

Mariposa County

Mariposa County Final Minutes of the Planning Commission

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ART BAGGETT, CHAIR
WARREN GRAY
MICK HERMAN
DENI SMITH, VICE CHAIR
JOHN MCCAMMAN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V

PLANNING COMMISSION FINAL ACTION SUMMARY MINUTES JANUARY 10, 2025

A. Call to Order and Roll Call

Chair Baggett called the meeting to order at 9:00 AM.

Attendee Name	Title	Status	Arrived
Art Baggett	District I	Present	9:00 AM
Warren Gray	District II	Present	9:00 AM
Mick Herman	District III	Present	9:00 AM
Deni Smith	District IV	Present	9:00 AM
John McCamman	District V	Present	9:00 AM

B. Pledge of Allegiance

Commissioner McCamman led the pledge.

C. Public Comment on Non-Agenda Items

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda.

There was no public comment received.

Baggett congratulated Commissioners Gray, Smith and McCamman on their re-appointment and announced that the election of officers will be completed at the next meeting.

The Planning Commission January 24, 2025 and February 7, 2025 meetings will be cancelled.

D. Approval of Minutes

1. Planning Commission - Regular Meeting - November 15, 2024

By motion of Commissioner Smith, seconded by Commissioner Herman, the Planning Commission approved the minutes of November 15, 2024, as presented. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

2. **Planning Commission - Regular Meeting - December 6, 2024**

By motion of Commissioner Smith, seconded by Commissioner Herman, the Planning Commission approved the minutes of December 6, 2024 as presented. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

E. Discussion and Action Items

1. **Planning**

Discussion and Action on the Draft Development Code (Zoning Ordinance Title 17) to the Board of Supervisors for consideration and action at a date TBD.

Senior Planner, Ben Goger, shared that staff received public comment from Yosemite Conservancy pertaining to specific areas in the housing articles after the agenda packet was published. The public comment was provided to the commission and made available to the public prior to the meeting.

Goger noted that the goal was to receive direction to prepare the final language for the Planning Commission Resolution to the Board of Supervisors on the Draft Development Code (Zoning Ordinance Title 17). Goger then presented the following amended Housing Related Draft Articles as directed from the December 6, 2024 Planning Commission meeting:

- Accessory Dwelling Units, Section 17.54
- Density Bonus, Section 17.56
- Bed and Breakfast and Vacation Rental, Section 17.52

Goger provided an update on state law - AB 2533 (Amnesty for Unpermitted ADU's built prior to 2020). This item was relevant to the later joint meeting with the Code Compliance Advisory Committee. After discussion, Commissioner McCamman directed staff to incorporate explicit language for AB 2533 in Accessory Dwelling Units, section 17.54. Goger noted that AB 2533 is a statute and would be applied ministerially.

After discussion on the Housing Related Draft Articles, the commission provided direction to staff on the following topics:

- Density Bonus:
Directed staff to go back to the consultant to amend the language with most flexible density bonus program that is allowed under state law.
- Workforce Housing Draft:

1. The commission directed staff to prepare the Work Force Housing Definition with no income restrictions.
2. The commission directed staff to expand the proposed text changes to the Yosemite Mixed Use Zone that support workforce housing outside of the Yosemite West mixed used zone, and lift the limitations of employer owned housing pertaining to “Remote Workforce Housing” definition proposed by the Yosemite Conservancy.

Discussion ensued to the appropriate zoning or parcel size for a Work Force Housing project. Staff shall return with specific standards for the commission to consider.

Goger noted that Agritourism will come back to the commission after a discussion with the Agricultural Advisory Committee (AAC). Baggett suggested having a joint meeting with AAC in March or April 2025.

Baggett moved to Item F and Item G (recess to join the Code Compliance Advisory Committee for the joint meeting).

After the joint meeting the Planning Commission returned to complete Item E1.

Baggett opened public comment for Items E1 and G1.

Public comments were received by:

Richard Walker (resident), addressed complaints from the public that were received from the previous Planning commission meeting regarding his holiday lighting, and spot light located above the town of Mariposa.

Ken Melton (resident), suggested that the entire section for zoning regarding Recreational Vehicle Parks should be removed. The definition for temporary camping on page 30, last sentence should be removed. Home Enterprise shouldn't have limitations on acreage but the home enterprise itself. There should be no setbacks from easements. Section 5254 should be reviewed and required more than five minutes to cover.

Floyd Davis (resident), spoke about the public utility easements (PUE) on all subdivision maps and noted that this will not always be used; therefore, setbacks requirement are not needed from PUEs.

After the discussion on easements, the consensus of the Planning Commission was no setback requirements on easements.

A discussion ensued regarding the usage intentions of the Recreation Vehicle Park (RV) language. Sarah Williams suggested that proper zoning should be considered based on what the RV Park will be intended for (work force housing, long term residential, commercial or resort use). She then recommended that the commission further discussed locations and zoned areas that might be appropriate for the intended purpose (Town Planning Areas, Rural areas); then incorporate into the Development Code Update. The commission will further discuss as McCamman had to leave the meeting early.

McCamman left the meeting at 12:27 PM.

Gray asked for clarification regarding a footnote in section 17.52.090, pertaining to Home Enterprise

limitation. Per Williams, there is no limit. She then explained the General Plan was adopted in 2006 that had limitations, and that the footnote was a reminder for staff to strike it from the policy if the Planning Commission does not find it appropriate with the current practices. A discussion occurred regarding the definition of home enterprise. Williams provided an explanation of the definitions and explained that home industry allowed for outside storage. She noted that the county made the provisions in code flexible so people can conduct businesses in their home.

Gray noted that there should not be a limit to the home enterprise based on the parcel size. Herman agreed and suggested that the acreage requirement should be struck. Williams acknowledged and noted that staff will make the amendments in the provision to the General Plan.

Public comment was received by Ken Melton (resident), who expressed that the ADT (Average Daily Traffic) should not be used to determine the road standards.

Goger reiterated that today's goal was to receive action from the commission to make the recommendation for staff to prepare the final language for the Planning Commission Resolution to the Board of Supervisors and to work with the consultant to bring back to the February 21, 2025 Planning Commission meeting:

By motion of Commissioner Herman, seconded by Commissioner Smith, the Planning Commission moved to direct staff and contractors to prepare the final language for inclusions into the future Planning Commission Resolutions to the Board of Supervisors in the following Development Code categories that was discussed at this meeting. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith.

NOES: None.

ABSTAIN: None.

EXCUSED: Commissioner McCamman.

F. Recess into the Joint Meeting

Baggett called the Planning Commission to recess at 10: 03 AM to join the Joint Study Session with the Code Compliance Advisory Committee.

G. Joint Meeting with the Code Compliance Advisory Committee

The Planning Commission joined the joint study session with the Code Compliance Advisory Committee at 10:15 AM.

1. Planning Commission and Code Compliance Advisory Committee Discussion and Action on the Draft Development Code Zoning Ordinance Title 17.144 Enforcement Provisions

Baggett opened the item and allowed for the Code Compliance Advisory Committee (CCAC) to provide their recommendations related to the Development Code Zoning Ordinance Title 17.144, Enforcement Provisions.

The CCAC recommended an Administrative Abatement Program with a free Hearing Appeal Process (Government Code Section 25845 and Government Code Section 27720 through 27728).

Rhodes noted that funding needed to be available; however, some administrative abatement cases

can be done inexpensively, and used a case from Lake Don Pedro as an example.

Rhodes noted that the county should not recoup for administrative or legal cost but only the cost of the abatement from the property owner. She explained that the county would provide funding to the property owner to remedy the problem, particularly if the property owner is low income and the county would eventually be paid back through other mechanism, i.e.

1. The county could place a special assessment against the property and payments could be collected slowly over time in the same manner as other property taxes.
2. The county could place a lien on the property that could be paid back on a payment plan by the property owner, or when the property transferred title.

Rhodes highlighted that those in violation under Title 17 would be remedied by the abatement itself without the county seeking other routes for repayment.

Commissioner Herman asked if this conflicted with the due process of the Constitution?

Rhodes responded that this followed the due process, and explained the overall process in detail. She noted that the CCAC would like to see the Request for Inspection Letter be eliminated from being the first initial form of contact, as this letter is perceived to create hostility. Instead be replaced with a letter that is non-confrontational listing the specific alleged violation, asking for permission to visit the property, provide information regarding the Amnesty Program and the Appeals Process.

McCamman asked if the appeal hearing officer would be appointed by the Board of Supervisors?

Rhodes advised that in government code 27720 through 27728 listed a number of options. A discussion occurred with Rhodes noting that the Code Enforcement Officer would be presenting evidence almost like a prosecutor, and that a lawyer would not be needed for the property owner or for the county, and that County Counsel cannot be a hearing officer, and suggested that Counsel review government code 27720 through 27728 for the appellate courts determination set for the County.

Edwards read government code 27724 that specially states that any county hearing officer shall be an attorney at law, having been admitted to practice for at least five years prior to the appointment.

Edwards noted that this can become a policy within the Title 17, with a reference to another Title that is specifically written out as enforcement with one hearing officer. Then brought to the Planning Commission or taken to Environmental Health because they have their own escalation for hearings if the abatement case failed the hearing officer.

Bagget noted that the hearing officer could be a reasonable person from the community with legal background. Perhaps a retired attorney, or rotating community service of retired attorneys.

During discussion, Rhodes noted that the CCAC does not have language for the Administrative Abatement Program with a free Hearing Appeal Process, but directed staff to provide language that the CCAC will enhance further.

Edwards noted that the CCAC's intent was to present a tiered enforcement concept based on common sense, logic and legal precedent. He then proposed some recommendations. A process for addressing complaints and a process for tiered code violation enforcement.

The complaint process recommendations offered are that any process follow guidelines for court-admissible processes and procedures. That the letters sent be non-confrontational certified letters. That if Built With Out Permit (BWOP) code violations can be found within substantial conformance then the requirement for an Engineer or Architect of professional record to approve the building be removed. Remove \$145.00 over-the-counter permit fee. Re-engineer website with both Complaint options (Fire, EHS, Building, Zoning, Junk, etc.). and Abatement/Remedy tools/options (fence, cleanup, AVA, Chamber of Commerce, etc.).

Edwards then presented his recommendation for tiered enforcement that consisted of:

Step 1:

- Letter of Specific Complaint (not general, not adversarial)
- Request for Voluntary Abatement
- Notification of Amnesty Program and Options

Step 2:

- Notification of Right to Appeals (CA Government Code 27720 – 27728)
- Appeals Hearing Scheduling within 90 days

Step 3:

- Notice to Abate
- Abatement Process Documentation
- Voluntary Abatement with Amnesty Program
- Administrative Abatement (CA GC 25845 & CHP AVA)
- Summary Abatement (CA GC25845 & 2770-27728)
- Judicial Abatement (CA GC 25845 & CCP 731-736)

Consensus was found between the CCAC and Planning Commission.

The conversation was summarized into three categories, Complaint Intake, Complaint Process, and Other Recommendations to the Board of Supervisors that was read back to the CCAC and the Planning Commission by Senior Planner, Ben Goger for action:

Complaint Intake:

1. When a complaint is received should be delegated to the appropriate agency.
2. Have a hierarchy of health, life and safety priorities assigned to the complaint.
3. The process should be non-burdensome to delegate the complaint to the appropriate department.

Complaint Process:

1. Initial letter of contact that's non-confrontational without judicial code references.
2. Amnesty would be offered for the individuals with a list of options and resources.
3. Notice to Abate.
4. Administrative Abatement processed under government code 25845.
5. An Appeals hearing would then be available pursuant to government code 27720 through 27728.

Other Recommendations to put forward to the Board of Supervisors:

1. Complaints should be citizen driven.
2. Remove or rescind the current code that states "that if there's a compliance case against

the property, the property owner cannot be issued a permit” will be struck.

3. A recommendation to Agency Officials to assist citizens in bringing violations with health, life, safety issues that are within substantial conformance.
4. Allocate budget for professional services contract to develop the Administrative Abatement Program with a free Appeals Hearing process.
5. Develop a separate Code and procedures manual that will cover the program expectations that are consistent with the revised code.
6. Review and amend the definition of the term “Nuisances” throughout the Development Code Update for consistency and clarity.
7. Modify the County Website to provide all available resources for complaints received.

Finally, there was some discussion regarding fire enforcement that will be brought back for further discussion at the next Planning Commission meeting: Explore the fire enforcement process (Mariposa County Fire Advisory, CAL Fire: Burn Boss, log decks).

Reconvene as the Planning Commission

The Planning Commission reconvened at 11:44 AM and returned to item E.1. to complete discussion.

H. Commissioner Reports

None.

I. Information Items

None.

J. Future Agenda Items

Happy Goat

Unhabitable Structure (Gray)

K. Adjournment

There being no further business, the meeting was adjourned at 12.44 PM.

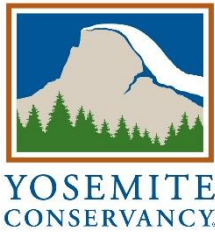
Respectfully submitted,

ART BAGGETT, Chair
Mariposa County Planning Commission

SOPHEA CRAIGHEAD, Secretary
Mariposa County Planning Commission



**Items that came in
after the Agenda and
packet was prepared
and publicly posted.**



To: Mariposa County Planning Director Steve Engfer
From: Frank Dean, Adonia Ripple
Date: January 6, 2024
Re: Recommendations for Mariposa County Development Code Update

Please find Yosemite Conservancy's recommendations for Development Code updates to favor workforce housing in Mariposa County. As context, our suggestions arise due to the land parcels we own in Mariposa and Yosemite West but may be useful more broadly in the county. We are available to clarify these recommendations at your convenience and thank you for the opportunity to comment during this public process.

The existing language in this section of the code is shown below with recommended additions shown in blue underlined text (example) and recommended deletions shown in red strikethrough text (~~example~~).

Issue #1: The Yosemite West Mixed Use type of zoning may be a useful approach elsewhere in the county. But we note that uses allowed in the Yosemite West Mixed-Use Zone (YWMU) do not explicitly include modular cabins, RVs, tent cabins, or campgrounds.

Note: The draft updated Development Code does not include the YWMU zone. Mariposa County staff have indicated that the YWMU zone will be included in the updated Development Code, with no changes to the YWMU zone currently under consideration. Therefore, this section references the section numbering and language in the existing County code rather than the text in the draft updated Development Code.

Recommendation: Amend the County code to explicitly include the uses needed for implementing workforce housing. Consider establishing a new permitted use of: *Remote Location Workforce Housing* For the purposes of these amendments, the additional uses would include:

- 1) Remote Location Workforce Housing and Recreational Vehicle Parks, to enable for a range of temporary or semi-permanent accommodation types. Recreational Vehicle Parks are a defined use in the draft updated Development Code. *Remote Location Workforce Housing* is not a defined use in the draft updated Development Code. Additional recommended adjustments to the draft updated Development Code, shown in a subsequent subsection of this memorandum, would provide a definition and development standards for this use.
- 2) Campgrounds, to enable group camping as a lower cost housing alternative for employees. Campgrounds are a defined use in the draft updated Development Code.

- 3) Ancillary structures and amenities, to enable the future construction of community buildings to serve the workforce housing.

In addition to adding the uses outlined above, other amendments to the YWMU zone would be necessary to accommodate sufficient square footage as detailed below.

Consider amending section 17.106 of the County Code to read:

Section 17.106: Yosemite West Mixed-Use Zone (Existing County Code)

17.106.010 Purpose and Intent

The Yosemite West Mixed-Use Zone is designed to provide a land use for the location of facilities to enhance the provision of services to the vacation rental sector in the community of Yosemite West [and provision of workforce housing to support the County's major employers.](#)

17.106.020 Development Standards For YWMU

A. Uses:

1. Permitted uses:

- a. Multi-family housing;
- b. [Campground;](#)
- c. [Recreational Vehicle Parks, Extended Stay;](#)
- d. [Remote Location Workforce Housing;](#)
- e. Laundromats not for public use;
- f. Maintenance support facilities for servicing local home enterprises and vacation rentals;
- g. Private office space;
- h. Self-storage facilities for private use;
- i. One (1) single family residence and one (1) secondary residence with appurtenant accessory structures, including, but not limited to, equipment sheds and detached garages;
- j. Vacation rental and bed and breakfast facilities in accordance with all applicable standards of Mariposa County Code;
- k. [Ancillary structures and amenity facilities to serve residential uses on the site.](#)

2. Conditional uses:

- a. Bulk storage of gasoline, propane, or similar petroleum products for private use.

3. Prohibited uses:

All other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title.

B. Structure height:

No building or structure shall be erected, placed, or structurally altered to a height in excess of 35 vertical feet above natural uphill grade.

C. Structure setbacks from property lines and streets for all uses:

- 1. Street and front yard: the front yard setback shall be a minimum of fifty-five (55) feet from the centerline of a local street and a minimum of twenty-five (25) feet from the nearest point on a front property line or edge of any right-of-way boundary of a local street;*
- 2. Side yard: the side yard setback shall be a minimum of fifteen (15) feet from a side property line;*
- 3. Rear yard: the rear yard setback shall be a minimum of twenty (20) feet from a rear property line.*
- 4. Uses permitted in setback areas:*
 - a. Wells, traffic signs, signs, rural mail boxes, fences, gates, propane tanks, uncovered walkways, driveways, and underground utilities and appurtenant above-ground structures. (Any use placed in a front yard setback shall not interfere with vehicle sight distance along roadways.)*
 - b. All other uses are prohibited in setback areas.*

D. Building to building setbacks: *Building to building setbacks shall be a minimum of fifteen (15) feet.*

E. Building intensity and density:

- 1. Commercial structure development, such as laundromat facilities, shall not exceed a total of 5,000 sq. ft.*
- ~~2. Multi-family housing development shall not exceed a total of 4,000 sq. ft. per building.~~*
- 3. Total square footage of development on a ~~parcel~~ development site shall not exceed ~~25,000 sq. ft. of building space or~~ 10 percent of the total site square footage.*
- 4. Multi-family housing shall not exceed four dwelling units per acre but may be clustered.*

F. Signage and lighting:

- 1. Project signage, excluding address and traffic signs, shall be not exceed three separate signs on a parcel. Total signage shall not exceed 50 sq. ft. Neon signs shall be prohibited.*
- 2. Exterior lighting shall conform to International Dark Sky Standards.*

G. Minimum parking space requirements:

1. *Studio or one-bedroom apartments - one and one-half (1.5) parking spaces per unit.*
 2. *Two (2) or more bedroom apartments or single family residential - two (2) parking spaces per unit.*
 3. *Laundry facilities not for public use - two (2) per facility.*
 4. *Minimum spaces for vacation rental and bed and breakfasts shall be as required by appropriate sections of County code.*
- H. *Internal driveways and parking space surfacing: Internal driveways serving multi-family and commercial uses shall be surfaced with concrete or asphalt paving.*
- I. *Permitting and construction: Septic/sewage systems shall be installed prior to the issuance of building permits for structures served by those systems.*
- J. *Minimum parcel or lot size: Minimum size of a parcel or lot shall be five (5) acres.*

Issue #2: The County's campground standards are ambiguous as to whether recreational vehicles (RV's) are allowed at campgrounds.

Separate from the standards for the YWMU zone that are described above, the Development Code includes regulations for campgrounds, which apply to campgrounds throughout the County. As a result, if the County were to amend the YWMU zone to allow the campground use, the regulations in the Development Code that apply to campgrounds would apply to any group camping use on the YWMU zone.

The County's campground standards state that a campsite does not include the parking and occupancy of mobile homes or RVs, which could be taken to suggest that RVs are not allowed at campgrounds. This could pose a challenge for future Remote Location Workforce Housing projects without the flexibility to allow RVs within group camping areas. In addition, this is contradictory to the definition of a campground as provided in the draft updated Development Code (Section 17.60.030), which reads: "An area that allows the temporary placement of tents for recreation and overnight lodging. Campgrounds may also include the spaces for temporary occupancy of recreation vehicles (RVs). Campsites do not include the placement and use of manufactured housing (Emphasis added)."

Recommendation: Remove language from the Development Code that indicates that RVs are not allowed at campgrounds. Consider amending Section 17.52.070 (Regulations for Specific Land Uses, Campgrounds) to read:

- 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.

Issue #3: The Development Code does not include definitions for all of the allowable uses that are recommended in the YWMU Zone under Issue #1

The Development Code includes a definitions section which is separate from the portion of the code that regulates YWMU zone. Definitions provided in the definitions section of the code apply throughout the Development Code. The changes recommended under Issue #1 include the addition of *Remote Location Workforce Housing* as an allowed use in the YWMU zone and this term is not currently defined in the Development Code.

Recommendation: Amend the Development Code to include a definition for Remote Location Workforce Housing. Ensure that the definition allows for the range of accommodations that are envisioned in the conceptual site plan, such as modular workforce housing, RVs, park model RVs, and tent cabins. Because modular workforce housing, park model RVs, and tent cabins are not defined in the Development Code, add definitions for these accommodation types.

Consider amending Section 17.60 of the draft updated Development Code as follows:

Section 17.60.180 – “R” Definitions

Remote Location Workforce Housing: Housing accommodations that are on a permanent or temporary foundation and are used for the purpose of providing workforce housing in the Yosemite West Mixed-Use District, where significant investment in permanent structures may not be feasible or desirable. Remote location workforce housing accommodations can consist of modular workforce housing, manufactured homes, tent cabins, recreational vehicles, and park model recreational

vehicles. Remote location workforce housing is not required to meet specific affordability criteria.

Section 17.60.130 – “M” Definitions:

Modular Workforce Housing: Factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008) and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a temporary or permanent foundation.

17.60.160 – “P” Definitions

Park Model Recreational Vehicle: A recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use, which meets the following criteria: 1) built on a single chassis, 2) mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode, 3) certified by the manufacturer as complying with the ANSI A119.5 standard for park model recreational vehicles. Gross square footage measured to the maximum horizontal projections of exterior walls including all siding, corner trims, moldings, storage areas enclosed by windows, but not the roof overhangs. Unenclosed porches are not included in the gross trailer area.

Section 17.60.200 – “T” Definitions

Tent Cabins. A semi-permanent structure with a floor, fabric walls, and conventional or nonconventional construction that includes a sleeping area.

Section 17.60.230 – “W” Definitions

Workforce Housing in the Yosemite West Mixed-Use District. Housing for which residency is restricted to households with at least one household member that is an employee of a business or government agency whose primary place of work is within the County of Mariposa. This definition is not meant to govern funding decisions for the County but instead would define a privately funded workforce housing program.

Issue #4: The Development Code defines Extended Stay RV Parks as limited to recreational use

The County of Mariposa could potentially define all or some of the portion of the conceptual site plan that would include pads for RVs, modular cabins, and similar uses as an RV park. The definitions section of the draft updated Development Code, which applies throughout the County, provides definitions for two different types of RV parks: 1) Recreational Vehicle Parks, Extended Stay (longer than 30 days) and 2) Recreational Vehicle Parks, Resort (less than 30 days). Because Remote Location Workforce Housing is intended to provide

accommodations for workers for more than 30 days, the Extended Stay RV Park definition could potentially apply. However, for both types of RV park, the updated draft Development Code defines the use as being for recreational habitation, rather than for workforce habitation. To enable the RV park description to be applied to Remote Location Workforce Housing, the definition would need to be changed to allow habitation for reasons other than recreation.

Recommendation: Amend the definition for Extended Stay RV Parks to encompass housing for long-term workforce habitation. To limit the potential impact of this change in other areas of the County, the ability to provide long-term workforce habitation in an Extended Stay RV Park could be limited to the YWMU Zone. Consider amending Section 17.60.180 as follows:

Recreational Vehicle Parks, Extended Stay (longer than 30 days). An area or tract of land for long-term occupancy by motor homes, travel trailers, truck campers, camping trailers, or other vehicles for long term recreational habitation, or intermittent workforce habitation in the Yosemite West Mixed-Use Zone.

Issue #5: If the County adds “Remote Location Workforce Housing” to the allowable uses in the YWMU zone, the Development Code will need to include regulations for this use

Under Issue #1 above, this memorandum recommends adding Remote Location Workforce Housing as a permitted use in the YWMU zone. Under Issue #3, this memorandum provides a definition for *Remote Location Workforce Housing*. If the County amends the Development Code as described under Issues #1 and #3, the code will also require amendments to include regulations for this use. The updated draft Development Code includes regulations for various specific uses, including but not limited to campgrounds, RV parks, and vacation rentals, in section 17.52.

Recommendation: Amend the draft updated Development Code to include regulations for remote location workforce housing. The proposed text provided below would apply regulations to remote location workforce housing that are similar to the regulations for RV parks. Consider amending section 17.52 to add the following:

17.52.XXX – Remote Location Workforce Housing

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

- A. Compliance. Remote location workforce housing accommodations shall comply with all applicable State Uniform Building Code and Fire Code requirements.**
- B. Operational and Development Standards.**

1. A maximum of seven (7) accommodation sites per acre, not including management, operator or employee quarters, are allowed. Sites for individual accommodations shall be a minimum of twenty (20) feet wide and seven hundred and fifty (750) square feet in area.
 2. A remote location workforce housing site 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 a remote location workforce housing site 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 clusters of accommodations 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 accommodation site and two (2) parking spaces per accommodation 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 setback for a remote location workforce housing site 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, recreational vehicle sites, or other accommodation sites within the setback area.**

Issue #6: The Development Code is ambiguous regarding how regulations related to manufactured and mobile homes could affect some uses envisioned on the Missouri Gulch site and Yosemite West Mixed-Use Zone,

The County of Mariposa could potentially classify some of the non-stick built housing unit typologies as mobile or manufactured homes, and therefore apply provisions for mobile and

manufactured homes to those units. Most significantly, the Development Code includes a provision that specifies that the placement of three or more mobile or manufactured homes on a single parcel will be considered a mobile home park, and therefore subject to approval of a Conditional Use Permit and all regulations that apply to recreational vehicle parks. As a result, the County could classify the Yosemite West or Missouri Gulch site(s) as a mobile home park if the County classifies three or more of the units on the site as mobile or manufactured housing.

This provision of the Development Code is inconsistent with the definition of a mobile or manufactured home that is provided in the Development Code, which reads:

Mobile/Manufactured Homes. Factory-built structures that is manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008) and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of the Zoning Code, a manufactured home shall be considered the same as any site-built single-family detached dwelling. (Section 17.60.130, Emphasis added)

Recommendation: Amend the Development Code for internal consistency and to avoid the possibility that modular workforce housing in the Yosemite West Mixed-Use Zone or Missouri Gulch sites could be incorrectly classified as a mobile home park. Consider amending the Development Code to strike section 17.52.110(C), as follows:

~~*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 17.52.150 (Recreational Vehicle Parks).*~~

Issue #7: Some provisions in the Development Code are not compatible with the operation of vacation rentals in the Yosemite West Mixed-Use Zone or Missouri Gulch sites.

The Yosemite Conservancy may want to have the option to rent some accommodations as vacation rentals when not in use by members of the local workforce to keep employee rental rates more reasonable. Vacation rentals are a permitted use in the YWMU zone, and therefore would generally be permissible.

However, other provisions within the Development Code would preclude the operation of vacation rentals at the Yosemite Conservancy's Yosemite West and Missouri Gulch sites. First, the Development Code defines a vacation rental in part as a single-family structure or a

single-family dwelling unit of a duplex. This provision applies to vacation rentals throughout the County, though the Development Code provides an exception for individual condominium units in the Yosemite West subdivision. The vacation rentals that could exist at the Yosemite West and Missouri Gulch sites could consist of a mix of multifamily apartment units, modular cabins, and other types of accommodations, none of which are consistent with the definition of a vacation rental as provided in the Development Code. Second, the section of the Development Code that provides regulations for vacation rentals throughout the County establishes a maximum of two vacation rentals per parcel. While it is very unlikely that all the units envisioned in the conceptual site plan would be used for vacation rentals, the Yosemite Conservancy may want the flexibility to have more than two vacation rentals on the site.

Recommendation: Amend the Development Code to provide additional flexibility for vacation rentals specifically in the Yosemite West Mixed-Use zone. Amendments would include an adjustment to the definition of a residence and vacation rentals in the Development Code and an adjustment to the regulations for vacation rentals that the Development Code provides in the section on regulations for specific uses.

Consider amending section 17.60.220 (“V” Definitions) as follows:

Vacation Rental. *A single-family structure or a single-family dwelling unit of a duplex rented or leased for periods of thirty (30) or less days and complying with the standards contained herein. A vacation rental is a single-family structure which is available for rental to a family or a group on a transient basis, except in the Yosemite West Mixed-Use zone, in which case vacation rentals can include multifamily units, and modular cabins.*

In addition, consider amending Section 17.52.060(D)(12) (Regulations for Specific Uses, Bed and Breakfast Inns and Vacation Rentals) as follows:

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, except in the Yosemite West Mixed-Use zone, in which case 8 vacation rentals will be allowed per parcel.*

Frank Dean

Frank Dean
President & CEO