Conditional Use Permit, or other County planning permit or approval may be modified or revoked by the Review Authority (e.g., Director, Commission, or Board) that originally approved the permit, if the Review Authority first makes any one of the following findings:

- A. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the modification or revocation;
- B. The permit or other approval was granted or extended, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
- C. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated and/or the approved site plan has not been followed;
- D. The permit or any improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
- E. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance.

17.142.050 – Notice and Hearing Required

An Administrative Use Permit, Conditional Use Permit, or other County planning permit or approval shall receive a public notice and a hearing only if the original permit or approval was given a public notice and hearing.

- A. **Mailing of Notice.** At least twenty (20) days before the scheduled public hearing, notice shall be mailed to the owner as shown on the latest tax assessor's records and to the project applicant, if not the owner of the subject property, for which the permit or approval was granted.
- B. **Public Hearing Required.**
 - 1. The appropriate Review Authority which originally granted the permit or approval shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Development Code.
 - 2. The public hearing shall be noticed and conducted in compliance with Chapter 17.136 (Public Notices and Hearings) and Section A. (Mailing/Delivery of Notice).

17.142.060 – Appeals

- A. **Appeal to a Higher Level.** The decision of the Director may be appealed to the Commission or Board, and the decision of the Commission may be appealed to the Board, in compliance with Chapter 17.134 (Appeals). The decision of the Board shall be final.

- B. Public Hearing Required.** A public notice and hearing shall be required for the appeal of a decision to modify or revoke a permit or approval only if the original permit or approval was given a public notice and hearing. Notice of the hearing shall be given and the hearing shall be conducted in compliance with **Chapter 17.136 (Public Notices and Hearings)**.
- C. Review Authority's Action.** At the conclusion of the hearing if required, the applicable Review Authority may sustain the previous Review Authority's decision to modify or revoke the permit or approval or overturn the decision and order reinstatement of the permit or approval.

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Chapter 17.144 – Enforcement

Sections

17.144.010 - Purpose
17.144.020 - Zoning Enforcement Administration
17.144.030 - Extent of Zoning Enforcement
17.144.040 – Lawfulness of Permits and Licenses
17.144.050 - Declaration of Public Nuisance
17.144.060 – Violation Constitutes Infraction
17.144.070 - Role of Director
17.144.080 - Right to Appeal
17.144.090 - Role of the Commission
17.144.100 - Role of the Board

17.144.010 – Purpose

The purpose of this Chapter is to provide for the resolution of violations of this Development Code. The objective of the Board is to obtain compliance with the Development Code and to provide reasonable opportunities for the County and property owners to work together for this purpose.

17.144.020 – Zoning Enforcement Administration

- A. For purposes of this Development Code, the Director shall act as the Zoning Enforcement Officer of the County and take such actions as necessary to ensure fair and equal enforcement of this Development Code.
- B. The Zoning Enforcement Officer shall be governed by the provisions of this Development Code and shall be responsible for administering its provisions as directed by the Board.
- C. The Director shall be responsible for the preparation of written administrative guidelines for the implementation of this Chapter to be approved by the Board.

17.144.030 – Extent of Zoning Enforcement

It shall be the duty of the Zoning Enforcement Officer to enforce the provisions of this Development Code pertaining to the use of land or structures, and the: erection, construction, reconstruction, moving, alteration, or addition to any structures.

17.144.040 – Unabated Code Violations

Except as otherwise provided herein, no application shall be accepted and/or processed, no form of clearance or project approval of any type shall be issued, and no inspection services shall be provided, for a parcel upon which an unabated county code violation exists. This prohibition shall not apply to any project or action necessary for the correction or abatement of a county code violation. This prohibition shall not apply to an emergency permit which is necessary for the immediate health and safety of residents as determined by the Director.

17.144.050 Lawfulness of Permits and Licenses

Any permit or license of any type issued by any Department or officer of the County, issued in conflict with the provisions of this Development Code, shall be null and void.

17.144.060 – Declaration of Public Nuisance

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

17.144.070 – Violation Constitutes Infraction

- A. Any person, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Development Code is guilty of an infraction, and if found guilty by a court of competent jurisdiction shall be punished by a fine as specified in **County Code Section 1.20.030**. As specified in **Section 1.20.040 A.**, a separate offense shall have been committed for each and every day during which a violation of any portion of this Development Code persists.
- B. The number of violations for which a violator may be fined shall commence from the date of the notice of violation but shall not include any days during the period in which the matter is being appealed.
- C. The daily count of violations resumes again upon the conclusion of the appeal period, which shall be defined as the date of the final administrative action.
- D. The decision to issue a citation shall be subject to the review and approval of County Counsel.

17.144.080 – Role of the Director

- A. When a request for investigation of an alleged violation of this Development Code is received, the Director shall cause an investigation to be commenced to determine the validity of the complaint and the nature of the violation.
- B. After an investigation alleges there may be a violation, the Director shall cause a “notice of intent to find a zoning violation” to be mailed to the property owner of record.

1. The notice shall explain to the property owner that an investigation has been completed and the Director is prepared to find a zoning violation exists.
 2. The notice shall inform the property owner that the Director will make this finding in fourteen (14) calendar days from the date of the notice. The notice of intent will explain the process for resolving violations and offer an opportunity for the property owner to contact the Department before the filing of the notice of violation.
 3. The notice shall be written in plain language recognizing that the Department is making an early notification and has not made a final determination whether or not there is a violation.
 4. The form of the notice of intent to find a zoning violation shall be included in the procedures required by this Chapter.
- C. If the Director finds that a violation allegedly exists, the written correspondence with the property owner shall always include a description of the procedures or the right to appeal the decision to the Commission or the Board.

17.144.090 – Right to Appeal

- A. Any person notified of an alleged violation of this Development Code shall have the right to appeal the determination to the Commission or the Board.
- B. The person may appeal:
1. The determination that a violation allegedly exists;
 2. The proposed remedy to resolve the alleged violation; or
 3. The proposed timeline for accomplishing the remedy.
- C. The appeal shall be filed with the County within 20 days of the date of the notification of the alleged violation in compliance with the requirements of **Chapter 17.134 (Appeals)**. The appellant may select to appeal to the Commission or directly to the Board. Appealing this matter to the Commission does not preclude a later appeal to the Board pursuant to this chapter.

17.144.100 – Role of the Commission – Appeal Hearing

- A. The Commission shall conduct a hearing with notice in compliance with this Development Code. The Commission shall conduct the appeal hearing to accomplish the purpose of this Chapter.
- B. The Commission shall review the results of the Director's investigation.
- C. The Board shall also receive comment from the person alleged to have violated this Development Code and from any aggrieved party.
- D. Based upon the reason for the appeal, the Commission may find that there is a violation or it may find that there is insufficient evidence in the record to support the finding that a violation exists. If the Commission finds that there is no violation, the matter is closed.

- E. If the Commission finds that there is a violation of this Development Code, it may concur with the Director's proposed remedies, it may modify the proposed remedies, or it may establish a timeline by which the violation is to be resolved.
- F. Any action of the Commission concerning a violation may be appealed to the Board in compliance with the requirements of **Chapter 17.134 (Appeals)**. The appeal may be filed by the alleged violator or by any interested party and shall be filed within 20 days of the date of the Commission's action.
- G. If an appeal is not filed in a timely manner, the Director shall turn the Commission's decision to County Counsel for a decision to pursue the violation as a public nuisance or as an infraction of the County Code.

17.144.110 – Role of the Board – Appeal Hearing

- A. The Board shall conduct a hearing with notice in compliance with this Development Code.
 - 1. The Board shall conduct the appeal hearing to accomplish the purpose of this Development Code.
 - 2. The Board shall review the results of the Director's investigation.
 - 3. If the matter was previously appealed to the Commission, the Board shall consider the Commission's findings.
 - 4. The Board shall also receive comment from the person alleged to have violated this Development Code and from any aggrieved party.
- B. Based upon the record before it, the Board shall render its decision.
 - 1. The decision of the Board is the final administrative action before the County.
 - 2. The Board may find that the matter is a violation of this Development Code.
 - 3. The Board may find that no violation exists.
 - 4. The Board's decision is final.



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Mariposa County Zoning and Subdivision Ordinance Updates to Implement General Plan

Board of Supervisors/Planning Commission

Joint Workshop #1

Discussion Topics List

July 25, 2019

Organization:

1. Unified Development Code (vs. separate Zoning Ordinance and Subdivision Ordinance)
2. New Community/Town Plan Zoning Provisions
 - a. Catheys Valley
 - b. Fish Camp
 - c. Coulterville
 - d. Wawona

Processing Issues:

3. Streamline application process
 - a. More “by-right” uses
 - b. More administrative approvals
 - c. Objective residential development and design standards
4. Allow more staff-approved minor deviations

Economic Development:

5. Structure for development standards
 - d. Performance-based for non-residential uses
 - e. Flexible zoning to respond to changing economy
 - f. “Close-to-services” development
6. Zoning allowances and new development standards for:
 - g. Special events/wedding venues in county, including rural areas
 - h. Cell-towers
 - i. Solar facilities
 - j. Public facilities

Board/PC Workshop #1 • Discussion Topics List

- k. Home-based businesses
- l. Recreation and resort businesses
- m. Cottage food industry
- n. Mobile food trucks
- o. Job-generating light industrial development (?)
- 7. Updated development standards for signs
 - p. temporary
 - q. corner lots
 - r. real estate
 - s. banners
 - t. non-conforming sign amortization
 - u. inconsistency
- 8. Updated countywide parking standards

Housing Related Issues:

- 9. Maximize densities
 - a. Residential zones
 - b. Non-residential zones
- 10. ADUs and other recent State Law requirements
- 11. Employee housing
- 12. Residential development clustering to conserve resources
- 13. Maintain max 1 du/5 ac. outside community/area plans

Rural Character / Resource Uses:

- 14. New development standards
 - a. Visual character protection
 - i. viewsheds
 - ii. structure design, landscaping
 - iii. grading, site development
 - iv. lighting/dark skies
 - v. non-single-family development within highway corridors
- 15. Ridgeline protection design standards
- 16. Define uses compatible with agriculture
- 17. Limit development on TPZ land with timber production potential
- 18. Update agri-tourism provisions related to outdoor businesses on Williamson Act land

ASSUMPTIONS for Project:

- The proposed updated development code shall be compliant with the adopted General Plan (GP). Not all policies in GP may be supported by current Board of Supervisors. Changes in the GP policies may result from this process, potentially affecting project schedule.
- Updated code language may implement policies from updated Housing Element.
- Updated code language will be in compliance with State Law and implement new laws (including housing laws).
- Updated code language will respond to Board's interest in economic development issues, including Economic Vitality Strategy.

Mariposa County Zoning and Subdivision Ordinances Update

Stakeholder Interview Summary Report

Section 1: Introduction and Purpose

On May 2 and 3, 2019, the Mariposa County Zoning and Subdivision Ordinances Update consultants conducted interviews with 16 key community and industry leaders, stakeholders, and County staff, to gather feedback on key issues and opportunities to guide the updates to the Ordinances. The input provided during these interviews provide a starting point for the consultants, County staff, Planning Commissioners, and Board of Supervisors to understand the key issues that need to be addressed during the Zoning and Subdivision Ordinances Update process.

This Report summarizes findings from the stakeholder interviews, and is organized into the following four sections:

- **Section 1: Introduction** – Provides an overview of the report purpose and organization.
- **Section 2: The Zoning and Subdivision Ordinances Update Process** – Summarizes the Zoning and Subdivision Ordinances Update work tasks and where we are in the schedule.
- **Section 3: Stakeholder Interview Summary and Observations** – Describes the key ideas and comments that emerged from the stakeholder interviews and is organized into five topics.
- **Section 4: Additional Stakeholder Discussion Topics** – Provides a bulleted overview of the remaining topics that stakeholders noted, but that did not fit in one of the five topic areas.

Section 2: The Zoning and Subdivision Ordinances Update Process

In April 2019, the County began the process of updating the Zoning and Subdivision Ordinances. The first step in the Update process included identifying issues that should be addressed as a part of interviewing stakeholders and County staff, as well as reviewing existing County planning documents. The other major steps in the Zoning and Subdivision Ordinance Update process include:

- Matrix Summary of Zoning Issues (July 2019)
- Draft Zoning and Subdivision Ordinance Format and Outline (July 2019)
- Zoning District Provisions (Fall 2019)
- General Development and Specific Use Standards (Winter 2019)
- Administrative Provisions (Winter 2020/Spring 2020)
- Preliminary Draft Zoning Code (Spring 2020)
- Public Review Draft Zoning Code (Summer 2020)
- Subdivision Ordinance and Zoning Map (Fall 2020)
- Community Workshops (Fall 2020)
- Revised Public Review Draft Zoning Code (Fall 2020/Winter 2020)
- Adoption (Winter 2020/Spring 2021)

Section 3: Stakeholder Interview Summary and Observations

The results of the stakeholder interviews are divided into the following five topic areas:

- Housing
- Fire Safety
- Code Enforcement
- Streamlining the Ordinances
- Sign Regulations

Housing

One of the most consistent issues mentioned in the interviews was the housing crisis. Mariposa County is an extremely popular place to visit because of its beautiful terrain, recreation opportunities, and proximity to Yosemite National Park, one of the most heavily visited National Parks in the United States. Many stakeholders agreed that tourism is an extremely important part of the county's economy and essentially supports the county with the transient occupancy tax, sales tax, and employment it generates. However, tourism also represents a major impact on the county housing supply because the increasing demand for short-term rentals has significantly reduced the supply of long-term rental housing opportunities. Yosemite National Park is having trouble attracting and retaining employees because they are not able to find housing within a reasonable distance of the Park. There is already good support from the Board of Supervisors to create a model for workforce housing, including for employees working in Yosemite National Park. Some stakeholders mentioned using mini-homes or tiny homes as a solution to providing more housing stock, especially for workforce housing, while others felt it was only a passing fad.

"There is practically zero housing available within 60 minutes of [Yosemite National Park]."

"There is a very strong underlying desire throughout the county to make housing work."

Finally, it is difficult to build affordably in Mariposa County. The difficulty partially stems from the terrain. While the mountain terrain makes the County a desirable place to live, the slope-density standards make some housing development cost-prohibitive. Higher-density and more by-right standards are needed to make more projects cost-effective and less risky, but this is difficult to do in a

county that embraces its rural character. Additionally, there is a shortage of skilled labor, which in turn results in higher construction worker costs. Profitable housing projects are typically middle- to high-end-custom homes that only meet a small percentage of the overall housing demand. There is, however, the desire to build affordable housing in Mariposa County. A few affordable projects have been successful, but have relied heavily on support from the County to help locate developable sites with minimal environmental constraints and usable access routes.

Overall, despite the challenges, there is a very strong underlying desire throughout the county to solve the housing supply challenges.

Fire Safety

Based on conversations with stakeholders, a lot more can be done to make subdivisions in Mariposa County more fire safe. For instance, the County could mandate that every major subdivision have water storage set aside for fire suppression via onsite water tanks. These water tanks should be easily accessible and pressurized for use by local responders during local emergencies. Currently, most small subdivisions do not have water storage for onsite fire suppression, which is resulting in insurance companies denying coverage to homeowners because the location is too risky and susceptible to hazardous fire conditions. Most properties that currently have onsite water storage do not have proper access for first responders. Many of these existing tanks are also not pressurized which hampers emergency personnel when trying to fight wildland and structure fires. Stakeholders suggested looking to Madera County standards, where developers are required to consider the adequacy of infrastructure and the ability to maintain infrastructure in an area before developing. Madera County's approach may require developers to install pressurized onsite water tanks for firefighting purposes if existing infrastructure is not adequate. Additionally, stakeholders expressed concern that the fire department is not a standard part of the plan review process. Currently, it is up to the developer to take initiative, and very few do so.

"Many small subdivisions have limited fire suppression capacity because individual lots are on wells or have unpressurized storage tanks."

Finally, the fire department also does not inspect vacation rentals as part of its annual inspection of commercial business, which poses additional challenge because visitors are not usually aware of the fire risk in the area. Stakeholders recommend that, at a minimum, the fire department review and inspect vacation rentals to confirm they are up to current fire code.

Code Enforcement

Several stakeholders indicated there are challenges for effective code enforcement. The County Code lacks administrative enforcement provisions. It also includes options for multiple appeals of citations and can lead to expensive, time-consuming, and ineffective code enforcement. County staff have explored preparing more effective provisions, including administrative fines and fewer appeal options, but no changes have been completed and adopted. Currently, the most common code violation in the County is excess garbage and junk located on private property. Other common violations include large, unpermitted events, such as weddings, on residential property.

County staff prefer working cooperatively with property owners to resolve Code violations rather than rely on violation notices and fines. However, the stakeholders observed that the enforceable threat of fines and abatement costs is sometimes necessary to get cooperation. If uncooperative property owners know that they can delay code enforcement through multiple appeals for months or years at little cost, effective enforcement can be problematic.

Streamlining the Ordinances

There was broad agreement among County staff and stakeholders that the existing Zoning and Subdivision Ordinances are antiquated and include standards and regulations that do not reflect contemporary development trends and practices. Stakeholders noted that the ordinances are

ambiguous and difficult to enforce, and often are an impediment to contemporary development.

"The wheel is reinvented every time a subdivision application comes through."

It has been historically very easy to develop in Mariposa County. But as the county population continues to grow, it has become apparent that existing standards and practices are no longer sustainable. To fully satisfy the need for cohesive quality development that aligns with changing development trends and county needs, the updated ordinances must reflect these changes with streamlined standards, review procedures, and organization. Additionally, the updated ordinances will need consistent use of applicable graphics, allow for flexibility, and remove uncertainty in development standards. This can

include more allowable and by-right uses rather than discretionary project review and approval.

Sign Regulations

Some stakeholders felt that the sign ordinance is good, but too restrictive. A few years ago the County worked to grandfather existing signs into a revised ordinance. Now, however, owners of newer businesses periodically express dissatisfaction with having to comply with more restrictive regulations. Additionally, some residents and business owners are not clear about off-site signage regulations. Some stakeholders felt that off-site signage is good for business marketing but that without stringent standards such signs can become a nuisance. Several stakeholders were also interested in having the new Zoning Ordinance explore the use and creation of development standards for iconic signs.

From a safety perspective, some stakeholders felt it would be prudent to require reflective address signs in new developments. Reflective signs would be more visible in bad weather (e.g., fog, heavy rain, snow) or an emergency (e.g., wildfire), helping emergency responders navigate in low-visibility conditions.

Section 4: Additional Stakeholder Discussion Topics

The stakeholders expressed several additional topics and ideas for improving the Zoning and Subdivision Ordinances, including:

- Clarity on easement regulations and roadway improvement standards;
- Parking district investments, perhaps from business owners;
- 5-acre lot minimum should be reconsidered with a 2.5-acre option; however, in certain areas lot minimums should be increased based on existing lot configuration and terrain constraints (i.e., slope);
- Expansion of the Sphere of Influence for the Mariposa Public Utility District (serving town of Mariposa), to include the Mariposa County Fairgrounds and Airport;
- Maintain and preserve the Historic District standards;
- Small-lot setback requirements and structure placement;

- Placement, location restrictions, and permitting requirements for septic tanks on private property;
- Flexibility of zoning code uses and development standards;
- Surface water rights related to different zoning districts;
- There is public perception that the county and government should not tread on property rights.

Appendix A: Stakeholder Interviewees and County Staff

Invited Stakeholders

Tony Toso, Agricultural Appraiser, Landowner, and co-owner of Cotton Creek Ranch

Dave Conway, Director of Mariposa County Environmental Health Division

Bill King, Retired Mariposa County Planner

Betsy Garcia, Self-Help Enterprises

Jerry Fischer, CEO for Yosemite Management Group

Mark Rowney, Mariposa Public Utility District

John McCamman, District V Planning Commissioner

Jerry Edlebrock, Yosemite Conservancy

Darin Dinsmore, Planning Consultant for Yosemite Conservancy

Rogers Stephen, Civil Engineer

Dave Lawson, Local Contractor and Builder

Anita Starchman Bryant, Attorney at Starchman Bryant Attorneys at Law

John Morgan, CAL FIRE and County Fire Captain

Jim Evans, Retired Mariposa County Housing and Community Development Department Director

Kevin Cann, District IV Supervisor

Ken Melton, El Portal Cable Television Owner

Russ Marks, County Surveyor and previous Surveyor for Freeman & Seaman Land Surveying

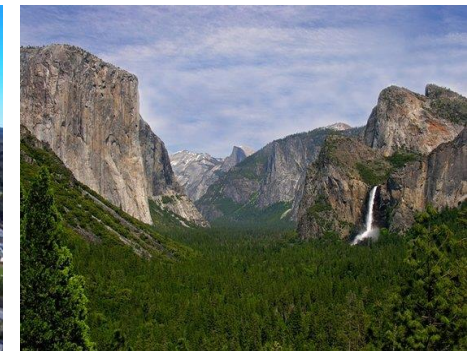
Proposed Task #	Task Title/Description	Lead Department	Project Location	GP Impl. Programs	Potential Grant Funding	Recommended Level of Community Engagement	CEQA Options	Approximate Cost Range	Approximate Duration
1.5	ZONING ORDINANCE UPDATE - PART 1 - Part 1 of 3, including items that do not require completion of updated area plans. Some items below are not necessarily code updates (i.e., some may be established as department policy/procedure). - Implement zoning provisions established in adopted Catheys Valley Community Plan, Fish Camp Town Plan, Coulterville Town Plan, and Wawona Town Plan. - Identify alternative strategies for providing flexibility in application processing and maximizing densities, where appropriate. - Develop siting and development standards for recreation and resort uses. - Establish performance-based zoning standards for commercial and industrial districts. - Establish standards to protect visual character and define "viewshed", including a cell tower compliance strategy. - Establish lighting standards consistent with recommendations from the International Dark Sky Association. - Establish standards for special event/wedding venues. - Establish standards for "close-to-services" development. - Establish provisions to accommodate home-based businesses consistent with each land use designation, and update agritourism ordinance and determine appropriateness of home-based businesses outdoors on Williamson Act parcels. - Establish siting and development criteria for public facilities and sites. - Maintain maximum allowable residential density for all lands outside of community/area plans as one dwelling unit per 5 acres (plus one accessory dwelling unit on each parcel). - Update the extent and provisions of the Timber Reserve zoning district to limit development in areas of identified potential timber resources. - Establish that no discretionary project will be approved if traffic generated by the proposed project would exceed capacity of the road systems providing access from the nearest county major collector or state highway unless mitigation is required. - Address state-mandated zoning requirements for affordable housing.- Establish provisions for review and approval of projects within the Mariposa Airport Land Use Planning Area (review the provisions of the Airport Overlay Zone). - Establish that no project will be approved unless shown to have access to an approved source for wastewater treatment and disposal and a potable water supply. - Clearly define uses compatible with agriculture and accommodate agritourism uses through changes to Agriculture and other zone districts. - Reevaluate permitted use tables in commercial and industrial districts to identify additional uses to be allowed by right (i.e., fewer CUPs) - Establish procedure that allows County staff to address uses not currently listed. - Establish procedure that allows County staff some minor deviations from development standards, as appropriate. - Implement requirements for minimum building and grading setback lines from waters of the State that are adequate to protect stream, riparian, and wetland resource values. - Consider need for a noise ordinance to define noise standards for the County. - Require preparation of acoustical analyses for certain proposed nonresidential uses as described in Implementation Measure 15-2B(1). - Require appropriate noise reduction measures for outdoor public events, as described in Implementation Measure 15-2B(3). - Establish appropriate standards for discretionary development projects wishing to provide alternative, on-site fire protection services. - Establish a dam inundation overlay district. -Require a hydrologic evaluation for development projects located within floodplains and drainage channels to ensure potential flood hazard is minimized. - Require development projects to provide at least one means of vehicular access not crossing a flood hazard area, or be constructed above the maximum flood elevation. - Require flood and drainage channels to be designed into landscaping plans.	Planning	Countywide	5-4C(1), 5-4C(2), 5-2A(2), 5-4B(2), 5-7A(1), 5-12A(1), 9-1D(1), 9-4A(1), 9-5A(1), 10-1C(1), 10-5A(1), 11-2D(1), 15-1A(1), 15-2B(1), 15-2B(3), 16-1A(1), 16-4C(1), 16-5A(1), 16-5B(1), 16-6A(1)	<i>SB 2 (HCD - Affordable Housing) may be available in 2019</i>	Level 3: Involve	Covered by GP EIR	\$90,000–\$150,000	18 months
1.6	SUBDIVISION ORDINANCE UPDATE - Complete a comprehensive update to the County's subdivision regulations including the following provisions: - Establish mechanism/procedure for minimum density subdivisions in lieu of minimum parcel size subdivisions. - Require new subdivisions to demonstrate adequate roadway capacity to serve the project prior to approval. - Require new subdivisions to provide mandatory contributions for maintenance of any roads that are not within the County-maintained road system. - Modify lot adjustment procedures/provisions as described in Implementation Measures 5-9A(2) re: minimum parcel size and 10-2A(2) re: Williamson Act parcels. - Require that infrastructure for new subdivisions meet requirements for ready-to-build parcels. - Establish that no subdivision will be approved if traffic generated by the proposed project would exceed capacity of the road systems providing access from the nearest county major collector or state highway unless mitigation is required. - Establish that no subdivision will be approved unless shown to have access to an approved source for wastewater treatment and disposal and a potable water supply. - Develop subdivision design standards for placement of structures on ridgelines. - Establish provisions for site development and clustering in new subdivisions to conserve designated scenic routes. - Encourage maximized solar access where feasible and consistent with maintenance of scenic values in new subdivision designs. - Establish appropriate standards for new subdivisions proposing to provide alternative, on-site fire protection services. - Amend, if necessary, the County Subdivision Ordinance to ensure formal review of subdivisions by the fire agencies. - Require a hydrologic evaluation for proposed subdivisions located within floodplains and drainage channels to ensure potential flood hazard is minimized. - Require subdivision parcel and final maps and building permit site plans to provide for on-site detention for normal stormwater flows in excess of the capacity of natural drainage courses receiving runoff from the development. - Require subdivision parcels to provide at least one means of vehicular access not crossing a flood hazard area, or be constructed above the maximum flood elevation. - Amend, if necessary, to correspond with zoning regulations to provide for additional density.	Planning	Countywide	5-3A(3), 5-3B(1), 5-9A(2), 5-10A(1), 9-1D(1), 9-5A(1), 10-2A(2), 11-1A(2), 11-1A(3), 11-1C(3), 11-2D(2), 16-1A(1), 16-1C(1), 16-5A(1), 16-5A(2), 16-5B(1)	—	Level 2: Consult	Covered by GP EIR	\$60,000–\$80,000	18 months
\$360,000 - \$615,000									

Mariposa County Development Code Update

Joint Study Session

Revised Preliminary Draft
Zoning Regulations

September 23, 2024



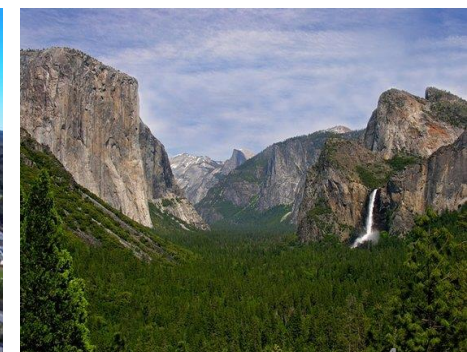
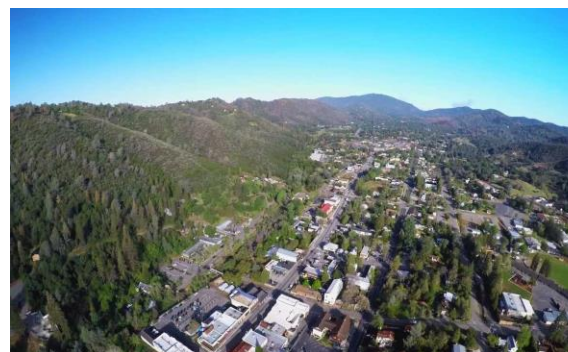
Presentation Overview

1. Why update the Code?
2. Project Overview
3. Approach and Process
4. Overview of Proposed Amendments
5. What are we Doing Right Now?
6. Next steps
7. Board and Commission discussion

Intent of this joint workshop

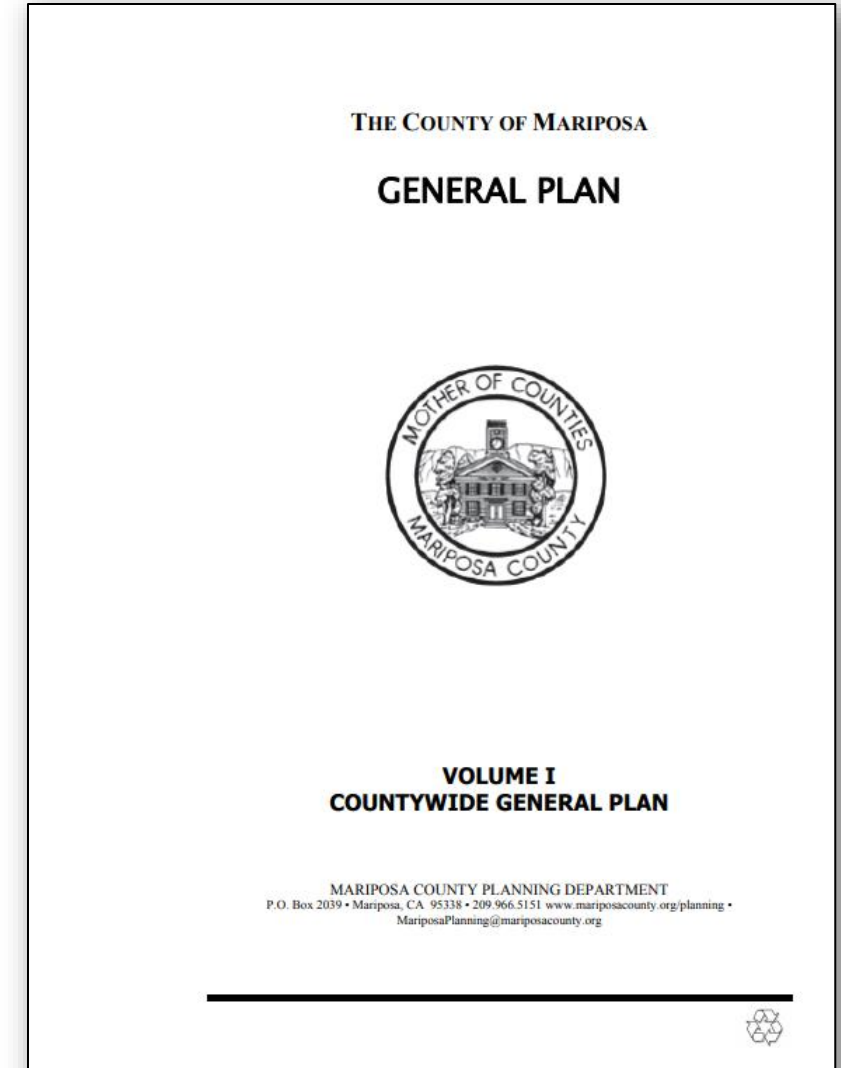
- Update the Board and Commission on the Code update project
- Provide an overview of the why and how to Code is being updated
- Review high-level overview of proposed changes to the *draft* Code
 1. Provide initial feedback on topics, changes, and schedule
 2. Answer clarifying questions
 3. Discuss additional topics
- Describe upcoming engagement and outreach opportunities

1. Why Update the Code?



Why is Mariposa County updating its Ordinances?

1. Achieve General Plan consistency



Why is Mariposa County updating its Ordinances?

1. Achieve General Plan consistency
2. Create a contemporary Zoning and Subdivision Ordinance that is easier to use and implement

municode	
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County Code	
Title 17 Zoning	
17.04 Purpose, Adoption And Compliance With Ordinance	
17.08 General Provisions	
17.12 Town Planning Area (TPA)	
17.16 Rural Residential Zone (RRZ)	
17.20 Mountain Home Zone (MHZ)	
17.24 Mountain Transition Zone (MTZ)	
17.28 Mountain General Zone (MGZ)	
17.32 General Forest Zone (GFZ)	
17.36 Mountain Preserve Zone (MPZ)	
17.40 Agriculture Exclusive Zone (AEZ)	
17.44 Timber Exclusive Zone (TEZ)	
17.48 Industrial Mining Zone (IMZ)	
17.52 Public Domain Zone (PDZ)	
17.56 Public Sites Zones (PSZ)	
17.60 Open Watershed Overlay (OWO)	

MOUNTAIN HOME ZONE (MPZ)

Sections:

17.20.010 Mountain home zone (MHZ).

17.20.010 Mountain home zone (MHZ).

The MHS as 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 services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.

A. **Development standards for MHZ.** Development standards for the MHZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential and those applicable uses listed under chapter 17.108 of this title. (Ord. 704 Sec.1, 1988).

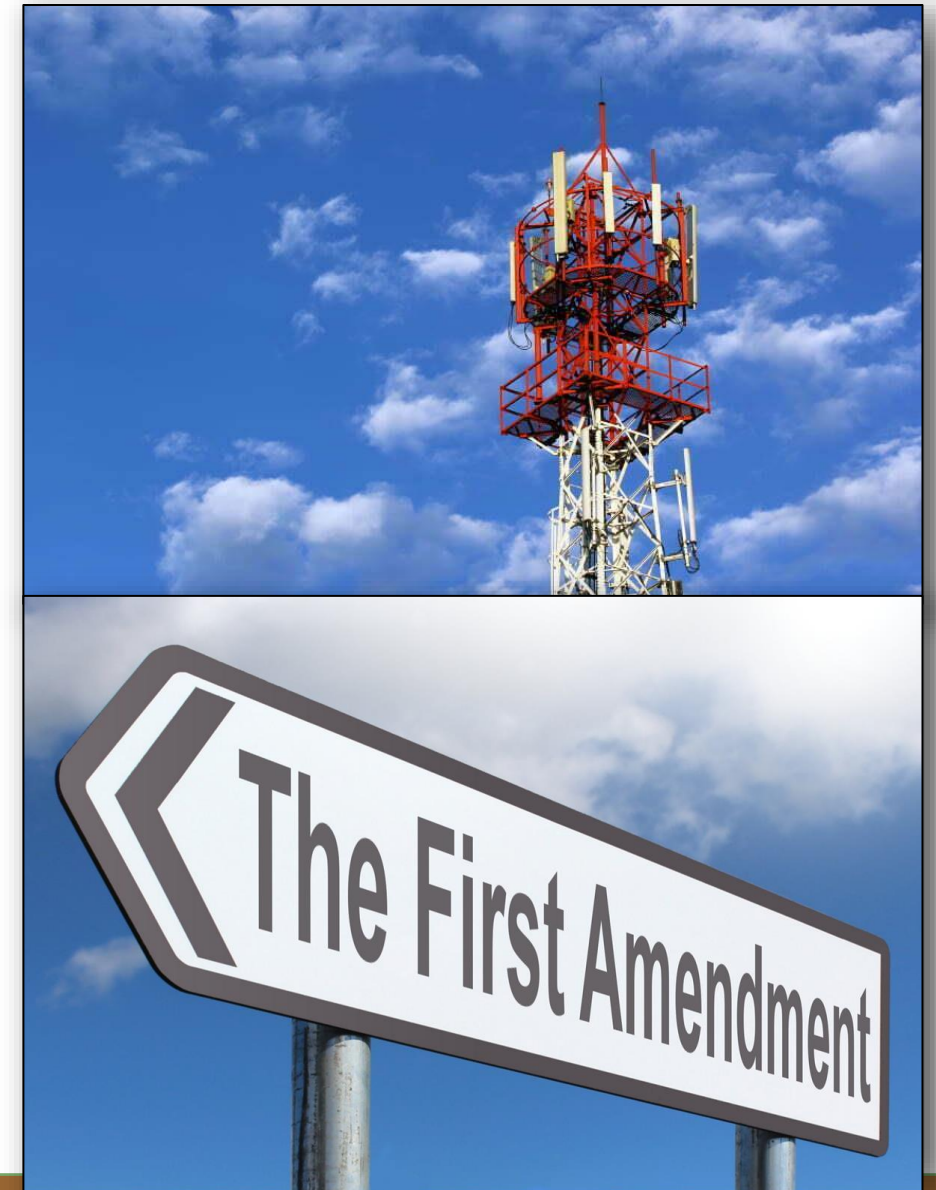
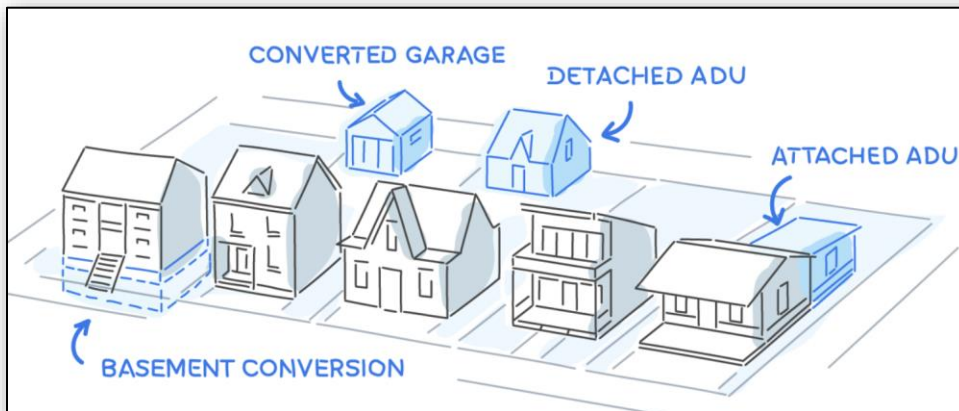
b. **Administrative use permit uses:** Small scale mining in compliance with applicable standards and regulations pursuant to section 17.108.110. (Ord. 1114 Sec.I, 2015).

c. **Conditional uses:** Churches, subject to parking standards as required in section 17.108.120(F) of this title; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and county code. (Ord. 1114 Sec.I, 2015; Ord. 816 Sec.V, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

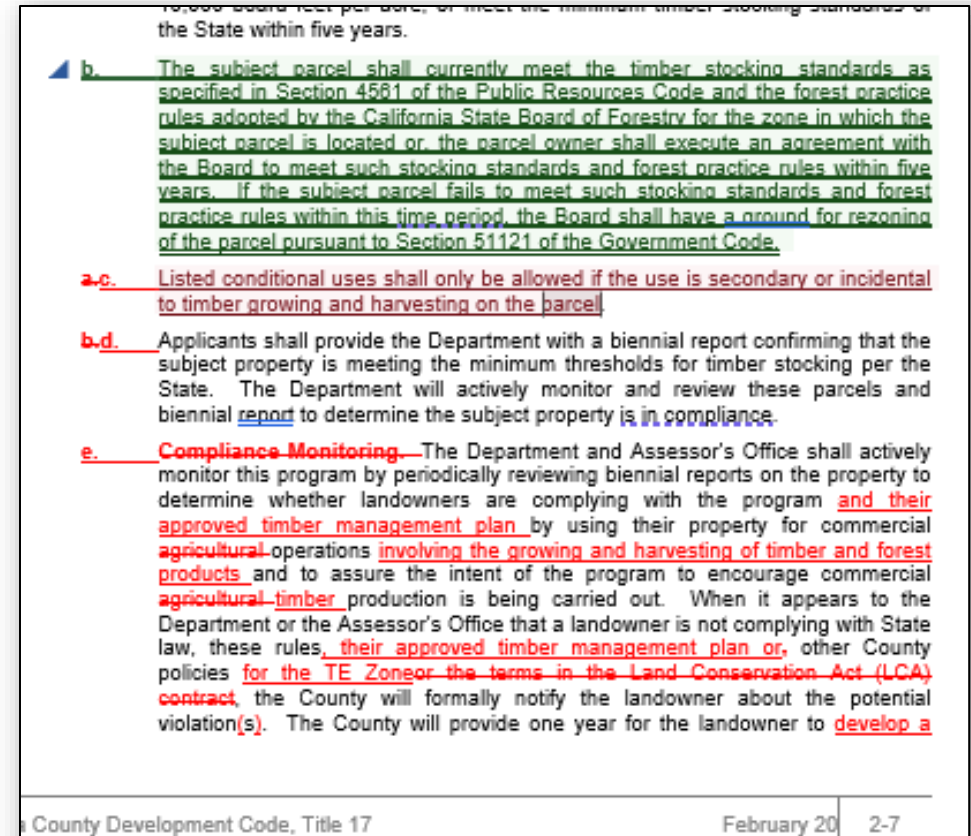
Why is Mariposa County updating its Ordinances?

1. Achieve General Plan consistency
2. Create a contemporary Zoning and Subdivision Ordinance that is easier to use and implement
3. Reflect changes in State law (e.g., housing, signs, wireless)



Why is Mariposa County updating its Ordinances?

1. Achieve General Plan consistency
2. Create a contemporary Zoning and Subdivision Ordinance that is easier to use and implement
3. Reflect changes in State law (e.g., housing, signs, wireless)
4. Improve and fix things that vexed staff for years per staff's fix-it-list
 - Clarify procedures and codify policies
 - Improved organization and crossreferencing
 - Implement direction from Board and Commission



The Fix-it List and How it was Used

- Example:

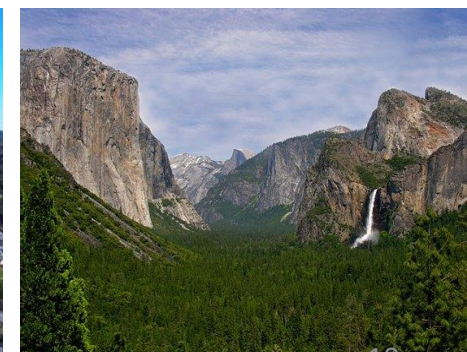
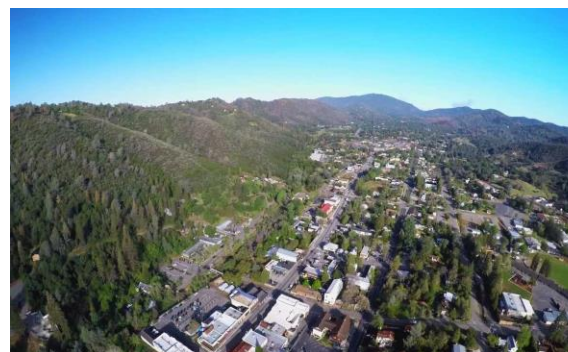
“Amendment to County Code home enterprise/rural home industry provisions to include exemptions for Cottage Food Industries.”

- Example:

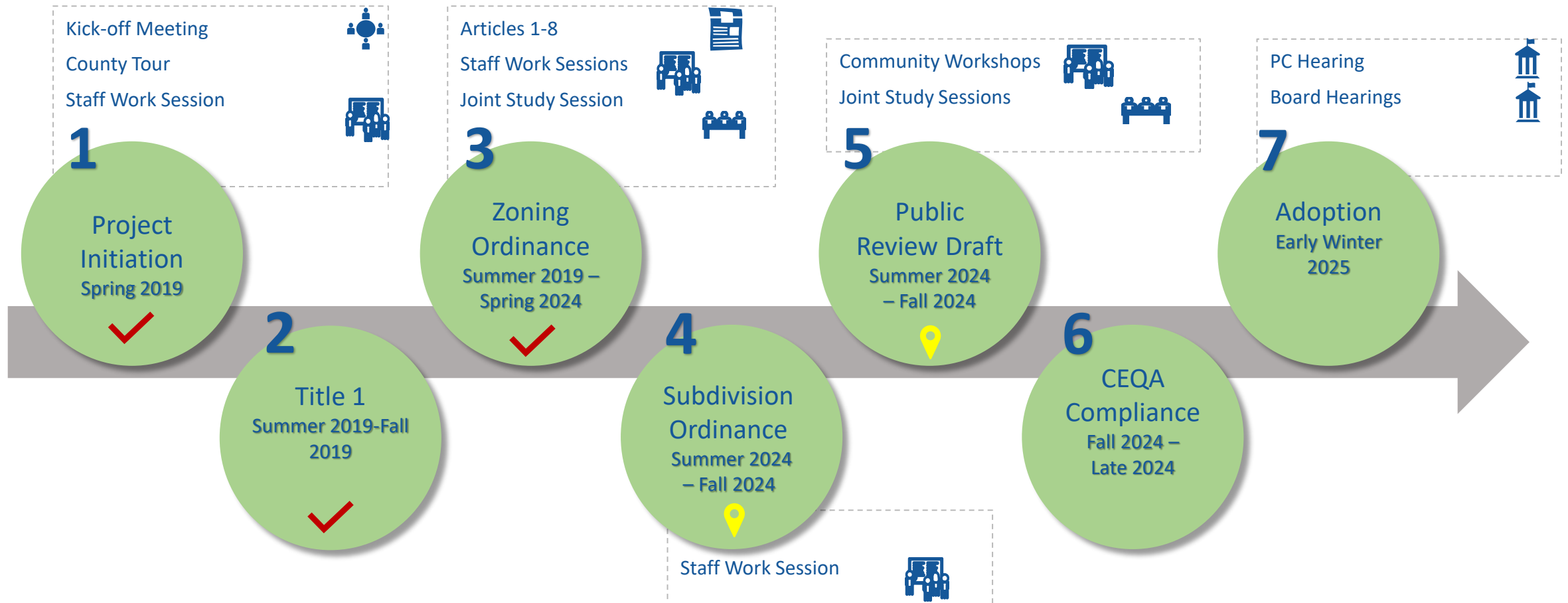
“Land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.”

Fix-it-List ID	Priority	Category	Fix-it-List Item	Existing Ordinance Section	Date Raised	Date Assigned	Assigned Team Member	Date Resolved
ZONING CODE EDITS								
1.5			Amend Section 17.16.010, the Rural Residential Zone to amend reference to the TPA – changing reference to town, community or special planning area. General Plan consistency issue. Zoning Ordinance Text Amendment.					
1.6			Evaluate General Commercial Zone-1, General Commercial Zone-2, Light Manufacturing and Industrial Zone (M-1), and Heavy Manufacturing and Industrial Zone (M-2) for consistency with the Rural Economic Land Use of the General Plan. Zoning Ordinance Text Amendment.					
1.7			Zoning Ordinance Section 17.108.050, Density Standards. This code section needs to be modified or eliminated as it is no longer consistent with the General Plan, Section 5.3.02.F(7). Zoning Ordinance Text Amendment.					
1.8			1. Section 17.108.060 – remove / update reference to TPA and 17.12.010(a). Section 17.108.060.J – remove / update reference to TPA.					
1.8			Review and amend Sections 17.108.070 and 17.108.080, provisions for home enterprises and rural home enterprises, pursuant to the General Plan Section 6.1.05.B. Zoning Ordinance Text Amendment. General Plan Implementation.					
1.9			Section 17.108.090 – remove / update reference to TPA					
1.10			Amend County Code to develop subdivision design standards for placement of structures on ridgelines and open hillsides pursuant to General Plan Implementation Measure 11-1A(2). Subdivision Ordinance and possibly Zoning Ordinance Text Amendments. General Plan Implementation.					
1.11			Amend County Code to implement Phase II Agritourism Program. Include provisions for agritourism in other zones of code than just the Agriculture Exclusive zone. Zoning Ordinance					

2. Project Overview

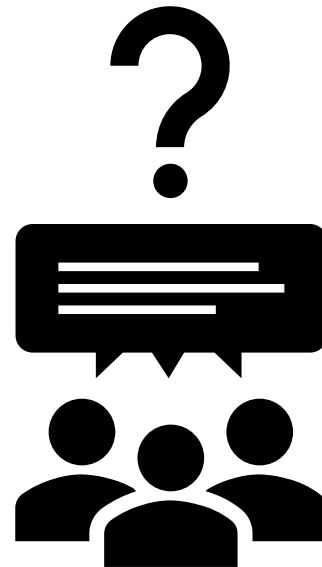


Phases and Project Schedule

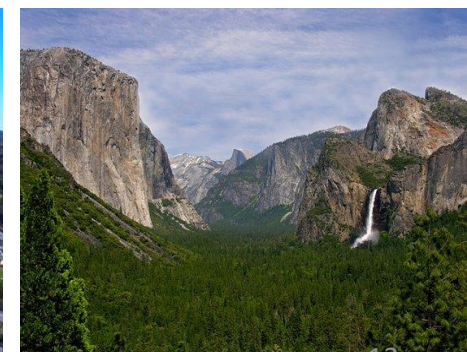
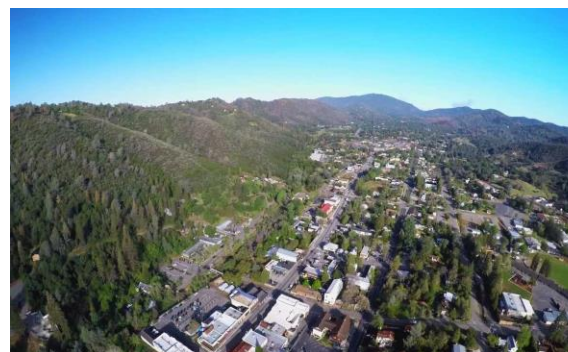


Board and Commission

Are there any questions from the Board or Commission on the information presented so far?



3. Approach and Process



Board and Commission Direction

1. Implement State law – ensure minimum compliance
2. Where applicable, include more by-right uses
3. Create standards that are flexible and accommodate shifts in the economy
4. Encourage housing production
5. Remove onerous standards and provisions that are confusing and not enforceable
6. Maintain and enhance the regulations for home-based businesses
7. Consistency with the General Plan

Recognition of Issues and Opportunities

Outreach and the Development Code Foundation

- The Consultant team facilitated a series of stakeholder interviews in May 2019.
- County staff and the Consultant team facilitated a Board-Commission study session on July 25, 2019. As part of this trip, we also facilitated two County staff working sessions.
- After the interviews and study session, we finalized a fix-it list identifying needed changes to the Zoning and Subdivision Ordinances in the Development Code.
- County staff and the Consultant team facilitated a Planning Commission Study Session on September 25, 2020.
- Public hearing with Board to provide project update and renew project contract April 2024

Approach

Approaching the Development Code

- County staff determined a combined Development Code was the best option for this Update. A Development Code combines both the Zoning and Subdivision Ordinances into a single section rather than in different sections of the County Code.
- County staff and the Consultant team prepared a revised Table of Contents for the updated Mariposa County Development Code.

Organization

Organizing the Development Code

- Online regulations organized by County Code titles
- Title 16 and 17 house the subdivision and zoning regulations
- Long list of chapters
- Pagination and numbering system inaccuracies

municode

County Code

[Title 17 Zoning](#)

[17.04 Purpose, Adoption And Compliance With Ordinance](#)

[17.08 General Provisions](#)

[17.12 Town Planning Area \(TPA\)](#)

[17.16 Rural Residential Zone \(RRZ\)](#)

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[17.56 Public Sites Zones \(PSZ\)](#)

[17.60 Open Watershed Overlay \(OWO\)](#)

[17.64 Airport Overlay \(APO\)](#)

[17.65 Scenic Highway Overlay \(SHO\)](#)

[17.66 Design Review Overlay \(DRO\)](#)

[17.67 Historic Design Review Overlay \(HDRO\)](#)

[17.68 Residential Exclusive Overlay One \(REQ-1\)](#)

[17.72 Residential Exclusive Overlay Two \(REQ-2\)](#)

[17.76 Neighborhood Commercial Zone-1 \(INDOOR\) CN-1](#)

[17.80 Neighborhood Commercial Zone-2, \(Indoor And Outdoor\) CN-2](#)

[17.82 Business District Overlay \(BDO\)](#)

[17.84 Commercial-Industrial-Manufacturing Plan FOR CG-1, CG-2, CR, M-1, AND M-2](#)

[17.88 General Commercial Zone-1 \(CG-1\)](#)

[17.92 General Commercial Zone-2 \(CG-2\)](#)

[17.96 Resort Commercial Zone \(CR\)](#)

[17.100 Light Manufacturing And Industrial Zone-1 \(M-1\)](#)

[17.104 Heavy Manufacturing And Industrial Zone-2 \(M-2\)](#)

Organization

Organizing the Development Code

- Organized into **9 parts** (a.k.a. “articles”)
 - Grouped related provisions
 - Removed duplicative or conflicting sections
 - Organized to aid in useability (e.g., place most frequently accessed provisions first)

Mariposa County Development Code Title 17 – Table of Contents <i>(Revised April 2022)</i> Article 1 – Enactment and Applicability Chapter 17.02 – Purpose and Applicability of Development Code 17.02.010 – Title 17.02.020 – Purpose, Intent, and Authority 17.02.030 – Applicability of Development Code 17.02.040 – Relationship to Prior Codes/Ordinances 17.02.050 – Relationship to General Plan 17.02.060 – Relationship to Area Plans 17.02.070 – Relationship to CEQA 17.02.080 – Effect of Development Code Amendments on Project in Process 17.02.090 – Violation Constitutes a Public Nuisance 17.02.100 – Severability, Partial Invalidation of Development Code Chapter 17.04 – Interpretation of Development Code Provisions 17.04.010 – Purpose 17.04.020 – Rules of Interpretation 17.04.030 – Procedures for Interpretation 17.04.040 – Uses Not Classified 17.04.050 – Headings and Illustrations Chapter 17.06 – Zones and Zoning Map 17.06.010 – Purpose 17.06.020 – Establishment of Zones 17.06.030 – Zoning Map 17.06.040 – Rights-of-way and Vacated Boundary Lines 17.06.050 – Uncertainty of Boundaries	Article 2 – Zones, Allowable Uses, and Development Standards Chapter 17.10 – Agricultural and Resource Zones (AE, GF, MP, TE) 17.10.010 – Purpose of Agricultural and Resource Zones 17.10.020 – Agricultural and Resource Zones Land Use Regulations and Allowable Uses 17.10.030 – Agricultural and Resource Zones Development Standards 17.10.040 – Additional Regulations Chapter 17.12 – Residential Zones (MG, MH, MT, RR) 17.12.010 – Purpose of Residential Zones 17.12.020 – Residential Zones Land Use Regulations and Allowable Uses 17.12.030 – Residential Zones Development Standards 17.12.040 – Additional Regulations Chapter 17.14 – Commercial Zones (CN, CR) 17.14.010 – Purpose of Commercial Zones 17.14.020 – Commercial Zones Land Use Regulations and Allowable Uses 17.14.030 – Commercial Zones Development Standards 17.14.040 – Site Design and Architectural Standards 17.14.050 – Additional Regulations Chapter 17.16 – Area Plan Zones 17.16.010 – Purpose of Area Plan Zones 17.16.020 – Communities with Adopted Area Plans 17.16.030 – Land Use Regulations for Communities without and Adopted Area Plan 17.16.040 – Site Design and Architectural Standards 17.16.050 – Other Applicable Regulations Chapter 17.18 – Overlay Zones (AP, DR, HDR, OW, SH) 17.18.010 – Purpose of Overlay Zones 17.18.020 – Overlay Zones Land Use Regulations and Allowable Uses 17.18.030 – Overlay Zones Development Standards Chapter 17.20 – Public Domain Zone (PDZ) 17.20.010 – Purpose of Public Domain Zone
1 Mariposa County Development Code Update	2 Mariposa County Development Code Update

Organization At a Glance

Part 1

Enactment and Applicability

- Composition of Zoning Ordinance
- Relationship between the Code and General Plan
- Rules for Interpretation
- Conflicting Uses
- Severability

Part 2

Zones, Allowable Uses, and Standards

- Establishment of districts
 - Base zones
 - Overlay zones
 - Planning areas
- Allowed uses and permit requirements
- Zone district specific development standards

Part 3

Regulations Applicable to all Zones

- Site planning & dev.
- Accessory structures
- Fences and walls
- Signs
- Parking standards
- Landscaping
- Surface mining (SMARA)
- Performances Standards

Part 4

Regulations for Specific Land Uses

- Adult oriented uses
- ADUs
- Agritourism
- Vacation rentals
- Mobile food vendors
- Special event facility
- Temporary camping
- Home-based businesses

Organization At a Glance

Part 5

Subdivision Regulations

- General provisions
- Map filing and application procedures
- Subdivision design and dev. Standards
- Dedications and improvements

Part 6

Nonconforming Provisions

- Continuation and maintenance allowed
- Establishment of nonconforming status
- Standards for nonconforming:
 - Uses
 - Structures
 - Parcels

Part 7

Permit Processing Procedures

- Application processing
- Conditional and Admin. Permits
- Planned developments
- Design review
- Variances
- Permit time limits and extensions
- Review authority

Part 8

Development Code Administration

- Amendments
- Appeals
- Noticing requirements
- Development agreements
- Permit modifications and revocations
- Enforcement

Part 9

Definitions

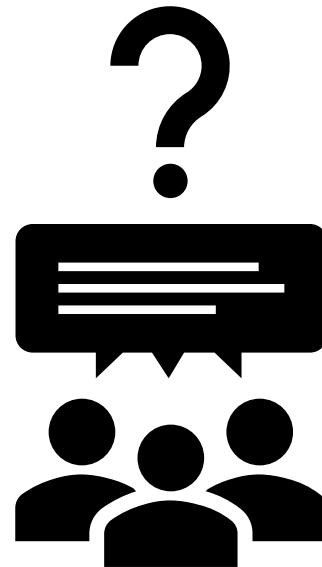
- Land use classification definitions
- General phrases and terms used in Code

Organization At a Glance

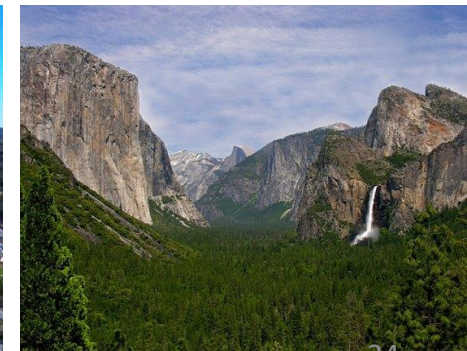
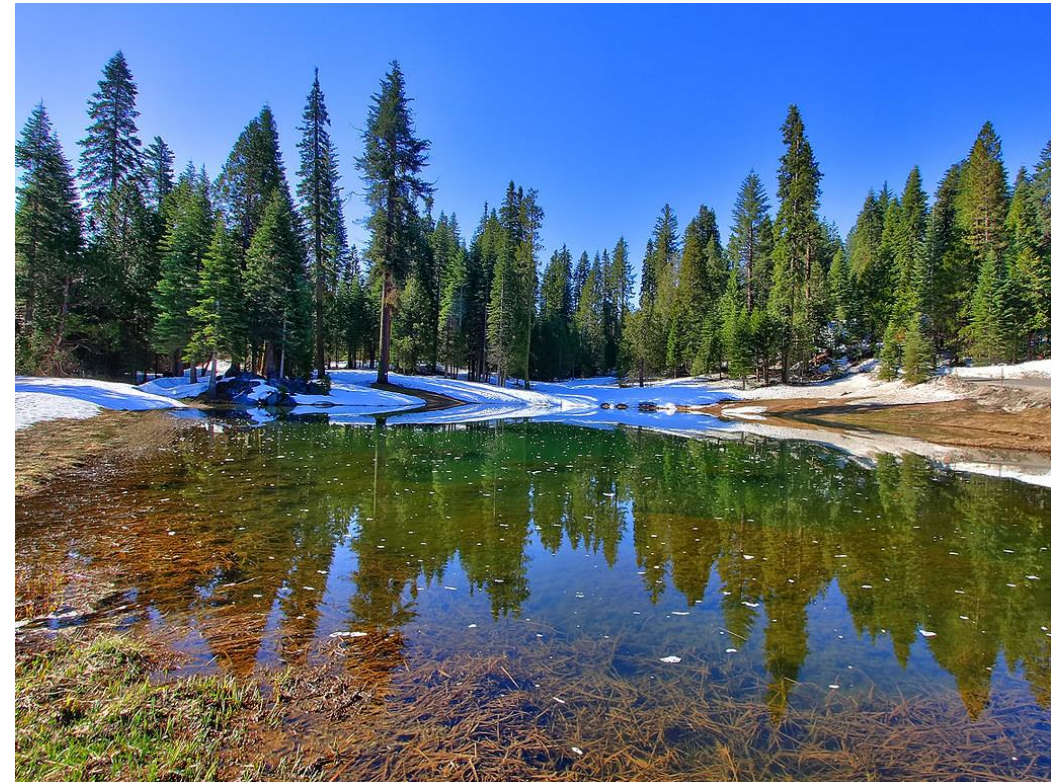
Administrative Provisions	Zoning and Development Standards	Reference
Part 1 Enactment and Applicability	Part 2 Zones, Allowable Uses, and Standards	Part 9 Definitions
Part 6 Nonconforming Provisions	Part 3 Regulations Applicable to all Zones	
Part 7 Permit Processing Procedures	Part 4 Regulations for Specific Land Uses	
Part 8 Development Code Administration	Part 5 Subdivision Regulations	

Board and Commission

Are there any questions from the Board or Commission on the information presented so far?



4. Overview of Proposed Amendments



Article 1

Enactment and Applicability

- Article 1 covers:
 - Purpose and applicability of Development Code
 - Interpretation of Development Code provisions
 - Zoning designations and zoning map
 - Relationship to area plans, specific plans, and previous Code

Article 2

Zones, Allowable Uses, and Development Standards

- Article 2 covers:
 - Zoning district purpose and intent statements
 - Allowable land use tables
 - Development standards tables
 - Additional development standards and regulations

Article 2

Zones, Allowable Uses, and Development Standards

- Biggest changes in Article 2 include:
 - Updated and consolidated the allowable land uses and associated permit requirements to bring regulations into compliance with State law and the General Plan.
 - Added State mandated land use (i.e., ADU, community care facilities, adult oriented businesses, wireless telecommunications, employee housing, agricultural housing, day care homes, ...).
 - Included the County's area and community planning areas. Modified the terminology for consistency and renamed the implementing zone district name. Town Planning Area (TPA) to Area Plan Zone (AP)

Article 2

Zones, Allowable Uses, and Development Standards

- Example tabular format and organization.

MOUNTAIN HOME ZONE (MPZ)	
Sections:	
17.20.010 Mountain home zone (MHZ).	
17.20.010 Mountain home zone (MHZ).	
The MHS as 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 services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.	
A. Development standards for MHZ. Development standards for the MHZ shall be as follows:	
1. Uses:	
a. Permitted uses: Residential and those applicable uses listed under chapter 17.108 of this title. (Ord. 704 Sec.1, 1988).	
b. Administrative use permit uses: Small scale mining in compliance with applicable standards and regulations pursuant to section 17.108.110. (Ord. 1114 Sec.I, 2015).	
c. Conditional uses: Churches, subject to parking standards as required in section 17.108.120(F) of this title; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and county code. (Ord. 1114 Sec.I, 2015; Ord. 816 Sec.V, 1991).	
c. Prohibited uses: All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).	

Vs

Table 2-3 Residential Zones Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P Allowed by Right AUP Administrative Use Permit (Chapter 17.104) CUP Conditional Use Permit (Chapter 17.104) TUP Temporary Use Permit (Chapter 17.114) - Not allowed				
Land Use (see Article 9 for land use definitions).	MG	MH	MT	RR	Other Additional Regulations
Agricultural and Resource Uses					
Crop/Orchard/Vineyard Production	P	P	P	P	
Firewood Harvesting and Sales	P	P	P	P	
Mineral or Construction Material Processing	CUP	CUP	CUP	-	17.62.150 17.44
Mines, Quarries, and Gravel Pits	CUP	CUP	CUP	-	17.12.040(B)(1) 17.44
Small Scale Mining	AUP	AUP	AUP	-	17.62.290 17.44
Residential Uses					
Accessory Dwelling Units (ADU's)/Secondary Dwellings	P	P	P	P	17.62.020 17.62.280
Accessory Dwelling Units, Junior (JADU's)	P	P	P	P	
Accessory Structures	P	P	P	P	17.32
Bed and Breakfast Inns	P	P	P	P	17.62.080
Community Care Facility, Large (7 to 20 persons)	-	AUP	-	AUP	17.62.080
Community Care Facility, Small (8 or less persons)	P	P	P	P	17.62.080
Employee Housing, Large (7 to 15 persons)	AUP	AUP	AUP	AUP	
Employee Housing, Small (8 or less persons)	P	P	P	P	
Day Care Homes, Large (9-14)	AUP	AUP	AUP	AUP	
Day Care Homes, Small (8 or less)	P	P	P	P	
Home Enterprises	P	P	P	P	17.62.120

Article 2

Zones, Allowable Uses, and Development Standards

- Article 2 revisions cont.:
 - Updated the development standards to be consistent with General Plan
 - Reorganized into tabular format for ease of use and codify the specific parcel standards established in the General Plan land use designations

General Plan Land Use Classification	Development Feature (minimum unless otherwise indicated)	CN	CR	Other Additional Regulations
Interim Community Center	Parcel Area (Gross) Max.	20 acres	-	17.14.050(B)(3)(a)
	Parcel Area (Gross) Min.	2.5 acres	-	
	Allowable Density	One residential dwelling per commercial use	-	
	Structure Coverage (Max.)	35 percent	-	
Rural Economic/Resort	Parcel Area (Min.)	-	30 acres	17.14.050(B)(3)(b)
	Individual Parcel Area (Acres) (Min.)	-	-	
	Allowable Density	-	1 dwelling unit per retail or commercial use	
	Structure Coverage (Max.)	-	35 percent	
	Developable Area (Acres) (Min.)	-	-	
Rural Economic/Commercial	Parcel Area (Gross) Max.	20 acres	20 acres	
	Individual Parcel Area (Acres) (Min.)	2.5	2.5	
	Allowable Density	-	-	
	Structure Coverage (Max.)	35 percent	35 percent	
	Developable Area (Acres) (Min.)	-	-	
Rural Economic/Recreation	Parcel Area (Acres) (Min.)	-	15 acres	
	Individual Parcel Area (Acres) (Min.)	-	15 acres	
	Allowable Density	-	-	
	Structure Coverage (Max.)	-	35 percent	
	Developable Area (Min.)	-	5 acres	
Setbacks and Height				
Front Setback (Min.)		25 ft. and 55 ft. from centerline of access easement		17.14.050
Side Setback (Min.)		25 ft. or 10 percent of parcel width, whichever is greater.		
Rear Setback (Min.)		25 ft. or 10 percent of parcel width, whichever is greater.		
Height (Max.)		35 ft.		

Article 3

Regulations Applicable to All Zones

- Article 3 covers general development standards, including:
 - Site planning and development standards (e.g., height and setback measurements)
 - Parking
 - Signs
 - Accessory Structures
 - Landscaping
 - Fences and Walls

Article 3

Regulations Applicable to All Zones

- Biggest changes in Article 3 include:
 - New accessory structure standards (i.e., of structures)
 - Updated existing parking standards to address current best planning practice
 - Updated sign standards to comply with changes in State and Federal law
 - Solid waste and recycling enclosure standards
 - Updated performance standards (lighting, noise, etc.) to bring into compliance with General Plan

Article 4

Standards for Specific Land Uses

- Article 4 covers specific land use standards, including:
 - Accessory dwelling units
 - Agritourism
 - Alcoholic beverage sales
 - Adult oriented businesses
 - Home enterprises/rural home industries
 - Special event venues
 - Density bonus for affordable housing
 - Wireless telecommunication facilities

Article 4

Standards for Specific Land Uses

- Biggest changes in Article 4 include:
 - Updated accessory use standards to comply with General Plan
 - New adult-oriented business/entertainment use standards to comply with State law (*mandated*)
 - Updated and clarified rural home industries, home enterprises, and home occupations
 - Emergency shelter standards per State law (*mandated*)
 - Updated accessory dwelling unit (ADU) standards per State law (*mandated*)
 - Updated density bonus and affordable housing standards (*mandated*)
 - Updated wireless telecommunications standards per current best planning practice and State/Federal law changes (*mandated*)

Article 5

Subdivisions – Scheduled for Review by Planning Commission October 2024

- Article 5 comprises the subdivision regulations:
 - Tentative map filing and processing
 - Parcel maps and final maps processing
 - Subdivision design and improvements
 - Dedications, reservations, exactions, and exceptions
 - Enforcement of subdivision regulations

Article 5

Subdivisions

- Biggest changes to Article 5 include:
 - Map filing and processing procedures (e.g., extensions, application contents, post decision procedures)
 - Revised standard conditions of approval
 - Additional and clarified standards for lot line adjustments, parcel mergers, and planned developments
 - Subdivision, road, sanitary, and utility design

Article 6

Nonconforming Uses, Structures, and Parcels

- Article 6 covers nonconforming provisions, including:
 - General nonconforming provisions
 - Nonconforming uses
 - Nonconforming structures
 - Nonconforming parcels

Article 6

Nonconforming Uses, Structures, and Parcels

- Biggest changes to Article 6 include:
 - Clarified the continuation and maintenance standards for:
 - Nonconforming uses
 - Nonconforming structures
 - Nonconforming parcels

Articles 7 and 8

Administrative and Permit Processing

- Articles 7 and 8 cover the following topics:
 - Permit processing procedures
 - Site plan and design review
 - Amendments and appeals
 - Development agreements
 - Variances and modifications
 - Enforcement procedures
 - Public notices and hearings

Articles 7 and 8

Administrative and Permit Processing

- Biggest changes to Articles 7 and 8 include:
 - Revised public notices and hearings consistent with State law
 - Clarified language in amendment procedures
 - Created a new chapter which consolidates planning study area and area plan application and submittal procedures

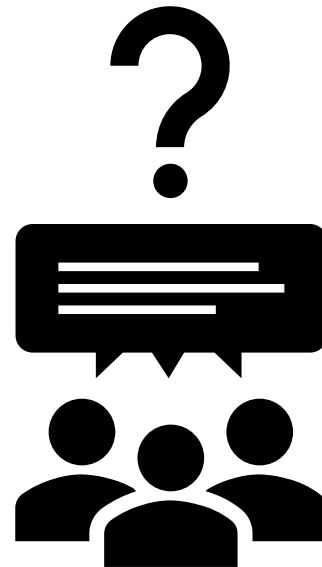
Article 9

Definitions

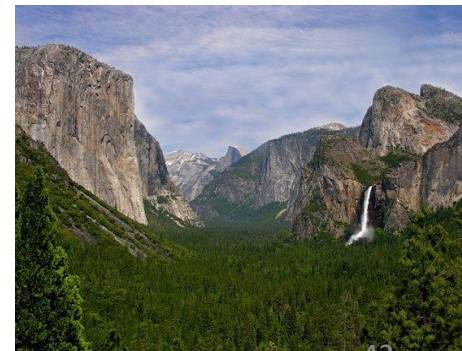
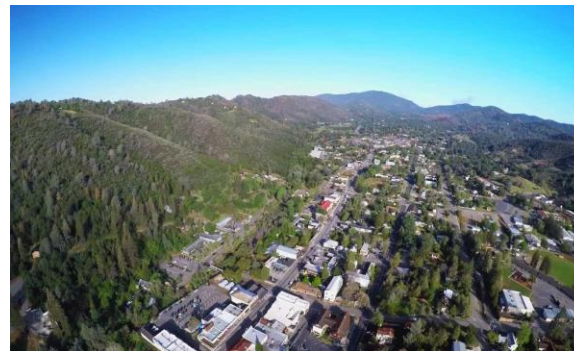
- Article 9 includes definitions for land uses and terms
- All definitions were reviewed and refined as necessary to ensure State law compliance and clarity
- New land use definitions were drafted for new land uses
- Removed development standards out of definitions and relocated to applicable section in the Code

Board and Commission

Are there any questions from the Board or Commission on the information presented so far?



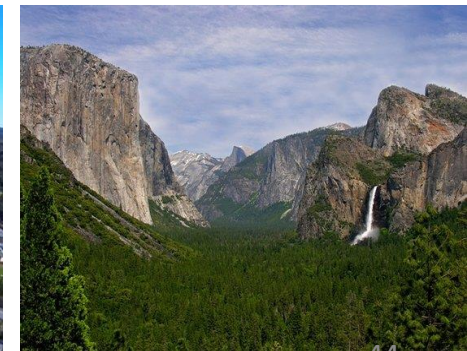
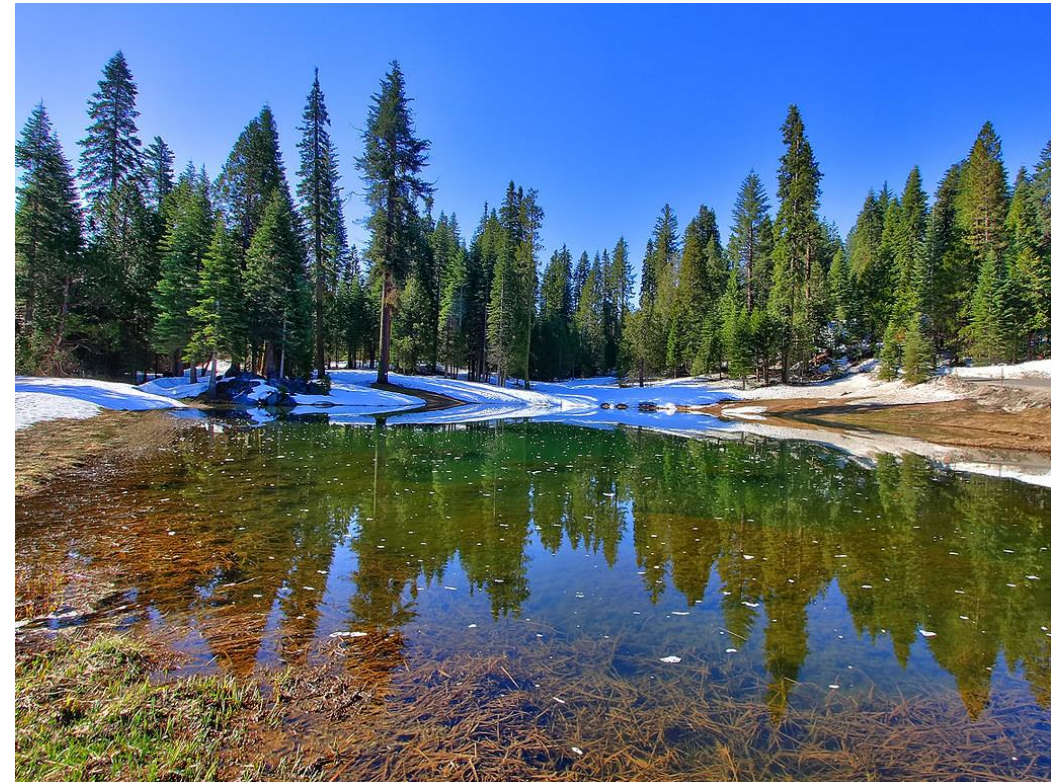
5. What are we doing right now?



Where are we at?

- Consultant team preparing revised Preliminary Drafts of Title 16 to be included in update as Article 5
- Actively organizing community workshops and study sessions with Planning Commission
- Meetings with advisory councils

6. Next steps

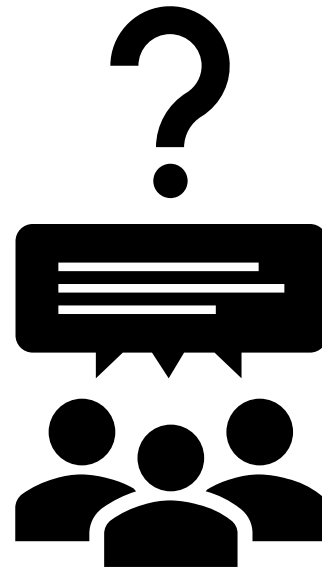


Public Engagement Opportunities

- **October 4** – PC Study Session #1
- **October 26** – Fish Camp Planning Advisory Council
- **November 1** – PC Study Session #2
- **November 4-8** – North County Workshop (exact date TBD)
- **November 15-18** – Mariposa Town Workshop (exact date TBD)
- **November 15** – PC Study Session #3
- Public may provide written comments to the Planning Department
- **November 18-21** – Catheys Valley Workshop (exact date TBD)
- **December 6** – PC Study Session #4
- **December 20** – PC Study Session #5
 - This session may not be needed dependent on progress
- **January (TBD)** – BOS consideration of PC Resolution to initiate CEQA and formal adoption
- **February/March (TBD)** – Potential adoption/hearings
- Check on the Development Code update progress at the County Planning Department Web Page:
<https://www.mariposacounty.org/80/Planning>

Board and Commission

Are there any questions from the Board or Commission on the information presented so far?



7. Board and Commission Discussion

