

DEPARTMENT: Planning

BY: Sarah Williams, Deputy Director
PHONE: 742-1215

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the second reading and adopt an ordinance, approving amendments to the Zoning Ordinance pursuant to Zoning Amendment No. 2009-87.

Justification: The recommended action is based on action taken by the Board of Supervisors on November 9, 2010.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

(Detailed prior history provided in earlier Board Agenda Action Form)

November 9, 2010 - Board of Supervisors continued public hearing.

Board of Supervisors adopted Resolution adopting a Negative Declaration and approving Zoning Amendment No. 2009-87.

Board of Supervisors waived the first reading and introduced an ordinance amending Title 17 pursuant to Zoning Amendment No. 2009-87.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

None

Financial Impact? () Yes (X) No Current FY Cost: \$ Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded

Amount in Budget:	\$ _____	Board Ordinance for Adoption	_____
Additional Funding Needed:	\$ _____		_____
Source:			_____
Internal Transfer	_____		_____
Unanticipated Revenue	_____ 4/5's vote		_____
Transfer Between Funds	_____ 4/5's vote		_____
Contingency	_____ 4/5's vote		_____
() General () Other	_____		_____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1024
Vote - Ayes: 5 Noes: _____
Absent: _____
mw Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

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

Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

CAO: *[Signature]*

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STATE OF CALIFORNIA
COUNTY OF MARIPOSA BOARD OF SUPERVISORS
MARIPOSA COUNTY ORDINANCE NO. 1074

AN ORDINANCE AMENDING CHAPTERS 17.40, 17.108, and 17.148 OF THE
MARIPOSA COUNTY CODE and ESTABLISHING A NEW CHAPTER 17.114 OF
THE MARIPOSA COUNTY CODE

WHEREAS, the Mariposa County Board of Supervisors initiated Zoning Amendment Application No. 2009-87; and

WHEREAS, Zoning Amendment Application No. 2009-87 proposes amendments to County Code to allow consideration of agritourism/agri-nature tourism uses and activities in the Agriculture Exclusive zone and standards for those uses. Amendments include provisions for agricultural homestays, new definitions and a new chapter to create a process for allowing uses under an administrative use permit; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Zoning Amendment 2009-87 on the 23rd day of April, 2010, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Zoning Amendment 2009-87 on the 21st day of September, 2010, continued to the 5th day of October 2010, and further continued to the 9th day of November 2010, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Zoning Amendment 2009-87 in accordance with the California Environmental Quality Act, a negative declaration has been adopted and a Notice of Determination has been filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors of the County of Mariposa does hereby amend County Code, Zoning, as follows:

Section I: Amend Chapter 17.40 as follows:

Chapter 17.40

AGRICULTURE EXCLUSIVE ZONE (AEZ)

Sections:

17.40.010 Agriculture exclusive zone (AEZ).

17.40.010 Agriculture exclusive zone (AEZ).

The Agriculture Exclusive Zone (AEZ) as designated on the Mariposa County land use map, is applied to land considered to be most desirable for agriculture use. The purpose is to preserve the agricultural industry of Mariposa County as a viable economic activity.

A. **Development standards for the AEZ.** Development standards for the AEZ shall be as follows, with the express provision that any agritourism or agri-nature tourism use shall comply with all federal, state and local laws and regulations. In this code, agritourism and agri-nature tourism are subject to the same standards and regulations:

1. **Uses:**

a. **Permitted uses:** Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Collaborative AgriNature Tourism Events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act; private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted when conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 15 persons per day with a maximum of less than 106 in any given week (not counting employees). If averages are used, they must be on a per week basis.

b. **Administrative Use Permit uses:** Larger and more frequent agritourism and agri-nature tourism uses and activities pursuant to the definitions, and including but not limited to Collaborative AgriNature Tourism Events, petting zoos of resident animals, and hunting dog trials when no fire arms are discharged. All of the uses shall be conducted in compliance with all of the following:

i. A daily use or activity is limited to no more than an average of 35 persons per day with a maximum of 250 in any given week (not counting employees). If averages are used, they must be on a per week basis

ii. The use or activity is conducted in accordance with the development standards established by Section 17.40.010.A.4.

iii. Submittal of an agritourism facility compliance form to the Mariposa County Planning Department is required annually for reporting of

agritourism activities and events. The report shall include information on the number of participants, days of activity, and hours of operation.

Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to an administrative use permit.

Prior to issuance of an administrative use permit, the use or activity is subject to submittal of proposed use or activity and site plans for review by County departments and State agencies as to compliance with applicable laws, policies, codes and regulations.

Said County department review may determine that proposed activity or use is required to obtain a conditional use permit as defined below in this section.

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Bed and Breakfasts and Transient Rentals in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

d. **Prohibited uses:** All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title.

2. **Minimum parcel or lot size:** No parcel of real property in the AEZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than one hundred sixty (160) acres or a legal quarter section in gross area.

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section.

4. **Special Development and Performance Standards for Agritourism and Agri-Nature Tourism Uses and Activities in the Agriculture Exclusive Zone:**

a. Agri-Nature uses or activities are subject to the same development standards as agritourism uses or activities.

b. An agritourism use or activity is subject to all of the following road access and maintenance requirements, if the use or activity generates more than 7.5 Average Daily Trips (ADTs):

i. 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.

ii. Any agritourism use or activity which is established shall have access from roads which are 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:

- 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.

- Provide for annual maintenance and the immediate correction of emergency and hazard situations.

c. Any exterior activities for agritourism uses and activities shall not commence prior to seven o'clock (7:00) a.m. and shall cease by ten o'clock (10:00) p.m. The Planning Director can consider amendments to these hours of operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which are time sensitive, such as but not limited to bird-watching, when the Planning Director can make the finding that the amended hours will not have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

d. 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 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 property.

e. The agritourism uses and activities shall not require more than 1 (one) employee per acre up to a maximum of the equivalent of 5 (five) full-time employees on-site at any one time. The number of employees will be in full FTE increments, with 1 (one) FTE allowed per acre allowed for agritourism development as defined in 17.40.010.A.4.i. This limit does not include family members or employees solely of the agricultural operation. The Planning Director can consider amendments to the number of employees at an operation on a case by case basis through the Administrative Use Permit process for specific agritourism uses which may require more employees, when the Planning Director can make the finding that the increased number of employees will not

have adverse impacts. The Planning Director may apply such conditions as are necessary in order to make this finding.

f. The owner, lessee, designated agent or a designated family member of the agritourism enterprise shall be present throughout the duration of the agritourism use or event.

g. Petting zoos of resident animals shall have a minimum of 1/3 mile buffer from adjacent properties.

h. Activities shall be limited to the on-site agritourism parcel or parcels. Parcel boundaries and no trespassing signs shall be clearly posted. The owner of an agritourism business shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714.

i. 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, this shall mean a place of agricultural production which has annual sales of agricultural products of one thousand dollars (\$1,000) or more. Agritourism is permitted as a secondary use to the primary commercial agricultural production use. The amount of land permitted for permanent physical improvement (infrastructure and structural improvements) related to agritourism is limited to no more than 10% of a parcel's acreage or 5 acres of total land area, whichever is the lesser amount, to comply with this primary use standard. Developed infrastructure and structural improvements do not include unpaved riding or hiking trails. If there are multiple parcels involved in the agritourism use and development, the maximum amount of agritourism development shall be calculated based upon the parcel on which the improved facilities are located, using the % calculation, and there shall be no more than 5 acres cumulative agritourism development allowed on all of the parcels combined.

j. Daily or ongoing agritourism uses or activities shall have adequate provisions for sewage disposal (permanent or temporary) as determined by the Mariposa County Health Department.

k. The agritourism use or activity shall have adequate provisions for public water as determined by the Mariposa County Health Department.

l. The agritourism use or activity shall have adequate access and on-site parking.

m. Any new exterior lighting installed related to an agritourism use or activity shall comply with the dark sky standards as described in the Mariposa County General Plan.

n. An agricultural homestay is subject to all of the following requirements:

i. The parcel on which an agricultural homestay is proposed shall be at least twenty (20) acres in size or greater;

ii. The agricultural homestay is located in a residence occupied by the property owner, an accessory dwelling or other existing dwelling; The agricultural homestay is located on property occupied by the property 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 an agricultural homestay;

iii. The agricultural homestay has not more than five (5) guest rooms 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 must not exceed fifteen (15) persons;

iv. The agricultural homestay 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;

v. Lodging and meals are incidental and not the primary function of the agricultural homestay establishment;

vi. The agricultural homestay establishment 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 [pursuant to the referenced section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vii. The primary purpose of the homestay establishment is the guest's education and active participation in the on-site agricultural activities;

viii. Any activities or events that involve more than ten (10) adult guests at an agricultural homestay are prohibited; children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons;

ix. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing an agricultural homestay, including a valid Transient Occupancy Tax Certificate.

p. A glamping operation is subject to all of the following requirements:

i. The parcel on which glamping is proposed shall be at least twenty (20) acres in size or greater;

ii. The glamping operation is located on property occupied by the property 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;

iii. The glamping operation 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 must not exceed fifteen (15) persons;

iv. The glamping operation 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;

v. The glamping establishment 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 [pursuant to the referenced section of code, this shall mean a place of agricultural production which has annual sales (income) of agricultural products of one thousand dollars (\$1,000) or more];

vi. 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 must not exceed fifteen (15) persons;

vii. The glamping operation conforms to all building codes, fire codes and American Disabilities Act requirements.

viii. A Bed and Breakfast / Transient Rental Permit pursuant to Section 17.108.180 of the Mariposa County Code shall be obtained prior to establishing a glamping operation, including a valid Transient Occupancy Tax Certificate.

B. **Agricultural advisory committee.** As part of the review of an application for rezoning to place property into or remove property from the Agriculture Exclusive Zoning district, the planning director shall refer the application to the agricultural advisory committee. The committee shall review each action described above and may, if necessary, inspect the property in question to determine if the property is bona fide agricultural land appropriate for the Agriculture Exclusive Zoning district and if such action is consistent with the general plan. The committee shall forward their recommendation for action on the rezoning application to the planning commission.

Section II: Amend Chapter 17.148 to add new or modified definitions as follows:

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

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

Accessory dwelling:

“Accessory dwelling” means either an attached or detached dwelling unit which provides potential living facilities for one or more persons. Included are caretaker quarters.

Agricultural homestay:

“Agricultural homestay use” means a business that provides overnight transient occupancy accommodations in five or fewer guest rooms with not more than ten (10) adult guests; (children accompanied by a guardian do not count as adult guests, but the total number of guests must not exceed fifteen (15) persons); and serves meals at any time to only registered guests, who actively participate in the guest’s education and the on-site agricultural activities. Agricultural homestays are located in the residence of the property owner or accessory dwelling or other existing dwelling.

Agricultural product sales:

“Agricultural product sales use” means the sale of food or fiber commodities of any kind directly associated with the agricultural operation on-site. Agricultural product sales include:

- A. On-farm sales of products grown, raised or manufactured on-site;
- B. Road-side stands displaying products grown, raised or manufactured on-site, available for purchase;
- C. U-pick operations where the public is invited to select or harvest products grown on-site.

Agritourism use:

“Agritourism” means an enterprise located at a working farm (as defined by Section 52262 of the California Food and Agricultural Code), ranch, or other agricultural operation or agricultural plant/facility, which is conducted for the enjoyment and education of visitors, guests or clients, and that generates income for the owner/operator. Agritourism is the act of visiting a working farm/ranch or any agricultural, horticultural or agricultural

operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Agriculture must be the primary use of the land, pursuant to the standards and criteria established by Section 17.40.010.A.4.a.h.

Examples of limited agritourism uses and activities allowed as permitted uses include but are not limited to an agricultural homestay, star-gazing, educational and interpretive seminars, clinics, tours, horseback riding (which may include trail riding instruction necessary for the safety of guests, if pertinent to agritourism use), and youth exchange programs when related to an on-site agricultural operation and in accordance with agricultural homestay requirements and photography.

Examples of larger and more frequent agritourism uses permitted through an administrative use permit include, but are not limited to petting zoos, and hunting dog trials in which no firearms are discharged.

Arena events such as roping competitions, horse shows, rodeos and similar commercial-for-fee sporting events are specifically excluded from the allowed uses and activities in the definition of agritourism. Weddings and concerts are specifically excluded from the allowed uses and activities in the definition of agritourism. A RV park and camping are specifically excluded from the allowed uses and facilities in the definition of agritourism.

Agri-nature tourism use:

“Agri-nature tourism use” means visitor-oriented destinations and experiences, which are centered on an agricultural and/or natural theme. The act of visiting a working farm (as defined by Section 52262 of the California Food and Agricultural Code), ranch, or any agricultural, horticultural, or agribusiness operation, for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation and/or activities and experiences taking place in natural areas that also adds to the economic viability of the agricultural operation. Agriculture must be the primary use of the land, pursuant to the standards and criteria established by Section 17.40.010.A.4.a.h.

Examples of limited agri-nature tourism uses and activities allowed as permitted uses include but are not limited to educational and interpretive seminars, clinics, walks, cross-country skiing, picnics, gold panning, hiking, tours, working dog trials, horseback riding, wagon rides when confined to the agritourism parcel, wildlife viewing, and photography.

Examples of larger and more frequent agri-nature tourism uses permitted through an administrative use permit include, but are not limited to petting zoos, and hunting dog trials, in which no firearms are discharged.

Collaborative AgriNature Tourism Events:

“Collaborative AgriNature Tourism Events” means the temporary use of multiple agricultural properties and/or facilities, for which a fee may or may not be charged, where there is a gathering of people in multiple locations to tour agricultural sites, experience agriculture in hands on workshops, and develop a respect for the natural resources of Mariposa County. These events may not exceed three (3) consecutive days per event. Event participation is determined by the total number of participants divided by the number of locations participating in the event; larger events require an Administrative Use Permit. Permits may be required, such as but not limited to Public Assemblage Permit and Food Facilities Handlers Permit.

Commercial stable:

“Commercial stable use” means an equine facility, barn or stable that is used by the residents, who occupy the property and is also used by private invited clients or guests for the purpose of raising, boarding, breeding, training and riding. Use may include lessons, professional training, educational seminars and clinics. These activities may be undertaken for equines not owned by the resident of the property and such services are limited to invited or scheduled guests and/or clients as a business or income source.

Ecotourism:

“Ecotourism use” means travel to fragile, pristine, and usually protected areas that strives to be low impact and (often) small scale. Ecotourism development helps educate the traveler; provides funds for conservation; directly benefits the economic development and political empowerment of local communities; and fosters respect for different cultures and for environmental justice and human rights. Ecotourism appeals to ecologically and socially conscious individuals. Generally speaking, ecotourism focuses on volunteering, personal growth and learning new or adaptive ways to live on the planet. Responsible ecotourism includes programs that minimize the negative aspects of conventional tourism on the environment and enhance the cultural integrity of local people.

FTE (Full Time Equivalent):

“FTE” means full time equivalent of five (5) eight (8) hour work days per week. For Agritourism and Agri-Nature Tourism activities, FTE is counted for volunteers and paid employees alike. Family members living on-site are excluded from FTE counts.

Geotourism:

“Geotourism use” means tourism that sustains the geographical character of a place – its environment, heritage, aesthetics, culture, and the well-being of its residents. Geotourism is not just about where places are, but what places are. Geotourism celebrates what makes one place different from the next. That includes not only flora and fauna, which is the realm of ecotourism, but also historic structures and archaeological sites, scenic landscapes, traditional architecture, and locally grown music, cuisine, crafts, dances, and other arts. Geotourism is environmentally responsible, committed to conserving resources and maintaining biodiversity; it is culturally responsible, committed to respecting local sensibilities and building on local heritage.

Glamping:

“Glamping” means a transient occupancy facility, regulated by uniform building code and uniform fire code, where guests occupy detached permanent upscale tent units or similar units but which are not conventional hotel, motel or cabin facilities and are not an agricultural homestay or camping as defined within County Code. Payment for accommodations specifically includes overnight lodging and meals, and transient occupancy tax.

Guest ranch or dude ranch:

“Guest ranch or dude ranch use” means a transient occupancy facility where guests occupy detached cabin units, bunk units or other similar type units but which are not conventional hotel or motel facilities and are not an agricultural homestay or glamping as defined within County Code. Payment for accommodations at a guest ranch or dude ranch specifically includes entertainment or participation in activities at the ranch, as well as the overnight lodging and meals.

Petting zoo:

“Petting zoo” means resident domestic animals and some resident wild species docile enough to touch and feed. Confined domestic livestock customary and incidental to agricultural operations shall not constitute a petting zoo.

Private stable:

“Private stable use” means an equine facility, barn or stable that is used for and by the residents, who occupy the property, for the purpose of raising, breeding, training and riding their own horses. The use may also include training and breeding outside horses (horses not owned by the residents); however lessons for riders (other than as needed to prepare guests for an agritourism activity) are not considered agritourism or agri-nature tourism uses. Riding lessons may be allowed as a Rural Home Industry operation in compliance with the development and performance standards in Section 17.108.080 and pertinent standards in Section 17.108.070, Mariposa County Code.

Section III: Amend Chapter 17.108, Section 17.108.180 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

17.108.180 Bed and breakfasts, agricultural homestays, and residential transient rentals.

Bed and breakfast and transient rental establishments shall be considered a permitted home enterprise in all principal zones, except the AE, M-1 and M-2 zones. These provisions shall also be applicable in planning areas with adopted area plans unless otherwise specifically regulated or prohibited. An agricultural homestay is a permitted use in the AE zone, subject to compliance with development standards established by the zone. Bed and breakfast establishments are defined as a single family structure in which there is a full time, permanent resident family, and a limited number of guest bedrooms. Breakfast is prepared each day in a kitchen appropriately permitted by the Health Department. Residential transient establishments are defined as a single family structure which is available for rental to a family or a group on a transient basis. These structures are also defined as single family dwelling units wherein title is held by a deed which describes only that property on which the structure is located or the single family dwelling unit together with any common areas. Notwithstanding other code provisions, a duplex shall be considered a single family dwelling for purpose of this chapter. Agricultural homestays are defined in Chapter 17.148 and are located in the residence of the property owner or accessory dwelling or other existing dwelling. Bed and breakfasts, agricultural homestays, and residential transient rentals shall meet the following requirements:

A. No more than three (3) bedrooms are available for occupancy by transients for residential transient rentals. No more than five (5) bedrooms are available for occupancy by transients for bed and breakfast establishments and agricultural homestays.

B. The structure and facilities used shall be approved for such use by the Mariposa County health department and shall at a minimum comply with the following standards:

1. The residence shall be serviced by an approved community sewage disposal system, or have an individual system satisfying current code requirements.

2. Water supply shall be from a State of California permitted public water supply, or from an individual well meeting current construction standards and having quality and quantity satisfying current code requirements including but not limited to those for food facilities.

C. The structure and facilities used shall be approved by all fire protection agencies necessary to comply with applicable provisions of the Public Resources Code.

D. A sign of not more than four (4) square feet shall be posted and clearly visible from the nearest road. The sign shall require the street address and may contain the name of the owner or the establishment. Large signs shall require planning commission approval.

E. At a minimum, an 8 1/2 x 11 inch written notice must 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 permitted during snow removal periods declared by the director of public works, pursuant to 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.

F. Non-owner-occupied Transient Rentals must place a minimum 5 x 7 inch weather-proof NOTICE that is easily and conspicuously visible at or near the main entrance to the Transient Rental which contains the name and phone number of the property owner or rental manager. Property owner or rental manager must be available by phone in case of an emergency.

G. At the time the permit is approved, the structure must be found in conformance with current building code requirements by the chief building inspector relative to the basic health, safety and welfare of the occupants.

H. The following on-site parking standards shall apply:

1. Bed and breakfast and agricultural homestay establishments shall have two (2) parking spaces for the residence plus at least one (1) space for each bedroom available for rent.

2. Residential transient rental establishments shall have one (1) parking space for each bedroom to be rented.

3. Parking provided shall be maintained so that it is accessible, usable, and utilized at all times during the year, when it is occupied.

I. The applicant shall apply to the Mariposa County planning department for site plan review and approval. The planning department shall forward the application to the building department, health department, and a fire protection agency for review.

J. Following approval by all appropriate agencies, a valid transient occupancy registration certificate shall be issued by the Mariposa County.

K. These establishments are specifically excluded from the definition of "hotel" as described in this Title.

Section IV: Add new Chapter 17.114 as follows:

Chapter 17.114

ADMINISTRATIVE USE PERMITS

Sections:

- 17.114.010 Purpose and issuance.
- 17.114.020 Form of application.
- 17.114.030 Public hearing not required.
- 17.114.040 Findings of approval.
- 17.114.050 Administrative use permit revisions.
- 17.114.060 Time limits.
- 17.114.070 Extension of time limits.

17.114.010 Purpose and issuance.

The purpose of the administrative use permit is to allow the proper integration of uses into the community, only if such uses are designed or arranged on the site in accordance with established development standards of this title and policies of the General Plan.

Administrative use permits may be issued, as provided in the Chapter, for any of the uses or purposes for which such permits are required or permitted by the terms of this Title, upon conditions designated by the planning director.

The planning director may approve, deny, or conditionally approve an application for an administrative use permit.

The planning director may impose such conditions as deemed necessary to secure compliance with the requirements of this Title, 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.

17.114.020 Form of application.

Application for an administrative use permit shall be made in writing by the owners of the property or by a lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the county. The application shall be accompanied by a fee, as set by the board of supervisors, and plans showing the details of the proposed use.

17.114.030 Public hearing not required.

A public hearing in accordance with the provisions of Chapter 17.132 shall not be required on any application for an administrative use permit prior to action being taken by the planning director to approve, deny, or conditionally approve the application.

The planning director's action to approve an administrative use permit shall be noticed pursuant to the requirements established in Section 17.08.120.D, Mariposa County Code.

17.114.040 Findings of approval.

In evaluating a proposed project, the planning director prior to approving an administrative use permit, must find that all the following findings can be made:

A. That the proposed use is consistent with the policies and development standards of the general plan, the zoning ordinance, other county codes, any applicable area plan, and any other applicable code and regulations;

B. That 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 welfare.

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

17.114.050 Administrative use permit revisions.

The planning director may approve one or more revisions to an approved administrative use permit provided such revision does not result in a cumulative expansion of more than ten percent (10%) of the original site or use area or such revision, other than expansion, and such revision is consistent with all applicable General Plan policies, County Code standards and other applicable codes and regulations. Notice of an approved administrative use permit revision shall be the same as specified by Section 17.08.120.D of this Title.

17.114.060 Time limits.

An approved administrative use permit shall be null and void if the project is not completed within three (3) years from the date of approval thereof, unless the planning director finds and stipulates in his original approval that a different time limit is necessary and not detrimental to the public health, safety and welfare, or, unless an extension of time has been approved. Notwithstanding anything to the contrary contained in this Title, and notwithstanding the length of time for which permits may be issued pursuant to this Title, nothing contained herein shall in any way affect the length of time for which permits are issued pursuant to the Mariposa County Building and Construction Code (Title 15).

17.114.070 Extension of time limits.

The planning director may approve one extension of time on an approved administrative use permit approved pursuant to this Title, for up to eighteen (18) additional months after notice is given in the same manner as the original approval, if it finds that such extension is necessary and not detrimental to the public health, safety and welfare.

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

NOW THEREFORE BE IT FURTHER ORDAINED, the Board of Supervisors of the County of Mariposa does hereby repeal Ordinance No. 1049 to be effective upon the effective date of this Ordinance.

PASSED AND ADOPTED on this 23rd day of November, 2010, by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

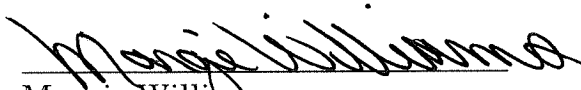
ABSTAINED: NONE

EXCUSED: NONE



Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel