



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES

MEETING DATE: June 25, 2021
TIME: 9:00 AM
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Chair Walls called the meeting to order at 9:00 a.m.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Excused	

2. PLEDGE OF ALLEGIANCE

The pledge was led by Commissioner Wilmeth.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – June 11, 2021 9:00 AM

By motion of Commissioner Herman, seconded by Commissioner Wilmeth, the Planning Commission approved the minutes of June 11, 2021, as presented.

Motion was carried by the following vote:

RESULT: ADOPTED: [4-0]
AYES: Walls, Wilmeth, Herman, Smith

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. PUBLIC HEARING - Adopt a Resolution Recommending the Board of Supervisors: 1) Adopt a Resolution Approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the Recommended

Findings, Including a Finding the Project is Exempt from Environmental Review, and 2) Waive the First Reading and Introduce an Ordinance Amending County Code Pursuant to County Code Amendment No. 2017-084 with Findings 2021-PCRES-10

Planner: Sarah Williams

Deputy Director, Alvaro Arias, presented the project along with a Power Point presentation.

There was no public comment received.

By motion of Commissioner Herman, seconded by Commissioner Smith, the Planning Commission adopted a resolution recommending that the Board of Supervisors: 1) adopt a resolution approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities as amended to include the Mountain Preserve zone, with the recommended findings, including a finding the project is exempt from environmental review; 2) waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2017-084 with findings and with the correction of February 30 to be last day in February; and 3) establish that currently operating event facilities are given a grace period of one year from the effective date of the ordinance to become compliant.

Motion was carried by the following vote:

RESULT: ADOPTED: [4-0]
AYES: Walls, Wilmeth, Herman, Smith

6. PLANNING COMMISSIONER INFORMATION

No information was received.

7. INFORMATION ITEMS

Information was received from Deputy Director Arias.

8. ADJOURN

There being no further business the meeting was adjourned at 9:50 a.m.

Ed Walls, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on-line:

<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES

MEETING DATE: June 11, 2021
TIME: 9:00 AM
LOCATION: Board Chambers
 Mariposa County Government Center
 5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

The Meeting was called to order by Chair Walls at 9:04 a.m.

Attendee Name	Title	Status	Arrived
Ed Walls	District I Planning Commissioner	Present	9:00 AM
Jack Wilmeth	District II Planning Commissioner	Present	9:00 AM
Mick Herman	District III Planning Commissioner	Present	9:00 AM
Deni Smith	District IV Planning Commissioner	Present	9:00 AM
John McCamman	District V Planning Commissioner	Present	9:00 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Walls.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – May 7, 2021 9:00 AM

Chair Walls noted a correction with the last sentence for the adjournment should be "being".

By Motion made by Commissioner Herman, seconded by Commission Smith, the minutes for May 7, 2021, were approved as amended.

Motion was carried by the following vote:

RESULT: ADOPTED: [4-0]
AYES: Walls, Wilmeth, Herman, Smith
ABSTAIN: McCamman

Minutes Acceptance: Minutes of Jun 11, 2021 9:00 AM (Minutes Approval)

4. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

5. PUBLIC HEARINGS

A. PUBLIC HEARING: Adopt a Resolution Adopting a Mitigated Negative Declaration and Approving Land Division Application No. 2020-138 with the Recommended Findings, Conditions and Mitigation Measure. Freeman & Seaman Land Surveyors, Agent; Jorge and Silvia M. Garcia, Applicants; Assessor Parcel Number 020-280-013, 2906 Ranchito Drive, La Grange 2021-PCRES-9

Planner: Steve Engfer

Prior to presenting the project, Senior Planner, Steve Engfer, provided a CAL TRANS comment on the project that came in after the packet publication. Copies provided to the Planning Commission and are available to the public on the back table, the comment will be included as part of the archived packet. Engfer presented the project along with a Power Point presentation.

There was no Public Comment received.

By Motion made by Commissioner Smith, seconded by Commissioner Herman, the Planning Commission adopted a resolution, adopting a mitigated negative declaration and approved Land Division Application No. 2020-138 with the recommended findings, conditions, and mitigation measure.

Motion was carried by the following vote:

RESULT: ADOPTED: [5-0]

AYES: Walls, Wilmeth, Herman, Smith, McCamman

6. PLANNING COMMISSIONER INFORMATION

Information was received from Planning Director, Sarah Williams.

7. INFORMATION ITEMS

Recess 9:22 a.m. Reconvened at 9:27 a.m.

A. Planning Commission Training - the Ralph M. Brown Act (The Brown Act) and Conflict of Interest (ID # 11877)

Steve Dahlem, County Counsel, gave presentation on the Brown Act and Conflict of Interest with a Power Point Presentation. Power Point slides were presented after the packet publication, were available to the public and the commissioners and will be placed in the archived packet.

Public Comment: None.

8. ADJOURN

There being no further business, the meeting was adjourned at 9:50 a.m.

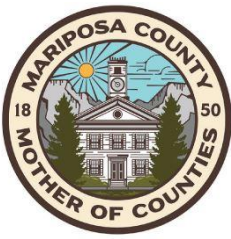
Ed Walls, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on line:

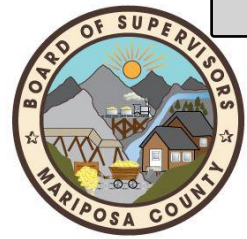
<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>.

Minutes Acceptance: Minutes of Jun 11, 2021 9:00 AM (Minutes Approval)



MARIPOSA COUNTY

Planning • 209-966-5151



5.A

MEETING: June 25, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: General Plan/Zoning Amendment No. 2017-084 for Special Event
Facilities

PUBLIC HEARING - Adopt a Resolution Recommending the Board of Supervisors: 1) Adopt a Resolution Approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the Recommended Findings, Including a Finding the Project is Exempt from Environmental Review and 2) Waive the First Reading and Introduce an Ordinance Amending County Code Pursuant to County Code Amendment No. 2017-084 with Findings.

See Staff Report and Draft Resolution for information and justification.

ATTACHMENTS:

- 1 210625 PC Staff Report (DOC)**
- 2 210625 Draft PC Resolution (DOCX)**
- 3 210610 Input from Miller_Special Events Facility (PDF)**
- 4 210614 Draft NOE (DOC)**

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Mick Herman, District III Planning Commissioner

SECONDER: Deni Smith, District IV Planning Commissioner

AYES: Ed Walls, Jack Wilmeth, Mick Herman, Deni Smith

EXCUSED: John McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Sarah Williams

Planning Commission Meeting Date: June 25, 2021

PROJECT:	General Plan/Zoning Amendment No. 2017-084
PROPOSAL:	Amend the General Plan to establish policies to allow special event facilities in rural residential areas of the county and amend Title 17, Zoning, to define Special Events and Special Event Facilities and provide permitting provisions and development standards for Special Event Facilities
PROPONENT:	County of Mariposa
AMENDMENT AREA:	Applies countywide, in rural areas
NOTICING:	Gazette Ad: June 10, 2021 Posted Notice: June 9, 2021
COMMISSION ACTION:	Staff recommends the Planning Commission adopt a resolution recommending that the Board of Supervisors: A. Adopt a resolution approving General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities with the recommended findings, including a finding the project is exempt from environmental review; and B. Waive the first reading and introduce an ordinance amending County Code pursuant to County Code Amendment No. 2017-084 with findings.

SUMMARY OF AMENDMENT

Currently, the County's General Plan and the zoning ordinance, Title 17, do not address Special Events and Special Event Facilities. Although there are a number of such facilities operating in the County, there is no provision in the County's planning documents to allow them. This amendment would amend Sections 5.3.02(B), 5.3.04(B) and 5.3.05(B) of the General Plan, the Residential, Agriculture/Working Landscape and Natural Resource land use classifications, to provide policies to allow for such uses in these countywide classifications.

The proposal would also amend Section 17.148.010 of Mariposa County Code, to add necessary definitions for Special Events and Special Event Facilities, and add Section 17.108.220 to the Mariposa County Code, to add permitting provisions and development standards for Special Event Facilities.

BACKGROUND

Special events include celebrations, ceremonies, weddings, receptions, business functions, arenas which are used for organized competitive events, special festivals or similar activities for the benefit of someone other than the property owner. There has been considerable interest over an extended period of time to address the issue of Special Event Facilities in the County, not only to provide a mechanism to allow new facilities but to establish standards for all such facilities, including those currently operating. Without established authority, it is not possible for Mariposa County Development Services to approve these facilities or issue development permits for permanent facilities to support these venues. Currently, there are under ten such facilities operating in the County of which Development Services has knowledge. The owners/operators of such facilities known to be operating were notified that the County is undertaking this amendment process and invited to provide input.

It should be noted that the adopted Board of Supervisors' resolution initiating the amendment stated that these existing facilities are apparently conducting their business in such a way as to not create significant impacts on surrounding rural residential uses. The Board's resolution also expressed an interest in establishing a reasonable grace period for facilities to come into compliance with the new regulations due to significant economic impacts of COVID-19.

The Board initiated the processing of the amendment on October 20, 2020 with the adoption of Resolution 2020-629.

SPECIFIC TEXT OF PROPOSED GENERAL PLAN AMENDMENT

The text of the proposed amendments is as shown in the draft Planning Commission resolution, which is included in this staff report as **Attachment 1**.

The following table provides a summary of the standards and permitting process for Special Event Facilities.

Special Events Facilities

	<u>TIER ONE</u> Requires Administrative Use Permit (AUP)	<u>TIER TWO</u> Requires Administrative Use Permit (AUP)	<u>TIER THREE</u> Requires Conditional Use Permit (CUP)
# of People at Event	200 or Fewer	300 or Fewer	500 or Fewer
Parcel Size	10 Acres or More*	20 Acres or More*	40 Acres or More*

Number of Events / Year	18 or Fewer Times (Event can be 2 consecutive days)	18 or Fewer Times (Event can be 2 consecutive days)	To be determined through CUP process
----------------------------	--	--	---

NOTE: All Special Event Facilities must comply with all requirements established in Mariposa County Code Section 17.108.220. These requirements are established to minimize impacts of operation of a special event facility.

*If property owner owns multiple adjacent parcels, then the total acreage of those adjacent parcels may be used to determine the permit process requirements.

As noted in the definitions section, 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 homeowner are not defined as a special event. Such uses are not subject to the proposed permitting process and standards.

AGENCY COMMENTS

The proposed amendment text, as initiated by the Board of Supervisors on October 20, 2020, was sent to the following agencies for review and comment: county Public Works Department; Environmental Health Unit; County Fire; Building Department; Sheriff's Office; and CAL FIRE.

Comments were received from the Mariposa County Fire Department.

The department recommended the addition of the following regarding the use of temporary membrane structures and tents due to the inherent danger of collapse and/or movement during wind events and/or snow. California Fire Code requires an operational permit and a construction permit for large tents (larger than 26' by 26').

Temporary membrane structures and tents.

A construction and operational permit is required to erect and use an air-supported temporary membrane structure, a temporary stage canopy or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains, or extensions attached thereto, when used for funeral services.
3. Tents and awnings open on all sides, which comply with all of the following:
 - Individual tents shall have a maximum size of 700 square feet (65 m²).
 - The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.

- A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be maintained.

County Fire's recommendations have been incorporated into the proposed zoning text in a general sense. The section in which they have been incorporated is proposed Section 17.108.220(D)(12) of the proposed ordinance. The precise code requirements for membrane structures and tents will be included in the application packet for special events.

RECOMMENDED FINDINGS OF APPROVAL FOR GENERAL PLAN/ZONING AMENDMENT NO. 2017-084

Recommended Findings are as shown in the draft Planning Commission resolution included in this staff report as **Attachment 1**.

MARIPOSA COUNTY AGRICULTURAL ADVISORY COMMITTEE RECOMMENDATION

The amendment allows the potential for special events and special event facilities to be located in the Agriculture/Working Landscape (Ag/WL) Land Use Classification and the Agriculture Exclusive (AE) Zone. Therefore, the amendment was placed on the Mariposa County Agricultural Advisory Committee's April 8, 2021 agenda for committee review and recommendation. The committee voted unanimously to recommend approval of the amendment with the addition of text to:

- Allow CAL FIRE and the Mariposa County Fire Department the opportunity to review all special event and special event facility applications and apply any conditions to the project to ensure compliance with all applicable fire safe standards.
- State that non-compliance with operational standards and conditions of approval may result in the revocation of the permit to operate the facility.
- Ensure that all applications for special events and special event facilities in the Ag/WL land use classification and /or AE zone are referred to the committee for review and recommendation.

The committee also recommended a fee structure that would be applied to operators of projects to offset costs incurred by the county when a facility is in operation, i.e. law enforcement, fire department and other agency costs.

(NOTE: As stated clearly in the amendment text, although such facilities would be allowed in the AE zone, under no circumstances would they be allowed on land governed by a Land Conservation Act or Williamson Act contract.)

PUBLIC NOTICE

The Planning Commission hearing notice with a summary of the proposed code amendment was published in the Mariposa Gazette on June 10, 2021 (1/8th page notice). Notices were also posted in 19 community locations throughout the county and on the county's website on June 9, 2021.

At the time of publication of this staff report (June 14, 2021) staff has received one public comment on the project via email. Written comments received after publication of the Staff Report shall be supplied to the Commission.

NATIVE AMERICAN NOTIFICATION

Since this project involves a General Plan amendment, the County was required to provide opportunity for Native American tribes on the Mariposa County contact list to request a consultation on the project. The tribe contact list is maintained by the state Native American Heritage Commission.

In accordance with the process mandated by state Government Code Section 64352.3(2), Planning staff mailed certified letters, dated November 18, 2020, to the County's six prescribed Native American contacts notifying them that they had 90 days, until February 15, 2021, to request a consultation on the project. Planning received five return receipts as of the date of publication of this staff report (meaning 5 Native American contacts received the request for consultation). No Native American contacts requested a consultation on the project.

FUTURE ACTION ON PROJECT

After the Planning Commission makes a recommendation to the Board of Supervisors, the Board will hold a noticed public hearing on the project. The Board of Supervisors will take final action on the amendment by way of resolution for the general plan amendment portion of the amendment text and environmental determination, and by way of an ordinance for the addition of the amendments to Title 17. If the Board takes action to approve the project at the first hearing, a second reading of the ordinance will be scheduled. The second reading of the ordinance approving the amendment to county code will occur two weeks following. The ordinance is effective thirty (30) days after the second reading. Once the code amendment becomes effective, the process is final.

Attachment 1	Draft PC resolution
Attachment 2	Comments received
Attachment 3	Draft Notice of Exemption

DRAFT

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No 2021-___

**A Resolution Recommending that the Board of Supervisors
approve General Plan/Zoning Amendment No. 2017-084 to Add
Policies, Permitting Provisions and Development Standards for
Special Event Facilities in Rural Areas**

WHEREAS, there is an established need in Mariposa County for facilities at which limited special events can be conducted; and

WHEREAS, special events include celebrations, ceremonies, weddings, receptions, business functions, arenas which are used for organized competitive events, special festivals or similar activities for the benefit of someone other than the property owner; and

WHEREAS, the General Plan does not contain policies for special event facilities; and

WHEREAS, the Zoning Ordinance does not contain land use allowances or development standards for special event facilities; and

WHEREAS, there are special event facilities which are operating in the rural areas of the county; and

WHEREAS, without established authority, it is not possible for Mariposa County Development Services to approve these facilities or issue development permits for permanent facilities to support these venues; and

WHEREAS, these existing facilities are apparently conducting their business in such a way as to not create significant impacts on surrounding rural residential uses; and

WHEREAS, the parcel size and operational characteristics of these existing facilities were considered; and

WHEREAS, it is critically important that code provisions ensure that facilities are established and operated to be compatible in rural residential areas.

WHEREAS, this project is known as General Plan/Zoning Amendment No. 2017-084; and

WHEREAS, the Agricultural Advisory Committee considered this project at a duly noticed public meeting on the 8th day of April 2021 and recommended approval of the amendment with changes to the text which have been incorporated into the amendment shown in yellow highlighted text in Exhibit 3; and

WHEREAS, the Agricultural Advisory Committee also recommended the establishment of a fee structure to be applied to such facilities in order to offset the costs incurred by the County when a facility is in operation, i.e. law enforcement, fire department, other agency costs; and

WHEREAS, a duly noticed Planning Commission public hearing on the project was scheduled for the 25th day of June 2021; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public, and the recommendation of the Agricultural Advisory Committee.

NOW BE IT THEREFORE RESOLVED THAT, the Planning Commission does hereby recommend that the Board of Supervisors adopt a resolution approving an amendment to the Mariposa County General Plan pursuant to General Plan/Zoning Amendment No. 2017-084; with recommended findings, including a finding the project is exempt from environmental review; and waive the first reading and introduce an ordinance amending County Code pursuant to General Plan/Zoning Amendment No. 2017-084; action includes findings. The recommended amendment text is as follows:

1. Section 5.3.02(B) of the General Plan, the Residential Land Use Classification; Section 5.3.04(B) of the General Plan, the Agriculture/Working Landscape Land Use Classification; and Section 5.3.05(B) of the General Plan, the Natural Resource Land Use Classification and as shown in Exhibit 1,
2. Section 17.148.010 of Mariposa County Code, to add necessary definitions as shown in Exhibit 2, and
3. Section 17.108.220 to the Mariposa County Code, to add permitting provisions and development standards for Special Event Facilities as shown in Exhibit 3.

BE IT THEREFORE FINALLY RESOLVED THAT the recommendation for project approval is based on the following recommended findings supported by substantial evidence in the public record:

1. **Finding:** The amendment is in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare.

Evidence: The amendment promotes the general public health, safety, peace, and welfare. The amendment is in the general public interest in that it provides a clear and comprehensible process for the establishment of Special Event Facilities in rural areas of the County while ensuring that the facilities are compatible with the rural neighborhoods in which they will be located. The amendment merely establishes the process by which such facilities can be sited. No specific project is considered as part of this amendment. Proposed facilities meeting defined thresholds will be subject to

public permitting processes and environmental review, thus ensuring that public health, safety, peace, and welfare is protected.

2. **Finding:** The amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for county development and a short term basis for day-to-day decision making.

Evidence: The amendment is consistent with the Mariposa County General Plan. The project involves a general plan amendment. When the amendment text is incorporated into the General Plan, it will be a clear statement of policy that will help guide development in the county. It not only allows consideration of Special Event Facilities to serve the local population, but that also have the potential to enhance the visitor economy. Section 6.1.05 – *Enhancing the County's Economic Sectors*, in the Economic Development element in the General Plan, states in part: *"Expanding the visitor economy is an important short-term economic strategy. This expansion will be accomplished through a number of different efforts, but the primary goals are to extend the "season" from five to nine months or longer, increase lengths of stay and room occupancy rates, and make Mariposa County, outside Yosemite National Park, a major destination fo visitor activities."* Larger Special Event Facilities will contribute to the visitor economy. The amendment provides a long term guide for economic development in the county and a short term basis for day-to-day decision making through a clear, comprehensible and public permitting process.

3. **Finding:** That amendment conforms to the requirements of state law and county policy.

Evidence: This project has been processed in accordance with State law and county policy, including consultation with local agencies, and public noticing. The project involves a general plan amendment and Native American consultation was sought pursuant to state Government Code.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Evidence: The amendment is consistent with the goals, policies and standards in the county's General Plan. The General Plan contains goals, policies and implementation measures that promote the maintenance of the county's rural character. It also contains goals, policies and implementation measures that promote economic development and job creation. The amendment, which will allow consideration of Special Event Facilities in rural areas of the county, addresses both sets of standards. It will promote economic development and job creation, while protecting the county's rural character through implementation of defined operational standards.

5. **Finding:** County Code Amendment No. 2017-084 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes

policy in the General Plan to allow consideration of Special Event Facilities in the rural areas of the county, and adds definitions for Special Events and Special Event Facilities and permitting provisions and development standards for such facilities to county code. The amendment does not propose a specific development project.

ON MOTION BY Commissioner _____, seconded by Commisioner _____, this resolution is duly passed and adopted this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ed Walls, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs
Clerk of the Planning Commission

Exhibit 1

(New text shown in italicized, underlined type)

Amend text in Section 5.3.02(B) of the General Plan Residential Land Use Classification

B. Extent of Uses

Residential land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses are related to personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Churches and mining are allowed subject to a discretionary permit. Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.

Amend text in Section 5.3.04(B) of the General Plan Agriculture/Working Landscape Land Use Classification

B. Extent of Uses

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings on large parcels, agritourism uses in conjunction with the primary agriculture production use of the property, agriculture and timber production and harvesting. Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include feed lots, lumber mills, mining and other uses associated with the primary uses that are known to have characteristics which require site specific compatibility review. Lands under Williamson Act contract are subject to the terms and conditions of the contract.

In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches, and organizational camps. Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit. In addition, the County permits through a discretionary review (conditional use permit) the creation of resort or visitor uses, which are secondary to the primary uses of agriculture and timber production. Agritourism is a permitted use when in conjunction with the primary agriculture production use of the property. Such agritourism uses support the County's goal of encouraging agriculture and regional visitor businesses. Review criteria for the agritourism use will include but not be limited to biosecurity, compatibility for neighboring agriculture uses, and availability of proper infrastructure. A reclassification to Rural Economic/Resort is required to approve a resort or visitor-oriented ranch as the primary use in the Agriculture/Working Landscape land use classification. Agritourism uses in the Agriculture/Working Landscape should be compatible with the surrounding primary uses.

Amend text in Section 5.3.05(B) of the General Plan Natural Resource Land Use Classification

B. Extent of Uses

The primary uses in the Natural Resource land use classification include lands in public ownership, single-family dwellings on large parcels of 40 acres or greater in size, ranches, farms, vineyards, public access, timber management and harvesting, natural resource compatible recreation access, and land conservation uses or easements. An ecotourism resort or mining project may be permitted with a discretionary approval. Churches and organizational camps are allowed subject to a discretionary permit. Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.

Exhibit 2

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

17.148.010 Definitions of terms and phrases.

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

Add two new definitions to Section 17.148.020 as follows (all other definitions remain unchanged):

Special Event:

A Special Event is a celebration, ceremony, wedding, reception, business function, arenas which are used for organized competitive events, seasonal festival, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. The maximum number of guests or attendees at a special event shall not exceed 500 persons at any one time. 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 homeowner are not defined as a special event.

Special Event Facility:

A Special Event Facility is a facility where special events are permitted to occur. Special Event Facilities are subject to a use agreement (or similar document) between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility such as for a fundraiser for a charitable non-profit organization. Facilities may be located entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities must include improvements or provisions to accommodate special events.

Exhibit 3

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

Add new Section 17.108.220 to Chapter 17.108 as follows (all other text in this chapter remains unchanged):

17.108.220 Special Event Facilities.

The purpose of this section is to establish a process through which special event facilities, as defined in this title, can be located in rural areas of the County while also protecting the rural character of surrounding communities and areas.

A. Applicability: Special event facilities as defined in Chapter 17.148 of this title are allowed in the MH, MT, MG, and GF zones subject to the limits and standards set forth in this section. Such uses are also allowed in the AE zone, subject to the limits and standards set forth in this section, except such uses are not allowed on parcels encumbered by a Land Conservation Act (LCA) or Williamson Act contract.

B. Permit Process Requirements:

1. **Administrative Use Permit:** Special Events occurring eighteen (18) or fewer times per calendar year for no more than two consecutive days per event are subject to the issuance of an administrative use permit as described in Chapter 17.114 of this title, and the following restrictions:

a. Events involving two hundred (200) or fewer guests or attendees at any time during the event may be allowed on parcels of ten (10) acres or more in size.

b. Events involving three hundred (300) or fewer guests or attendees at any time during the event may be allowed on parcels of twenty (20) acres or more in size.

2. **Conditional Use Permit:** Special Events 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 as described in Chapter 17.112 of this title. The conditional use permit shall determine the appropriate limits on the number of events to be held annually.

3. **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.

4. The number of days of operation and numbers of guests or attendees described in the permitting processes 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.

5. Pursuant to County Code, Section 17.148.010 Definitions, 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 homeowner are not defined as a special event and not subject to the requirements established by this section.

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.

C. Application: A conditional use permit or administrative use permit application shall include the following items:

1. Detailed site plan showing location of all existing and proposed structures and facilities on the site, including parking and driveway areas, exterior lighting, restrooms or areas for porta-potties, and any proposed temporary structures such as tents, stages, and dance floors.

2. Description of the range of uses proposed and projected times and days of the week of operation.

3. Map showing the location and distance of the facility to the nearest surrounding sensitive receptors such as single-family residences and other housing types, and the location and description of the width and surfacing of roadway(s) that access the site up to the nearest major collector or arterial. If any of the access roadways are not maintained by the state or county, the application shall include information regarding any entities responsible for road maintenance.

4. Traffic management plan that includes the following:

a. Ingress and egress locations and provisions for the unimpeded movement of emergency vehicles;

b. Provisions for ensuring the orderly and safe arrival, parking, and departure of all vehicles and ensuring that traffic will not back-up or block private easements, county roads, intersections, state highways, or private driveways;

c. The location of any temporary directional signs on driveway entrances and within parking lots to ensure the orderly flow of traffic; and

d. Provisions for dust management.

5. Sources and types of noise generation, expected decibel levels at property lines from all special event activities, and noise attenuation strategies.

6. Information regarding food and beverages to be prepared and/or sold and/or distributed at the special events.

7. Information regarding public health and sanitation facilities, including restrooms or porta-potties, drinking water, recycling areas, hand washing stations and solid waste storage and disposal.

8. Fire safety provisions including limitations or allowances for open fires, fireworks, and outdoor cooking; safety for power generators; areas for mowing or weed eating; and posted emergency procedures.

9. Human health and safety including availability of a land line phone, on-site security and ambulance availability.

10. Name and contact information for person(s) responsible during events.

11. Any other information necessary to determine compliance with the standards established herein.

D. Operational Standards:

The following standards are minimum requirements that may be made more stringent by conditions of approval adopted through the AUP and CUP processes. It is the business owner's responsibility to ensure his/her/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.

1. Except for multi-day or multi-weekend events such as seasonal pumpkin patch/harvest festivals in which AUP or CUP conditions of approval will determine days of operation, activities at a special event facility are limited to two (2) days, not including set-up and take down days, and the event duration per day shall not exceed twelve (12) hours. Activities involving amplified sound shall not commence prior to 9:00 a.m. and shall conclude no later than 10:00 p.m. 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. Pursuant to applicable regulations in this Title, a maximum of two (2) vacation rentals may also be developed in conjunction with the special event facility.

2. Noise: 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 60 decibels at all property lines, unless an alternative limit is established through an AUP or CUP. Should three (3) or more complaints be submitted regarding noise generated by an event facility, the county may require the facility's 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.

3. Access: All roadways from the nearest major collector or arterial serving the special event site 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.

4. Driveways: On-site driveways from the nearest intersecting roadway shall be a minimum of twelve feet (12') wide if one-way traffic is proposed, and a minimum of eighteen feet (18') 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.

5. Parking: 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.

a. Aisle widths and parking lot layout within the parking areas shall conform to the dimensional standards shown in Section 17.336.030(C)(3) of this title. As an alternative, an engineered plan may be proposed.

6. Public Health: Special event facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in accordance with the requirements of the Mariposa County 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 approved by Environmental Health.

7. 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 property lines and adjoining road easements.

8. 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 property line, or onto the public roadway.

9. Signage: All permanent and temporary signage shall comply with Section 17.108.190 of this title.

10. Dust control: Fugitive dust shall be minimized by reducing vehicle speeds on driveways and parking areas on the project site, and, during visibly dry conditions, the application of water or other approved dust palliative. Paving or an appropriate depth of gravel may also be provided.

11. Liability insurance: Adequate liability and property damage insurance or bonding shall be provided.

12. Building occupancy: All buildings and structures proposed to be used as part of the event venue shall have obtained the required permit(s) for occupancy, including all construction and operational permits for the use of tent structures larger than 26' by 26' and for the use of air-supported temporary membrane structures, temporary stage canopies or tents having an area in excess of 400 square feet, unless the structure meets a criterion for exception.

13. Accessibility for disabled persons: All requirements of California Building Code and applicable accessibility laws shall be met for the facility.

12. Other permits shall be obtained as required, including but not limited to a Building Permit, a Grading Permit, an Air Pollution Control Permit, a CA ABC permit, a Food Facilities permit, and/or a commercial encroachment permit.

13. Fire Safe Standards: Projects shall implement all fire safe standards required by CAL FIRE and the Mariposa County Fire Department.

14. 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.

E. Operational standards specific to the AE zone:

1. Special events facilities shall not be permitted on AE zoned properties where no residential use exists on the property.

2. Special event facilities shall not convert agricultural land to an alternative use for the purpose of developing or expanding a special event facility.

F. Public Noticing:

1. In addition to the public hearing noticing requirements for a conditional use permit project contained in Section 17.132.020 of this title, hearing notices shall be sent to

the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

2. In addition to the public notification requirements contained in Section 17.08.120(D) of this title, approval of an AUP 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 non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

G. Annual Reporting and Monitoring of Events

1. On a yearly basis, by the 30th day of February, the owner or manager of a special event facility shall provide to the planning 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.

2. The owner or manager of a special event facility 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).

From: [Amy Miller](#)
To: [Sarah Williams](#)
Subject: Special Events Facility
Date: Thursday, June 10, 2021 8:47:29 PM

To Members of the Mariposa County Planning Commission,

I am writing to express my support for the proposed addition of Special Events Facilities in Mariposa County in Agricultural if not even more zoning districts. I'd like to see more special events like music festivals or arts fairs in our area for residents and visitors alike to enjoy public life and community gatherings once again. Sensible regulations for facility management should be simple and not overly burdensome to operators, who have been so hard hit with shutdowns. This proposal sounds like a positive initiative for the future of the County.

Amy Miller
Mariposa

Draft
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa **FROM:** Mariposa County
P.O. Box 247 Planning Department
Mariposa, CA 95338 P.O. Box 2039
Mariposa, CA 95338

Project Title: General Plan/Zoning Amendment No. 2017-084; Special Event Facilities

Project Address: Applies countywide

Project Parcels: N/A

Description of Project: This project amends the Mariposa County General Plan and Zoning Ordinance to establish policies and regulations to allow and establish development standards and conditions for Special Event Facilities in Rural Areas

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Proponent Carrying Out Project: Mariposa County

Exempt Status: Common Sense Exemption; Section 15061(b)(3)

Reason Why Project Is Exempt: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes policies in the General Plan to allow consideration of Special Event Facilities in the rural areas of the county, and adds definitions for Special Events and Special Event Facilities and permitting provisions and development standards for such facilities to county code. The amendment does not propose a specific development project.

Lead Agency Contact Person: Sarah Williams, Planning Director

Phone Number: (209) 742-1215

Mariposa County Board of Supervisors
by

Sarah Williams
Planning Director

Date

Attachment: 4 210614 Draft NOE (2021-PCRES-10 : General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities)