



MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2012-1090

MEETING: August 7, 2012
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: General Plan Housing Element Implementation

RECOMMENDED ACTION AND JUSTIFICATION: Waive the second reading and adopt an ordinance amending Chapters 17.66, 17.108, 17.148, 17.320 17.324, 17.334 and 17.336 of the Mariposa County Code pursuant to General Plan/Zoning Amendment No. 2011-068; County of Mariposa, proponent.

Recommended action is based on the Board of Supervisors action on July 10, 2012. The Board adopted a Resolution approving General Plan/Zoning Amendment No. 2011-068 and waived the first reading and introduced an ordinance amending the Zoning Ordinance regarding State mandated Housing Element programs.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors conducted a noticed public hearing on the project on June 12, 2012, which was continued to June 19, and July 10, 2012.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Failure to complete action would put the County out of compliance with State law and with the requirements of the Mariposa County General Plan

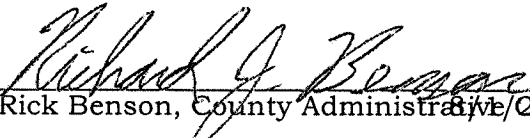
ATTACHMENTS:

120807 BOS ORDINANCE Final (PDF)
120807 Summary BOS Ordinance FINAL (PDF)

CAO RECOMMENDATION

Requested Action Recommended

Ordinance 2012-1090


Rick Benson, County Administrator/Office

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Lee Stetson, District I Supervisor
AYES: Stetson, Turpin, Bibby, Cann, Allen

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1090

AN ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320,
17.324, 17.334 and 17.336 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Mariposa County Planning Commission initiated General Plan/Zoning Amendment Application No. 2011-068; and

WHEREAS, General Plan/Zoning Amendment Application No. 2011-068 proposes amendments to County Code to implement Housing Element Programs 8.2 and 8.3. The amendments allow emergency shelters in the General Commercial and Public-Quasi Public Zones, and the amendment adds development standards for emergency shelters. The amendments modify the Design Review process to exempt emergency shelters from the DRO process. The amendments modify the Supplementary Standards regarding residential care facilities and transitional and supportive housing. The amendments add definitions necessary to implement these amendments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 6th day of April, 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 12th day of June, 2012; and

WHEREAS, the Board of Supervisors continued the public hearing to the 19th day of June, 2012 and the 10th day of July, 2012; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment 2011-068 in accordance with the California Environmental Quality Act, findings have been made and a Notice of Exemption 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 17.320, Section 17.320.020 as follows:

Chapter 17.320

General Commercial Zone (GC)

Sections:

17.320.020 Development standards for GC.

Development standards for the GC zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
- b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
- c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
- d. Hotels, motels, conference facilities and other similar tourist service facilities;
- e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
- f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
- g. Day care centers;
- h. Fitness or exercise studios and health clubs and similar uses;
- i. Churches and religious assembly.
- j. Emergency shelters subject to the standards established in

Section 17.336.130.

2. Conditional uses:

- a. Any uses involving outside sales or storage areas;
- b. Service stations;
- c. Any use involving the bulk storage of flammable or hazardous materials;
- d. Emergency medical care facilities, fire stations and other similar uses;
- e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

B. Minimum lot size/density: Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. (Ord. 912 Sec.II, 1997; Ord. 822, Sec.I, 1992)

Section II: Amend Chapter 17.324, Section 17.324.020 as follows:

CHAPTER 17.324

PUBLIC-QUASI PUBLIC ZONE (P-Q)

Sections:

17.324.020 Development standards for P-Q.

A. Uses:

1. Permitted uses:
 - a. Those existing land uses such as the county courthouse, the hall of records, the high school, grammar school and the cemetery shall form the nucleus for future centers for P-Q land use. Typical uses include:
 - i. Public schools, public hospitals and health care facilities;
 - ii. Courthouse, civic center, administrative offices;
 - iii. Public fairgrounds, fire houses;
 - iv. Public utility service area, motor vehicle pool;
 - v. Public parks, playgrounds, recreation areas, parkways, greenbelts, waterways, reservoirs, forests, and cemeteries;
 - vi. Uses determined to be similar to and compatible with the above.
 - b. Emergency shelters subject to the standards established in Section 17.336.130.
2. Conditional uses:
 - a. Campgrounds;
 - b. Uses involving bulk storage of flammable or hazardous materials.
3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited.
(Ord. 822, Sec.I, 1992)

Section III: Amend Chapter 17.334, Sections 17.334.030 and new Section 17.334.070 as follows:

CHAPTER 17.334
SUPPLEMENTARY USE STANDARDS

Sections:

17.334.030 Day care and small residential care facilities.

A. Day care facilities: Preschool, child day care, and adult day care facilities for six (6) or fewer persons shall be a permitted use in residential structures in any zone in which residential uses are permitted. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. All outdoor play areas shall be enclosed with fencing a minimum of four (4) feet high, provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot;

2. In addition to the parking normally required for the residence, an off-street drop-off area shall be provided with the capability to accommodate at least one car.

B. Small residential care facilities: Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. Play areas for children must be fenced to prevent uncontrolled access to and from the site;

2. The facility shall conform to all other residential site design standards. (Ord. 822, Sec.I, 1992)

17.334.070 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for transitional and supportive housing.

Section IV: Amend Chapter 17.148 to add new 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:

Emergency Shelter:

A facility or use for 7 or more persons, which provides temporary housing by homeless individuals or families, victims of domestic violence, or persons requiring temporary housing, and may involve supplemental services. An emergency shelter shall be within a structure improved and permitted pursuant to the Uniform Building Code. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children, vocational rehabilitation and other similar activities. This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

Transitional Housing:

A facility or use that provides housing and support services for persons and families, but restricts occupancy to no more than 24 months. Support services may include meals, counseling, and other services, as well as common areas for residents of the facility. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Transitional housing programs may utilize small Residential Care Facilities wholly or as part of their overall facilities.

Supportive Housing:

A facility or use that provides housing with no limit on length of stay, that is occupied by the target population, as defined by Section 53260(d) of the California Health and Safety Code, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Supportive housing programs may utilize small and large residential care facilities wholly or as part of their overall facilities.

Small Residential Care Facilities:

A facility or use that provides residential housing with no limit on length of stay, that is occupied by 6 or fewer persons requiring personal care in accordance with the California Health and Safety laws. Such facilities can provide a wide variety of medical and non-medical personal services and care including but not limited to, foster care, rehabilitation services, domestic violence shelters, housing shelter needs, and care for disabled persons. Day care facility uses are not included in this definition.

Section V: Amend Chapter 17.108, Section 17.108.160 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.160 Small residential care facilities.

17.108.160 Small residential care facilities.

Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.

B. The facility shall conform to all other residential site design standards. (Ord. 704 Sec.1, 1988).

Section VI: Amend Chapter 17.108, to add Section 17.108.200 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.200 Transitional and supportive housing

17.108.200 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply to other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for Transitional and supportive housing.

Section VII: Amend Chapter 17.336, to add Section 17.336.130 as follows:

Chapter 17.336

SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

17.336.130 Emergency shelter standards

17.336.130 Emergency shelter standards.

Emergency shelters shall be subject to the development standards in the zone district(s) that permit this use. In accordance with the authority to the County of Mariposa in section 65583(a)(4) of the California Government Code, emergency shelters shall also meet the following standards:

- A. **Building Code Standards**
In addition to the standards set forth in here and below emergency shelters shall also be required to comply with the California Building Standards Code in effect at the time of permit application or issuance.
- B. **Management Plan**
Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Planning Director. The management plan must include the following:
 - 1. Provisions for staff training
 - 2. Resident identification process
 - 3. Policies regarding pets
 - 4. The timing and placement of outdoor activities
 - 5. Temporary storage of residents' personal belongings
 - 6. Safety and security
 - 7. Screening of residents to insure compatibility with services provided at the facility
 - 8. A description of training, counseling and social service programs for residents, as applicable.
- C. **Location**
An emergency shelter shall not be located within 300 feet of another emergency shelter.
- D. **Occupancy Load and Bathroom Facilities**
Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 15 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
- E. **Parking**
Off-street parking shall be provided at the ratio of 1 space per 6 beds, plus 1 space per manager or staff person on duty.
- F. **Lighting**
Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and the public right-of-way, utilize full cut-off lighting meeting International Dark Sky Standards, and be of an intensity compatible with the neighborhood.
- G. **Laundry Facilities**
The shelter shall provide laundry facilities or services adequate for the number of residents.
- H. **Refuse**

- A refuse storage area shall be provided that is screened from view by the public right-of-way.
- I. Storage
Storage outside of the shelter facilities shall be in a structure or shall be screened from surrounding properties.
 - J. Common Facilities and Services
The emergency shelter facility may provide one or more of the following specific facilities and services, including but not limited to:
 - 1. Adequate kitchen facilities designed and operated in compliance with the California Retail Food Code;
 - 2. Dining area;
 - 3. Laundry;
 - 4. Recreation facilities;
 - 5. Support services, (e.g., training, counseling);
 - 6. Child Care Facilities
 - K. On-site Waiting and Intake Areas
If the emergency shelter provides on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from the view of the public right-of way and neighboring properties.
 - L. Length of Stay
Occupancy in an emergency shelter is limited to 6 months.

Section VIII: Amend Chapter 17.66, to add Section 17.66.010.F.2 as follows:

Chapter 17.66

DESIGN REVIEW OVERLAY (DRO)

Sections:

17.66.010 Design review overlay zone (DRO).

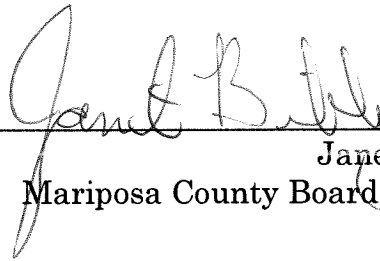
Section 17.66.010.F. DRO plan application-review exemption.

1. The planning director may approve an exemption from review by the design review committee where it can be determined that the proposed development is of a small scale (generally less than 5000 sq. ft.) or is a minor alteration or expansion of an existing development that clearly complies with all of the special development standards established pursuant to this section by the board of supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.66.010(D) of this section in order to justify the exemption.
2. An Emergency shelter that is proposed to be located within a DRO Zone shall be exempt from the DRO application review. Such shelters shall be developed in accordance with the emergency shelter standards contained in Section 17.336.130.

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

PASSED AND ADOPTED on this 7th day of August, 2012, by the following vote:

AYES: Stetson, Turpin, Bibby, Cann and Allen
NOES: None
ABSTAINED: None
EXCUSED: None
NOT VOTING: None



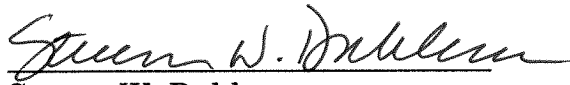
Janet Bibby, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel

Certificate of Publication

C.C.P. 2015.5



Attach to

STATE OF CALIFORNIA)

COUNTY OF MARIPOSA)

) ss.

)

I, the undersigned, state:

I am the publisher and principal clerk of the MARIPOSA GAZETTE AND MINER, an established weekly newspaper of general circulation, within the Town and County of Mariposa, State of California, within the provision of Chapter 1 Division 7 Title 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town of Mariposa, County of Mariposa, State of California, continuously since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County aforesaid; that the notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and not in any supplement thereof on the following dates, to wit:

8/16/12

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date 8/16 2012

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. 1090 AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 AND 17.336 OF THE MARIPOSA COUNTY CODE

Notice is hereby given that on Tuesday, August 7, 2012, at its regularly scheduled meeting, the Mariposa County Board of Supervisors adopted Ordinance No. 1090 amending Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 of the Mariposa County Code as follows:

Section I: Amend Mariposa County Code, Chapter 17.320, General Commercial (GC) Zone, Section 17.320.020 Development standards for the GC, by adding emergency shelters as a permitted use in the GC zone.

Section II: Amend Mariposa County Code, Chapter 17.324, Public-Quasi Public (P-Q) Zone, Section 17.324.020 Development standards for P-Q, by adding emergency shelters as a permitted use in the P-Q zone.

Section III: Amend Mariposa County Code, Chapter 17.334, Supplementary Use Standards, Section 17.334.030 to rename the section to "Day care and small residential care facilities", to clarify these facilities are permitted in residences, and to add a new Section 17.334.070 for Transitional and supportive housing. Transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section IV: Amend Mariposa County Code, Chapter 17.148, Definitions, to provide definitions for emergency shelters, small residential care facilities, transitional housing, and supportive housing necessary to implement the amendments to Mariposa County Code, Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336.

Section V: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to rename nursing care facilities to residential care facilities, and to remove restrictions that would limit such facilities only to single-family residences.

Section VI: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to add Section 17.108.200 that states that transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section VII: Amend Chapter 17.336, Supplementary Development Standards, to add Section 17.336.130, Emergency Shelter standards. The standards would require a management plan for the facility, establish distances between such facilities, establish occupant loads, and establish parking/lighting standards. The standards also require the screening of refuse containers, outdoor storage areas, on-site waiting facilities and intake areas. The standards further require laundry facilities, provide for common facilities and services, and limit the length of stay.

Section VIII: Amend Mariposa County Code, Chapter 17.66, Design Review Overlay (DRO) plan application-review exemption, by adding Section 17.66.010.F.2 to exempt emergency shelters from the DRO process, and require such shelters to be developed in accordance with emergency shelter standards in Section 17.336.140.

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

Voting on the Ordinance was as follows:

AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES: NONE
ABSENT: NONE

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

MARGIE WILLIAMS
Clerk of the Board

Certificate of Publication

C.C.P. 2015.5



Attach

STATE OF CALIFORNIA)
) ss.
COUNTY OF MARIPOSA)

I, the undersigned, state:

I am the publisher and principal clerk of the MARIPOSA GAZETTE AND MINER, an established weekly newspaper of general circulation, within the Town and County of Mariposa, State of California, within the provision of Chapter 1 Division 7 Title 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town of Mariposa, County of Mariposa, State of California, continuously since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County aforesaid; that the notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and not any supplement thereof on the following dates, to wit:

8/2/12

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature (R.D. Tucker, Publisher)

Date 8/2/2012

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROPOSED ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 OF THE MARIPOSA COUNTY CODE

Notice is hereby given that on Tuesday, August 7, 2012, at 9:00 a.m., or as soon thereafter as the matter may be heard, at its regularly scheduled meeting, the Mariposa County Board of Supervisors will consider adoption of an ordinance amending Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 of the Mariposa County Code as follows:

Section I: Amend Mariposa County Code, Chapter 17.320, General Commercial (GC) Zone, Section 17.320.020 Development standards for the GC, by adding emergency shelters as a permitted use in the GC zone.

Section II: Amend Mariposa County Code, Chapter 17.324, Public-Quasi Public (P-Q) Zone, Section 17.324.020 Development standards for P-Q, by adding emergency shelters as a permitted use in the P-Q zone.

Section III: Amend Mariposa County Code, Chapter 17.334, Supplementary Use Standards, Section 17.334.030 to rename the section to "Day care and small residential care facilities", to clarify these facilities are permitted in residences, and to add a new Section 17.334.070 for Transitional and supportive housing. Transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section IV: Amend Mariposa County Code, Chapter 17.148, Definitions, to provide definitions for emergency shelters, small residential care facilities, transitional housing, and supportive housing necessary to implement the amendments to Mariposa County Code, Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336.

Section V: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to rename nursing care facilities to residential care facilities, and to remove restrictions that would limit such facilities only to single-family residences.

Section VI: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to add Section 17.108.200 that states that transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section VII: Amend Chapter 17.336, Supplementary Development Standards, to add Section 17.336.130, Emergency Shelter standards. The standards would require a management plan for the facility, establish distances between such facilities, establish occupant loads, and establish parking/lighting standards. The standards also require the screening of refuse containers, outdoor storage areas, on-site waiting facilities and intake areas. The standards further require laundry facilities, provide for common facilities and services, and limit the length of stay.

Section VIII: Amend Mariposa County Code, Chapter 17.66, Design Review Overlay (DRO) plan application-review exemption, by adding Section 17.66.010.F.2 to exempt emergency shelters from the DRO process, and require such shelters to be developed in accordance with emergency shelter standards in Section 17.336.140.

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

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

MARGIE WILLIAMS
Clerk of the Board

Certificate of Publication

C.C.P. 2015.5

This place is for filing stamp



Attach

STATE OF CALIFORNIA)
COUNTY OF MARIPOSA) ss.

I, the undersigned, state:

I am the publisher and principal clerk of the **MAR GAZETTE AND MINER**, an established weekly newspaper of general circulation, within the Town and County of Mariposa, of California, within the provision of Chapter 1 Division Title 1 of the California Government Code, and which newspaper has been printed and published weekly in the Town of Mariposa, County of Mariposa, State of California, continually since the year 1854; that I am a citizen of the United States over the age of 18 years, and a resident of the County aforesaid; that the notice, of which the annexed is a printed copy, has been published in each regular issue of said newspaper and in any supplement thereof on the following dates, to wit:

6/7/12

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature (R.D. Tucker, Publisher)

Date 6/7/ 2012

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROPOSED ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 AND 17.336 OF THE MARIPOSA COUNTY CODE

Notice is hereby given that on Tuesday, June 12, 2012, at 2:30 p.m., or as soon thereafter as the matter may be heard, at its regularly scheduled meeting, the Mariposa County Board of Supervisors will consider adoption of a proposed ordinance amending Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 of the Mariposa County Code as follows:

Section I: Amend Mariposa County Code, Chapter 17.320, General Commercial (GC) Zone, Section 17.320.020 Development standards for the GC, by adding emergency shelters as a permitted use in the GC zone.

Section II: Amend Mariposa County Code, Chapter 17.324, Public-Quasi Public (P-Q) Zone, Section 17.324.020 Development standards for P-Q, by adding emergency shelters as a permitted use in the P-Q zone.

Section III: Amend Mariposa County Code, Chapter 17.334, Supplementary Use Standards, Section 17.334.030 to rename the section to "Day care and small residential care facilities", to clarify these facilities are permitted in residences, and to add a new Section 17.334.070 for Transitional and supportive housing. Transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section IV: Amend Mariposa County Code, Chapter 17.148, Definitions, to provide definitions for emergency shelters, small residential care facilities, transitional housing, and supportive housing necessary to implement the amendments to Mariposa County Code, Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336.

Section V: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to rename nursing care facilities to residential care facilities, and to remove restrictions that would limit such facilities only to single-family residences.

Section VI: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to add Section 17.108.200 that states that transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section VII: Amend Chapter 17.336, Supplementary Development Standards, to add Section 17.336.130, Emergency Shelter standards. The standards would require a management plan for the facility, establish distances between such facilities, establish occupant loads, and establish parking/lighting standards. The standards also require the screening of refuse containers, outdoor storage areas, on-site waiting facilities and intake areas. The standards further require laundry facilities, provide for common facilities and services, and limit the length of stay.

Section VIII: Amend Mariposa County Code, Chapter 17.66, Design Review Overlay (DRO) plan application-review exemption, by adding Section 17.66.010.F.2 to exempt emergency shelters from the DRO process, and require such shelters to be developed in accordance with emergency shelter standards in Section 17.336.140.

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

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

MARGIE WILLIAMS
Clerk of the Board

Margie Williams

From: Dan Tucker [mariposagazette@mariposagazette.com]
Sent: Thursday, July 26, 2012 3:49 PM
To: Margie Williams
Subject: Re: Publication of Summary of Ordinance - Housing Element

Received, and will run on Aug. 2, thanks

Dan Tucker
mariposagazette@mariposagazette.com

On Jul 26, 2012, at 3:23 PM, Margie Williams wrote:

Dan –
Please publish the attached ordinance summary in next week's paper, and confirm receipt of this email.
Thanks,
Margie

Margie Williams

Clerk of the Board

P. O. Box 784

Mariposa, CA 95338

Office Line: (209) 966-3222

Direct Line: (209) 742-1227

email: mwilliams@mariposacounty.org

<Summary BOS Ordinance - Housing Element.doc>

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF PROPOSED ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 OF THE MARIPOSA COUNTY CODE

Notice is hereby given that on Tuesday, August 7, 2012, at 9:00 a.m., or as soon thereafter as the matter may be heard, at its regularly scheduled meeting, the Mariposa County Board of Supervisors will consider adoption of an ordinance amending Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 of the Mariposa County Code as follows:

Section I: Amend Mariposa County Code, Chapter 17.320, General Commercial (GC) Zone, Section 17.320.020 Development standards for the GC, by adding emergency shelters as a permitted use in the GC zone.

Section II: Amend Mariposa County Code, Chapter 17.324, Public-Quasi Public (P-Q) Zone, Section 17.324.020 Development standards for P-Q, by adding emergency shelters as a permitted use in the P-Q zone.

Section III: Amend Mariposa County Code, Chapter 17.334, Supplementary Use Standards, Section 17.334.030 to rename the section to "Day care and small residential care facilities", to clarify these facilities are permitted in residences, and to add a new Section 17.334.070 for Transitional and supportive housing. Transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section IV: Amend Mariposa County Code, Chapter 17.148, Definitions, to provide definitions for emergency shelters, small residential care facilities, transitional housing, and supportive housing necessary to implement the amendments to Mariposa County Code, Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336.

Section V: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to rename nursing care facilities to residential care facilities, and to remove restrictions that would limit such facilities only to single-family residences.

Section VI: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to add Section 17.108.200 that states that transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section VII: Amend Chapter 17.336, Supplementary Development Standards, to add Section 17.336.130, Emergency Shelter standards. The standards would require a management plan for the facility, establish distances between such facilities, establish occupant loads, and establish parking/lighting standards. The standards

also require the screening of refuse containers, outdoor storage areas, on-site waiting facilities and intake areas. The standards further require laundry facilities, provide for common facilities and services, and limit the length of stay.

Section VIII: Amend Mariposa County Code, Chapter 17.66, Design Review Overlay (DRO) plan application-review exemption, by adding Section 17.66.010.F.2 to exempt emergency shelters from the DRO process, and require such shelters to be developed in accordance with emergency shelter standards in Section 17.336.140.

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

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

MARGIE WILLIAMS
Clerk of the Board

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334
and 17.336 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Mariposa County Planning Commission initiated General Plan/Zoning Amendment Application No. 2011-068; and

WHEREAS, General Plan/Zoning Amendment Application No. 2011-068 proposes amendments to County Code to implement Housing Element Programs 8.2 and 8.3. The amendments allow emergency shelters in the General Commercial and Public-Quasi Public Zones, and the amendment adds development standards for emergency shelters. The amendments modify the Design Review process to exempt emergency shelters from the DRO process. The amendments modify the Supplementary Standards regarding residential care facilities and transitional and supportive housing. The amendments add definitions necessary to implement these amendments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 6th day of April, 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 12th day of June, 2012; and

WHEREAS, the Board of Supervisors continued the public hearing to the 19th day of June, 2012 and the 10th day of July, 2012; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment 2011-068 in accordance with the California Environmental Quality Act, findings have been made and a Notice of Exemption 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 17.320, Section 17.320.020 as follows:

Chapter 17.320

General Commercial Zone (GC)

Sections:

17.320.020 Development standards for GC.

Development standards for the GC zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
- b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
- c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
- d. Hotels, motels, conference facilities and other similar tourist service facilities;
- e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
- f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
- g. Day care centers;
- h. Fitness or exercise studios and health clubs and similar uses;
- i. Churches and religious assembly.
- j. Emergency shelters subject to the standards established in Section

17.336.130.

2. Conditional uses:

- a. Any uses involving outside sales or storage areas;
- b. Service stations;
- c. Any use involving the bulk storage of flammable or hazardous materials;
- d. Emergency medical care facilities, fire stations and other similar uses;
- e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

B. Minimum lot size/density: Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. (Ord. 912 Sec.II, 1997; Ord. 822, Sec.I, 1992)

Section II: Amend Chapter 17.324, Section 17.324.020 as follows:

CHAPTER 17.324

PUBLIC-QUASI PUBLIC ZONE (P-Q)

Sections:

17.324.020 Development standards for P-Q.

A. Uses:

1. Permitted uses:

a. Those existing land uses such as the county courthouse, the hall of records, the high school, grammar school and the cemetery shall form the nucleus for future centers for P-Q land use. Typical uses include:

- i. Public schools, public hospitals and health care facilities;
- ii. Courthouse, civic center, administrative offices;
- iii. Public fairgrounds, fire houses;

- iv. Public utility service area, motor vehicle pool;
 - v. Public parks, playgrounds, recreation areas, parkways, greenbelts, waterways, reservoirs, forests, and cemeteries;
 - vi. Uses determined to be similar to and compatible with the above.
- b. Emergency shelters subject to the standards established in Section 17.336.130.
2. Conditional uses:
- a. Campgrounds;
 - b. Uses involving bulk storage of flammable or hazardous materials.
3. Prohibited uses:
All uses not listed as permitted or conditional shall be prohibited. (Ord. 822, Sec.I, 1992)

Section III: Amend Chapter 17.334, Sections 17.334.030 and new Section 17.334.070 as follows:

CHAPTER 17.334
SUPPLEMENTARY USE STANDARDS

Sections:

17.334.030 Day care and small residential care facilities.

A. Day care facilities: Preschool, child day care, and adult day care facilities for six (6) or fewer persons shall be a permitted use in residential structures in any zone in which residential uses are permitted. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

- 1. All outdoor play areas shall be enclosed with fencing a minimum of four (4) feet high, provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot;
- 2. In addition to the parking normally required for the residence, an off-street drop-off area shall be provided with the capability to accommodate at least one car.

B. Small residential care facilities: Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

- 1. Play areas for children must be fenced to prevent uncontrolled access to and from the site;
- 2. The facility shall conform to all other residential site design standards. (Ord. 822, Sec.I, 1992)

17.334.070 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for transitional and supportive housing.

Section IV: Amend Chapter 17.148 to add new 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:

Emergency Shelter:

A facility or use for 7 or more persons, which provides temporary housing by homeless individuals or families, victims of domestic violence, or persons requiring temporary housing, and may involve supplemental services. An emergency shelter shall be within a structure improved and permitted pursuant to the Uniform Building Code. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children, vocational rehabilitation and other similar activities. This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

Transitional Housing:

A facility or use that provides housing and support services for persons and families, but restricts occupancy to no more than 24 months. Support services may include meals, counseling, and other services, as well as common areas for residents of the facility. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Transitional housing programs may utilize small Residential Care Facilities wholly or as part of their overall facilities.

Supportive Housing:

A facility or use that provides housing with no limit on length of stay, that is occupied by the target population, as defined by Section 53260(d) of the California Health and Safety Code, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Supportive housing programs may utilize small and large residential care facilities wholly or as part of their overall facilities.

Small Residential Care Facilities:

A facility or use that provides residential housing with no limit on length of stay, that is occupied by 6 or fewer persons requiring personal care in accordance with the California Health and Safety laws. Such facilities can provide a wide variety of medical and non-medical personal services and care including but not limited to, foster care, rehabilitation services, domestic violence shelters, housing shelter needs, and care for disabled persons. Day care facility uses are not included in this definition.

Section V: Amend Chapter 17.108, Section 17.108.160 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.160 Small residential care facilities.

17.108.160 Small residential care facilities.

Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

- A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.
- B. The facility shall conform to all other residential site design standards. (Ord. 704 Sec.1, 1988).

Section VI: Amend Chapter 17.108, to add Section 17.108.200 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.200 Transitional and supportive housing

17.108.200 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply to other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for Transitional and supportive housing.

Section VII: Amend Chapter 17.336, to add Section 17.336.130 as follows:

Chapter 17.336

SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

17.336.130 Emergency shelter standards

17.336.130 Emergency shelter standards.

Emergency shelters shall be subject to the development standards in the zone district(s) that permit this use. In accordance with the authority to the County of Mariposa in section 65583(a)(4) of the California Government Code, emergency shelters shall also meet the following standards:

- A. Building Code Standards
In addition to the standards set forth in here and below emergency shelters shall also be required to comply with the California Building Standards Code in effect at the time of permit application or issuance.
- B. Management Plan
Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Planning Director. The management plan must include the following:
 - 1. Provisions for staff training
 - 2. Resident identification process
 - 3. Policies regarding pets
 - 4. The timing and placement of outdoor activities
 - 5. Temporary storage of residents' personal belongings
 - 6. Safety and security
 - 7. Screening of residents to insure compatibility with services provided at the facility

8. A description of training, counseling and social service programs for residents, as applicable.
- C. Location
An emergency shelter shall not be located within 300 feet of another emergency shelter.
- D. Occupancy Load and Bathroom Facilities
Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 15 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
- E. Parking
Off-street parking shall be provided at the ratio of 1 space per 6 beds, plus 1 space per manager or staff person on duty.
- F. Lighting
Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and the public right-of-way, utilize full cut-off lighting meeting International Dark Sky Standards, and be of an intensity compatible with the neighborhood.
- G. Laundry Facilities
The shelter shall provide laundry facilities or services adequate for the number of residents.
- H. Refuse
A refuse storage area shall be provided that is screened from view by the public right-of-way.
- I. Storage
Storage outside of the shelter facilities shall be in a structure or shall be screened from surrounding properties.
- J. Common Facilities and Services
The emergency shelter facility may provide one or more of the following specific facilities and services, including but not limited to:
1. Adequate kitchen facilities designed and operated in compliance with the California Retail Food Code;
 2. Dining area;
 3. Laundry;
 4. Recreation facilities;
 5. Support services, (e.g., training, counseling);
 6. Child Care Facilities
- K. On-site Waiting and Intake Areas
If the emergency shelter provides on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from the view of the public right-of way and neighboring properties.
- L. Length of Stay
Occupancy in an emergency shelter is limited to 6 months.

Section VIII: Amend Chapter 17.66, to add Section 17.66.010.F.2 as follows:

Chapter 17.66

DESIGN REVIEW OVERLAY (DRO)

Sections:

17.66.010 Design review overlay zone (DRO).

Section 17.66.010.F. DRO plan application-review exemption.

1. The planning director may approve an exemption from review by the design review committee where it can be determined that the proposed development is of a small scale (generally less than 5000 sq. ft.) or is a minor alteration or expansion of an existing development that clearly complies with all of the special development standards established pursuant to this section by the board of supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.66.010(D) of this section in order to justify the exemption.

2. An Emergency shelter that is proposed to be located within a DRO Zone shall be exempt from the DRO application review. Such shelters shall be developed in accordance with the emergency shelter standards contained in Section 17.336.130.

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

PASSED AND ADOPTED on this 7th day of August, 2012, by the following vote:

AYES:

NOES:

ABSTAINED:

EXCUSED:

NOT VOTING:

Janet Bibby, Chair
Mariposa County Board of Supervisors

Attest:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel

MARIPOSA COUNTY BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. 1090 AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 OF THE MARIPOSA COUNTY CODE

Notice is hereby given that on Tuesday, August 7, 2012, at its regularly scheduled meeting, the Mariposa County Board of Supervisors adopted Ordinance No. 1090 amending Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336 of the Mariposa County Code as follows:

Section I: Amend Mariposa County Code, Chapter 17.320, General Commercial (GC) Zone, Section 17.320.020 Development standards for the GC, by adding emergency shelters as a permitted use in the GC zone.

Section II: Amend Mariposa County Code, Chapter 17.324, Public-Quasi Public (P-Q) Zone, Section 17.324.020 Development standards for P-Q, by adding emergency shelters as a permitted use in the P-Q zone.

Section III: Amend Mariposa County Code, Chapter 17.334, Supplementary Use Standards, Section 17.334.030 to rename the section to “Day care and small residential care facilities”, to clarify these facilities are permitted in residences, and to add a new Section 17.334.070 for Transitional and supportive housing. Transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section IV: Amend Mariposa County Code, Chapter 17.148, Definitions, to provide definitions for emergency shelters, small residential care facilities, transitional housing, and supportive housing necessary to implement the amendments to Mariposa County Code, Chapters 17.66, 17.108, 17.148, 17.320, 17.324, 17.334 and 17.336.

Section V: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to rename nursing care facilities to residential care facilities, and to remove restrictions that would limit such facilities only to single-family residences.

Section VI: Amend Mariposa County Code, Chapter 17.108, Supplementary Standards to add Section 17.108.200 that states that transitional and supportive housing is a permitted use in any zone in which a residential use is permitted, and is only subject to those restrictions that apply to residential uses in the same zone district.

Section VII: Amend Chapter 17.336, Supplementary Development Standards, to add Section 17.336.130, Emergency Shelter standards. The standards would require a management plan for the facility, establish distances between such facilities, establish occupant loads, and establish parking/lighting standards. The standards also require the screening of refuse containers, outdoor storage areas, on-site

waiting facilities and intake areas. The standards further require laundry facilities, provide for common facilities and services, and limit the length of stay.

Section VIII: Amend Mariposa County Code, Chapter 17.66, Design Review Overlay (DRO) plan application-review exemption, by adding Section 17.66.010.F.2 to exempt emergency shelters from the DRO process, and require such shelters to be developed in accordance with emergency shelter standards in Section 17.336.140.

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

Voting on the Ordinance was as follows:

AYES:	STETSON, TURPIN, BIBBY, CANN, ALLEN
NOES:	NONE
ABSENT:	NONE

A certified copy of the full text of this ordinance is posted for public review in the Office of the Clerk of the Board of Supervisors at 5100 Bullion Street, Mariposa, California.

MARGIE WILLIAMS
Clerk of the Board

(Publish: 8/16/12) (Post: 8/10/12)

Margie Williams

From: Dan Tucker [mariposagazette@mariposagazette.com]

Sent: Friday, August 10, 2012 10:47 AM

To: Margie Williams

Subject: Re: Publication of Summary for Ordinance 1090

Got it Margie, thanks, will run on the 16th.

Dan Tucker
mariposagazette@mariposagazette.com

On Aug 9, 2012, at 4:28 PM, Margie Williams wrote:

Good afternoon Dan –

Attached is a summary of Ordinance No. 1090 for publication next week. Please confirm receipt of this email.

Thanks much,
Margie

Margie Williams

Clerk of the Board

P. O. Box 784

Mariposa, CA 95338

Office Line: (209) 966-3222

Direct Line: (209) 742-1227

email: mwilliams@mariposacounty.org

<Summary Final BOS Ordinance - Housing Element.doc>

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1090

AN ORDINANCE AMENDING CHAPTERS 17.66, 17.108, 17.148, 17.320,
17.324, 17.334 and 17.336 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Mariposa County Planning Commission initiated General Plan/Zoning Amendment Application No. 2011-068; and

WHEREAS, General Plan/Zoning Amendment Application No. 2011-068 proposes amendments to County Code to implement Housing Element Programs 8.2 and 8.3. The amendments allow emergency shelters in the General Commercial and Public-Quasi Public Zones, and the amendment adds development standards for emergency shelters. The amendments modify the Design Review process to exempt emergency shelters from the DRO process. The amendments modify the Supplementary Standards regarding residential care facilities and transitional and supportive housing. The amendments add definitions necessary to implement these amendments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 6th day of April, 2012, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on General Plan/Zoning Amendment 2011-068 on the 12th day of June, 2012; and

WHEREAS, the Board of Supervisors continued the public hearing to the 19th day of June, 2012 and the 10th day of July, 2012; and

WHEREAS, environmental review has been conducted on General Plan/Zoning Amendment 2011-068 in accordance with the California Environmental Quality Act, findings have been made and a Notice of Exemption 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 17.320, Section 17.320.020 as follows:

Chapter 17.320

General Commercial Zone (GC)

Sections:

17.320.020 Development standards for GC.

Development standards for the GC zone shall be as follows:

A. Uses:

1. Permitted uses:

- a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;
- b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;
- c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;
- d. Hotels, motels, conference facilities and other similar tourist service facilities;
- e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;
- f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.
- g. Day care centers;
- h. Fitness or exercise studios and health clubs and similar uses;
- i. Churches and religious assembly.
- j. Emergency shelters subject to the standards established in

Section 17.336.130.

2. Conditional uses:

- a. Any uses involving outside sales or storage areas;
- b. Service stations;
- c. Any use involving the bulk storage of flammable or hazardous materials;
- d. Emergency medical care facilities, fire stations and other similar uses;
- e. Single or multi-family residential uses in accordance with the density standards contained in Chapter 17.316 (multi-family residential zone).

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited, except similar uses in compliance with Section 17.334.060.

B. Minimum lot size/density: Minimum lot size shall be nine thousand (9,000) sq. ft. exclusive of road easements. (Ord. 912 Sec.II, 1997; Ord. 822, Sec.I, 1992)

Section II: Amend Chapter 17.324, Section 17.324.020 as follows:

CHAPTER 17.324

PUBLIC-QUASI PUBLIC ZONE (P-Q)

Sections:

17.324.020 Development standards for P-Q.

A. Uses:

1. Permitted uses:
 - a. Those existing land uses such as the county courthouse, the hall of records, the high school, grammar school and the cemetery shall form the nucleus for future centers for P-Q land use. Typical uses include:
 - i. Public schools, public hospitals and health care facilities;
 - ii. Courthouse, civic center, administrative offices;
 - iii. Public fairgrounds, fire houses;
 - iv. Public utility service area, motor vehicle pool;
 - v. Public parks, playgrounds, recreation areas, parkways, greenbelts, waterways, reservoirs, forests, and cemeteries;
 - vi. Uses determined to be similar to and compatible with the above.
 - b. Emergency shelters subject to the standards established in

Section 17.336.130.

2. Conditional uses:
 - a. Campgrounds;
 - b. Uses involving bulk storage of flammable or hazardous materials.

3. Prohibited uses:

All uses not listed as permitted or conditional shall be prohibited.
(Ord. 822, Sec.I, 1992)

Section III: Amend Chapter 17.334, Sections 17.334.030 and new Section 17.334.070 as follows:

CHAPTER 17.334
SUPPLEMENTARY USE STANDARDS

Sections:

17.334.030 Day care and small residential care facilities.

A. Day care facilities: Preschool, child day care, and adult day care facilities for six (6) or fewer persons shall be a permitted use in residential structures in any zone in which residential uses are permitted. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. All outdoor play areas shall be enclosed with fencing a minimum of four (4) feet high, provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot;

2. In addition to the parking normally required for the residence, an off-street drop-off area shall be provided with the capability to accommodate at least one car.

B. Small residential care facilities: Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

1. Play areas for children must be fenced to prevent uncontrolled access to and from the site;

2. The facility shall conform to all other residential site design standards. (Ord. 822, Sec.I, 1992)

17.334.070 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for transitional and supportive housing.

Section IV: Amend Chapter 17.148 to add new 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:

Emergency Shelter:

A facility or use for 7 or more persons, which provides temporary housing by homeless individuals or families, victims of domestic violence, or persons requiring temporary housing, and may involve supplemental services. An emergency shelter shall be within a structure improved and permitted pursuant to the Uniform Building Code. Supplemental services may include, but are not limited to, meal preparation, an activities center, day care for homeless person's children, vocational rehabilitation and other similar activities. This definition does not include such temporary residential shelters as may be provided for relief following a natural disaster or during a state of emergency.

Transitional Housing:

A facility or use that provides housing and support services for persons and families, but restricts occupancy to no more than 24 months. Support services may include meals, counseling, and other services, as well as common areas for residents of the facility. Transitional housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Transitional housing programs may utilize small Residential Care Facilities wholly or as part of their overall facilities.

Supportive Housing:

A facility or use that provides housing with no limit on length of stay, that is occupied by the target population, as defined by Section 53260(d) of the California Health and Safety Code, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Supportive housing programs may utilize small and large residential care facilities wholly or as part of their overall facilities.

Small Residential Care Facilities:

A facility or use that provides residential housing with no limit on length of stay, that is occupied by 6 or fewer persons requiring personal care in accordance with the California Health and Safety laws. Such facilities can provide a wide variety of medical and non-medical personal services and care including but not limited to, foster care, rehabilitation services, domestic violence shelters, housing shelter needs, and care for disabled persons. Day care facility uses are not included in this definition.

Section V: Amend Chapter 17.108, Section 17.108.160 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.160 Small residential care facilities.

17.108.160 Small residential care facilities.

Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.

B. The facility shall conform to all other residential site design standards. (Ord. 704 Sec.1, 1988).

Section VI: Amend Chapter 17.108, to add Section 17.108.200 as follows:

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.200 Transitional and supportive housing

17.108.200 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply to other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for Transitional and supportive housing.

Section VII: Amend Chapter 17.336, to add Section 17.336.130 as follows:

Chapter 17.336

SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

17.336.130 Emergency shelter standards

17.336.130 Emergency shelter standards.

Emergency shelters shall be subject to the development standards in the zone district(s) that permit this use. In accordance with the authority to the County of Mariposa in section 65583(a)(4) of the California Government Code, emergency shelters shall also meet the following standards:

- A. **Building Code Standards**
In addition to the standards set forth in here and below emergency shelters shall also be required to comply with the California Building Standards Code in effect at the time of permit application or issuance.
- B. **Management Plan**
Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be approved by the Planning Director. The management plan must include the following:
 - 1. Provisions for staff training
 - 2. Resident identification process
 - 3. Policies regarding pets
 - 4. The timing and placement of outdoor activities
 - 5. Temporary storage of residents' personal belongings
 - 6. Safety and security
 - 7. Screening of residents to insure compatibility with services provided at the facility
 - 8. A description of training, counseling and social service programs for residents, as applicable.
- C. **Location**
An emergency shelter shall not be located within 300 feet of another emergency shelter.
- D. **Occupancy Load and Bathroom Facilities**
Each resident shall be provided a minimum of 50 gross square feet of personal living space per person, not including space for common areas. In no case shall occupancy exceed 15 residents at any one time. Bathing facilities shall be provided in quantity and location as required in the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
- E. **Parking**
Off-street parking shall be provided at the ratio of 1 space per 6 beds, plus 1 space per manager or staff person on duty.
- F. **Lighting**
Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and the public right-of-way, utilize full cut-off lighting meeting International Dark Sky Standards, and be of an intensity compatible with the neighborhood.
- G. **Laundry Facilities**
The shelter shall provide laundry facilities or services adequate for the number of residents.
- H. **Refuse**

- A refuse storage area shall be provided that is screened from view by the public right-of-way.
- I. Storage
Storage outside of the shelter facilities shall be in a structure or shall be screened from surrounding properties.
 - J. Common Facilities and Services
The emergency shelter facility may provide one or more of the following specific facilities and services, including but not limited to:
 - 1. Adequate kitchen facilities designed and operated in compliance with the California Retail Food Code;
 - 2. Dining area;
 - 3. Laundry;
 - 4. Recreation facilities;
 - 5. Support services, (e.g., training, counseling);
 - 6. Child Care Facilities
 - K. On-site Waiting and Intake Areas
If the emergency shelter provides on-site waiting and intake areas, such areas shall be located either inside the facility or fully screened from the view of the public right-of way and neighboring properties.
 - L. Length of Stay
Occupancy in an emergency shelter is limited to 6 months.

Section VIII: Amend Chapter 17.66, to add Section 17.66.010.F.2 as follows:

Chapter 17.66

DESIGN REVIEW OVERLAY (DRO)

Sections:

17.66.010 Design review overlay zone (DRO).

Section 17.66.010.F. DRO plan application-review exemption.

1. The planning director may approve an exemption from review by the design review committee where it can be determined that the proposed development is of a small scale (generally less than 5000 sq. ft.) or is a minor alteration or expansion of an existing development that clearly complies with all of the special development standards established pursuant to this section by the board of supervisors for the affected area. For the purpose of this subsection a minor alteration or expansion is defined as an alteration that will not significantly modify the exterior appearance of the structures and/or site. The applicant shall be required to submit the information required by subsection 17.66.010(D) of this section in order to justify the exemption.
2. An Emergency shelter that is proposed to be located within a DRO Zone shall be exempt from the DRO application review. Such shelters shall be developed in accordance with the emergency shelter standards contained in Section 17.336.130.

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

PASSED AND ADOPTED on this 7th day of August, 2012, by the following vote:


AYES: Stetson, Turpin, Bibby, Cann and Allen

NOES: None

ABSTAINED: None

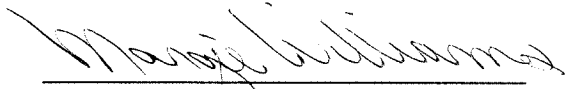
EXCUSED: None

NOT VOTING: None



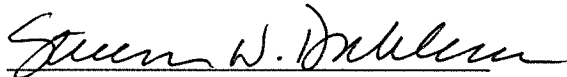
Janet Bibby, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel

Margie Williams

From: Sarah Williams
Sent: Tuesday, October 09, 2012 9:01 AM
To: Margie Williams
Cc: Steve Dahlem; Rhonda Scherf; Carol Suggs; Damon Golubics; Larry Enrico
Subject: GPZA No. 2011 068 Clerical Error
Attachments: 121009 Memo to File-Correction of Clerical Error.pdf

Margie,

Here is a memorandum to the file pursuant to our discussion with Steve about this matter last week – please let me know if this is sufficient to “correct” the numbering error on the resolution and ordinance. If not, I will update and resend the memorandum with whatever text you need added.

Thanks,

Sarah

w/ pls cc: and file
Res. 12 ~~33~~ 366 and
Ord. 1090
Am



MARIPOSA PLANNING

COUNTY OF MARIPOSA
5100 BULLION STREET • POST OFFICE BOX 2039
MARIPOSA, CALIFORNIA 95338-2039
209 . 966 . 5151 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org

MEMORANDUM

Date: October 9, 2012
To: File
Margie Williams, Clerk of Board of Supervisors
From: Sarah Williams, Director *swilliams*
Topic: Correction of Clerical Error; Resolution No. 2012-366 and Ordinance No. 1090

This memorandum is provided to clarify the record regarding a clerical error in numbering in the final adopted versions of Resolution No. 2012-366 (adopted July 10, 2012) and Ordinance No. 1090 (adopted August 7, 2012).

Resolution No. 2012-366

Clerical error is on Page 5 of 18 and Page 6 of 18:

All references to Section 17.108.200 as shown in the adopted resolution *should* read Section 17.108.210.

See Attachment 1 for three places where the clerical error occurred.

Ordinance No. 1090

Clerical error is on Page 5 of 7 in Section VI:

All references to Section 17.108.200 as shown in the adopted ordinance should read Section 17.108.210.

See Attachment 2 for the three places where the clerical error occurred.

Attachment 1: Pages 5 and 6 of 18; Resolution No. 2012-365
Attachment 2: Page 5 of 7; Ordinance No. 1090

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

possible, to work in the community. Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Supportive housing programs may utilize small and large residential care facilities wholly or as part of their overall facilities.

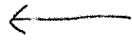
Small Residential Care Facilities:

A facility or use that provides residential housing with no limit on length of stay, that is occupied by 6 or fewer persons requiring personal care in accordance with the California Health and Safety laws. Such facilities can provide a wide variety of medical and non-medical personal services and care including but not limited to, foster care, rehabilitation services, domestic violence shelters, housing shelter needs, and care for disabled persons. Day care facility uses are not included in this definition.

17.108.210

§3

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Sections 17.108.160, and the addition of Section ~~17.108.200~~ to the Mariposa County Code, will read as follows (new text shown in italicized underlined type and deleted text shown in ~~strike thru type~~):



Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

- 17.108.010 Purpose and intent.
- 17.108.020 Effect of regulations.
- 17.108.030 Similar uses.
- 17.108.040 Minimum parcel or lot size standards.
- 17.108.050 Density standards.
- 17.108.060 General use standards.
- 17.108.070 Home enterprises.
- 17.108.080 Rural home industry.
- 17.108.090 Mobile home parks.
- 17.108.100 Planned or cluster residential development and preservation of open space.
- 17.108.110 Mineral or construction material processing site standards.
- 17.108.120 Off street parking.
- 17.108.130 Structure location.
- 17.108.140 Structure height.
- 17.108.150 Secondary residences.
- 17.108.160 ~~Nursing~~ Small residential care facilities.
- 17.108.170 Day care facilities.
- 17.108.180 Bed and breakfast and residential transient rentals.

17.108.190 Signs

~~17.108.200~~ Transitional and supportive housing

17.108.210



17.108.160 Nursing Small residential care facilities.

Nursing Small residential ~~and personal~~ care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a ~~single family~~ residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.

B. The facility shall conform to all other residential site design standards. (Ord. 704 Sec.1, 1988).

17.108.210

17.108.200 Transitional and supportive housing.

Transitional and supportive housing shall be a permitted use in any zone district in which residential uses are permitted. Transitional and supportive housing shall only be subject to those restrictions that apply to other residential uses of the same type in the same zone district. There shall be no additional discretionary approval process required for transitional and supportive housing.

§4

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.320.020.A.(1)j of the Mariposa County Code will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike thru type~~):

17.320.020 Development standards for GC.

Development standards for the GC zone shall be as follows:

A. Uses:

1. Permitted uses:

a. General retail sales located within a building generally including the sale of food, clothing, hardware, drugs, liquor, general merchandise, artwork, antiques, auto parts and other uses of a similar character;

b. Professional offices of a service character located within a building including doctor, dentist, real estate sales, title company, attorney and other similar offices; photographic studios, printing and duplicating services and other uses of a similar character;

c. Restaurants, drive-in restaurants, cocktail lounges, bowling alleys, movie theaters, lodge halls and other similar uses;

d. Hotels, motels, conference facilities and other similar tourist service facilities;

e. Dry cleaning establishments, laundromats, video rental and other similar miscellaneous uses;

f. A maximum of four (4) residential units per parcel when an integral part of a commercial development.

g. Day care centers;

h. Fitness or exercise studios and health clubs and similar uses;

i. Churches and religious assembly.

j. Emergency shelters subject to the standards established in

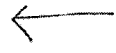
Section 17.336.130.

Small residential care facilities shall be a permitted use in all zones in which residential uses are permitted when six (6) or fewer persons are provided twenty-four (24) hour care in a residence. In addition to the provisions of the Health and Safety Code, the following special standards shall apply:

- A. Play areas for children must be fenced to prevent uncontrolled access to and from the site.
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17.108.210

Section VI: Amend Chapter 17.108, to add Section ~~17.108.200~~ as follows:



Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

17.108.210

~~17.108.200~~ Transitional and supportive housing

17.108.210

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