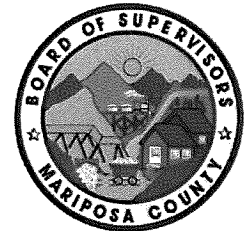


MARIPOSA COUNTY

Planning · 209-966-5151



ORDINANCE 2021-1167

MEETING: November 2, 2021
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: General Plan/Zoning Amendment No. 2017-084 for Special Event Facilities (Ordinance)

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Title 17 to Add Section 17.148.010 to Title 17, Mariposa County Code, to Define Special Events and Special Event Facilities, and to Add Section 17.108.220 to Title 17 to Add Permitting Provisions and Development Standards for Special Event Facilities Pursuant to General Plan/Zoning Amendment No. 2017-084; County of Mariposa, Project Proponent. Action is recommended by the Planning Commission.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

10/20/20: Resolution No. 2020-629 initiating project.

7/27/21: Public Hearing - Board of Supervisors recommended changes to project and referred amended project back to Planning Commission.

10/19/21: Ordinance Introduced.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

At the Second Reading, the only alternative is to not adopt the ordinance.

ATTACHMENTS:

- 1 211019 Board Staff Report (PDF)
- 2 Draft Board Ordinance Special Events (PDF)
- 3 Summary Ordinance for Special Events (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Rosemarie Smallcombe, District I Supervisor

SECONDER: Tom Sweeney, District II Supervisor

AYES: Smallcombe, Sweeney, Long, Forsythe, Menetrey

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1167

AN ORDINANCE AMENDING TITLE 17 TO ADD SECTION 17.148.010 TO TITLE 17, MARIPOSA COUNTY CODE, TO DEFINE SPECIAL EVENTS AND SPECIAL EVENT FACILITIES, AND TO ADD SECTION 17.108.220 TO TITLE 17 TO ADD PERMITTING PROVISIONS AND DEVELOPMENT STANDARDS FOR SPECIAL EVENT FACILITIES PURSUANT TO GENERAL PLAN/ZONING AMENDMENT NO. 2017-084

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

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

WHEREAS, the Mariposa County Board of Supervisors adopted Resolution No. 2020-629 on the 20th day of October 2020 initiating General Plan/Zoning Amendment No. 2017-084 to establish policies and regulations for special event facilities; and

WHEREAS, General Plan/Zoning Amendment No. 2017-084 has been found to be exempt from the California Environmental Quality Act (CEQA) and a Notice of Exemption has been filed for the project.

NOW, THEREFORE, the Board of Supervisors of the County of Mariposa does ordain as follows:

Section I: Section 17.148.010 entitled "Definition of terms and phrases" shall be amended to add two new definitions as follows (all other definitions remain unchanged):

17.148.010 Definitions of terms and phrases.

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

Special Event:

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

residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner, and holiday home tours, agri-nature farm or trail tours, garage sales, yard sales, estate sales and similar events are not defined as a special event.

Special Event Facility:

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

Section II: Chapter 17.108 entitled "Supplementary Standards" shall be amended to add a new Section 17.108.220 which shall read in its entirety as follows (all other provisions in Chapter 17.108 shall remain unchanged):

17.108.220 Special Event Facilities.

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

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

B. Permit Process Requirements:

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

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

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

2. Conditional Use Permit: Special Events involving five hundred (500) or fewer guests or attendees at any time during the event, and located on parcels of forty (40) acres or more in size are subject to the issuance of a conditional use permit as described in Chapter 17.112 of this title. The conditional use permit shall determine the appropriate limits on the number of events to be held annually.

3. Parcel Size Requirements: No events are allowed on parcels less than ten (10) acres in size, however if the property owner owns multiple adjacent parcels, then the total acreage of those adjacent parcels may be used to determine the permit process and occupancy limits.

4. The number of days of operation and numbers of guests or attendees described in the permitting processes above do not apply to annual or one-time events regulated through the Public Assemblage Permit Process as described in Chapter 8.28 of this code.

5. Pursuant to County Code, Section 17.148.010 Definitions, uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner are not defined as a special event and not subject to the requirements established by this section.

6. The Mariposa County Agricultural Advisory Committee shall review and make a recommendation on proposed projects within the Agriculture/Working Landscape Land Use Classification and/or the Agriculture Exclusive Zone.

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

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

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

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

4. Traffic management plan that includes the following:

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

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

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

d. Provisions for dust management.

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

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

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

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

9. Human health and safety including availability of a land line phone (if cell service is not available) and on-site security.

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

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

D. Operational Standards:

The following standards are minimum requirements that may be made more stringent by conditions of approval adopted through the AUP and CUP processes. It is the business owner's responsibility to ensure his/her/their facility continuously complies with all requirements of this section and all requirements established by conditions of approval, and that the operation of the facility does not create nuisances to off-site property owners.

1. Except for multi-day or multi-weekend events such as seasonal pumpkin patch/harvest festivals in which AUP or CUP conditions of approval will determine days of operation, activities at a special event facility are limited to two (2) days, not including set-up and take down days, and the event duration per day shall not exceed twelve (12) hours. Activities involving amplified sound shall not commence prior to 9:00 a.m. and shall conclude no later than 10:00 p.m. Overnight camping associated with the event, on dry camp sites, may be allowed and may be subject to a Special Occupancy Park permit from the

California Department of Housing and Community Development. Pursuant to applicable regulations in this Title, a maximum of two (2) vacation rentals may also be developed in conjunction with the special event facility.

2. Noise: Based upon information contained in the Mariposa General Plan Volume III Technical Background Reports regarding normally acceptable noise levels in low density residential areas, noise generated by, and for the duration of, a special event, including amplified sound, shall not exceed 60 decibels at all property lines, unless an alternative limit is established through an AUP or CUP. Should three (3) or more complaints be submitted regarding noise generated by an event facility, the county may require the facility's operator to provide a study, including recommendations for noise attenuating measures, by a qualified acoustical consultant. The county shall have the authority to implement the recommendations of the consultant.

3. Access: All roadways from the nearest major collector or arterial serving the special event site shall meet the "Adequate Capacity" requirements of the Mariposa County General Plan as described in the Mariposa County Road Improvement and Circulation Policy. Access shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds and turnouts.

4. Driveways: On-site driveways from the nearest intersecting roadway shall be a minimum of twelve feet (12') wide if one-way traffic is proposed, and a minimum of eighteen feet (18') if two-way traffic is proposed. Driveways shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds and turnouts.

5. Parking: The number of parking spaces shall be one (1) space per four (4) seats or one (1) space per four (4) people based on maximum occupancy of the event, whichever is greater.

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

6. Public Health: Special event facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in accordance with the requirements of the Mariposa County Health and Human Services Agency - Environmental Health Unit. Bottled water and/or porta-potties may be provided to meet this requirement, as approved by Environmental Health.

7. Setbacks: Setbacks for all structures, permanent and temporary, and for all facilities associated with the event venue shall be a minimum of fifty (50) feet from property lines and adjoining road easements, with the exception

that parking lots, parking lot access, and parking spaces may be located within the road easement setback area.

8. Lighting: All new exterior/outdoor lighting shall comply with International Dark Sky Standards and shall be located, adequately shielded, and directed so that no direct light falls outside the property line, or onto the public roadway.

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

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

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

12. Building occupancy: All buildings and structures proposed to be used as part of the event venue shall have obtained the required permit(s) for occupancy, including applicable Fire Code requirements.

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

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

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

16. Non-compliance with operational standards or conditions of approval adopted for a project may result in the revocation of the permit to operate the facility.

E. Operational standards specific to the AE zone:

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

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

F. Public Noticing:

1. In addition to the public hearing noticing requirements for a conditional use permit project contained in Section 17.132.020 of this title, hearing notices shall be sent to the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

2. In addition to the public notification requirements contained in Section 17.08.120(D) of this title,

approval of an AUP shall be noticed to the owners of all properties located within six hundred (600) feet of the subject property and the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

G. Annual Reporting and Monitoring of Events:

1. On a yearly basis, by the last day of February, the owner or manager of a special event facility shall provide to the planning department on a county-approved form confirmation that the establishment and its operation comply with the requirements of this section. The report shall provide numbers of events held and attendance at events during the prior calendar year.

2. The owner or manager of a special event facility shall keep records of events and attendance, and shall provide that information to the county upon request at any time during the calendar year (to verify compliance with the requirements of this section).

Section III: If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court or competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

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

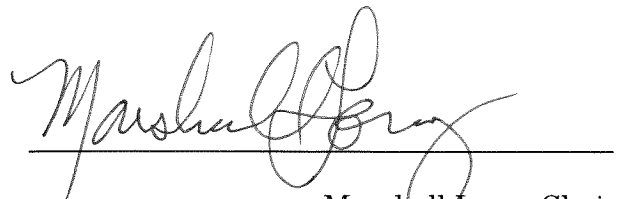
PASSED AND ADOPTED on this 2nd day of November, 2021 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:



Marshall Long, Chair
Mariposa County Board of Supervisors

Attest:



René LaRoche
Clerk of the Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel