

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

Resolution  
No 2014-014

**A resolution amending Planning Commission Resolution No. 2014-009, a resolution recommending that the Board of Supervisors approve Zoning Ordinance Amendment No. 2014-078 an amendment to the Mariposa County Code Title 17**

---

**WHEREAS**, on the 24<sup>th</sup> day of June, 2014, Resolution No. 2014-306 was adopted by the Board of Supervisors, initiating amendments to Mariposa County Code Title 17 to implement General Plan provisions for processing mining permits and to make text in County Code Title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02; and

**WHEREAS**, this project is known as County Code Amendment No. 2014-078; and

**WHEREAS**, following initiation action, County Code Amendment No. 2014-078 was routed to the Agricultural Advisory Committee for review at a publicly noticed meeting; and

**WHEREAS**, on July 31, 2014 the Agricultural Advisory Committee recommended approval of County Code Amendment No. 2014-078; and

**WHEREAS**, a duly noticed Planning Commission public hearing was scheduled for the 5<sup>th</sup> day of September 2014; and

**WHEREAS**, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, the proposed environmental determination and testimony presented by the public; and

**WHEREAS**, the Planning Commission did adopt Resolution No. 2014-009 on September 5<sup>th</sup> recommending Board of Supervisors' action on Zoning Amendment No. 2014-078; and

**WHEREAS**, Planning Staff did identify an omission in the ordinance text as reviewed and approved by the Planning Commission on September 5, 2014; and

**WHEREAS**, Government Code Section 65857 requires the Planning Commission to review the amended text; and

**WHEREAS**, a duly noticed Planning Commission public hearing to consider the amended text was scheduled for the 17<sup>th</sup> day of October 2014; and

**WHEREAS**, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including a staff memorandum, a draft resolution with amended text, an amended environmental determination and testimony presented by the public.

**NOW BE IT THEREFORE RESOLVED THAT** the Planning Commission does hereby recommend Board of Supervisors approval of amended text for County Code Amendment 2014-078, including amendments to Chapter 17.20 Mountain Home Zone, Chapter 17.24 Mountain Transition Zone, Chapter 17.28 Mountain General Zone, Chapter 17.32 General Forest Zone, Chapter 17.36 Mountain Preserve Zone, Chapter 17.40 Agriculture Exclusive Zone, and Chapter 17.148 Definitions as shown in Attachments 1 through 7.

**BE IT RESOLVED THAT** all other text in Title 17 of County Code shall remain unchanged.

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

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

**Evidence:** The public will benefit by having the text in the General Plan and County Code Title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02. The amendments are administrative in nature and will have no effect on the general public health, safety, peace, and welfare.

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

**Evidence:** This amendment will improve the Mariposa County General Plan by ensuring that county policy implements specific policies of the plan and does not conflict with it. It is important for county codes to be internally consistent.

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

**Evidence:** This project has been processed in accordance with State Law. According to state law, General Plans take precedence over zoning ordinances and one of the functions of the zoning ordinance is to implement the General Plan. The legal authority for the County to process mining permits, as well as the requirements for processing mining permits is established by the Surface Mining and Reclamation Act (SMARA). This amendment conforms to the requirements of state law and county policy by aligning the zoning ordinance and the General Plan and by ensure text consistency between policy and regulatory documents.

ON MOTION BY Commissioner Harris, seconded by Commissioner Harter, this resolution duly passed and adopted this 17<sup>th</sup> day of October 2014 by the following vote:

AYES: Harris, Harter, Bernikoff, Becker, Marsden

NOES:

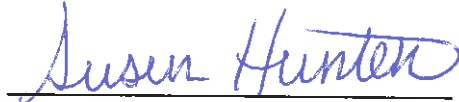
ABSENT:

ABSTAIN:



Les Marsden, Chairman  
Mariposa County Planning Commission

Attest:



Susan Hunter, Secretary to the  
Planning Commission

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strikethrough font~~.

## ATTACHMENT 1 Amendments to Chapter 17.20

### Chapter 17.20

#### MOUNTAIN HOME ZONE (MHZ)

##### Sections:

17.20.010 Mountain home zone (MHZ).

##### 17.20.010 Mountain home zone (MHZ).

The MHZ as designated on the Mariposa County land use map, is applied to land best suited for moderate residential densities based upon suitability of terrain, location adjacent to population centers and services areas. This land use classification is provided to accommodate the major portion of the rural homesite growth of the county.

A. **Development standards for MHZ.** Development standards for the MHZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code ~~mineral or construction material processing, quarrying or aggregate processing shall be allowed by use permit issued for one (1) year. The permit shall be renewed if conditions are met and the site is maintained in accordance with the Surface Mining Act, Mariposa County Code and Water Quality Control Board Standards and renewal of the use permit does not significantly interfere with residential uses. Processed, stockpiled material can be removed after permit to process has expired provided that terms of the reclamation plan are met.~~ (Ord. 816 Sec.V, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance, where any one (1) of the parcels so created will be less than five (5) acres in gross area.

3. **Density:** One (1) single family residence per five (5) acres. (Ord. 704 Sec.1, 1988).

---

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strikethrough font~~.

## ATTACHMENT 2 Amendments to Chapter 17.24

### Chapter 17.24

#### MOUNTAIN TRANSITION ZONE (MTZ)

##### Sections:

17.24.010 Mountain Transition Zone (MTZ).

##### 17.24.010 Mountain transition zone (MTZ).

The Mountain Transition Zone (MTZ) as designated on the Mariposa County land use map, is applied to lands with limited development potential.

A. **Development standards for MTZ.** Development standards for the MTZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential, and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VI, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property in the MTZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action, or other conveyance where any one (1) of the parcels so created will be less than twenty (20) acres or one-half of one legal quarter-quarter section in gross area.

3. **Density:** One (1) single family residence per twenty (20) acres or one-half of a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strike through font~~.

## ATTACHMENT 3 Amendments to Chapter 17.28

### Chapter 17.28

#### MOUNTAIN GENERAL ZONE (MGZ)

##### Sections:

17.28.010 Mountain general zone (MGZ).

##### 17.28.010 Mountain general zone (MGZ).

The Mountain General Zone (MGZ) as designated on the Mariposa County land use map, is applied to lands characterized by terrain that is less suitable for moderate or high residential densities or intense use, or is remote from established service centers. Due to the requirement for larger parcel sizes, diverse uses with minimum potential for use conflicts are possible within this classification.

##### **A. Development standards for MGZ.**

Development standards for the MGZ shall be as follows:

##### **1. Uses:**

a. **Permitted uses:** Residential; ~~non-commercial recreation); mining, which may include mineral or construction material processing, for parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code;~~ mining and rock processing in conformance with Surface Mining Act, county code and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by Section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails); and mining, which may include mineral or construction material processing, for parcels other than as identified herein, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VII, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property in the MGZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strike through font~~.

## ATTACHMENT 4 Amendments to Chapter 17.32

### Chapter 17.32

#### GENERAL FOREST ZONE (GFZ)

##### Sections:

17.32.010 General forest zone (GFZ).

##### 17.32.010 General forest zone (GFZ).

The General Forest Zone (GFZ) as designated on the Mariposa County land use map, is applied to lands under private ownership located primarily within the boundaries of national forest lands that are best suited for low density residential, timber management, agriculture and mining.

##### **A. Development standards for GFZ.**

##### **1. Uses:**

a. **Permitted uses:** Residential, sustained yield timber management; mining, which may include mineral or construction material processing, for parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code; ~~mining, rock and mineral processing in compliance with the Surface Mining Act and county code,~~ non-commercial recreation, and those applicable uses listed under Chapter 17.108 of this Title. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Employee housing; churches, subject to parking standards as required in Section 17.108.120(F) of this Title; private schools, except as permitted by section 17.108.060(I); membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables, and riding trails); and mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.VIII, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this Title and other uses not listed above are prohibited, except similar uses in compliance with Section 17.108.120 and 17.108.030 of this Title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

2. **Minimum parcel or lot size:** No parcel of real property in the GFZ shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section in gross area.

3. **Density:** Two (2) single family residences per forty (40) acres or a legal quarter-quarter section. (Ord. 704 Sec.1, 1988).

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strikethrough font~~.

## ATTACHMENT 5 Amendments to Chapter 17.36

### Chapter 17.36

#### MOUNTAIN PRESERVE ZONE (MPZ)

#### Sections:

17.36.010 Mountain preserve zone (MPZ).

#### 17.36.010 Mountain preserve zone (MPZ).

The Mountain Preserve Zone (MPZ) as designated on the Mariposa County land use map, is applied to lands that are suitable for extremely low density residential development due to terrain and lack of accessibility. These lands are under private ownership within or adjacent to publicly owned lands, with brush and grass cover, and some timber.

A. **Development standards for the MPZ.** Development standards for the MPZ shall be as follows:

1. **Uses:**

a. **Permitted uses:** Residential, non-commercial recreation; mining, which may include mineral or construction material processing, for parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section) or greater in size, when conducted in conformance with the State Surface Mining and Reclamation Act and County Code; ~~mining, milling or mineral processing when in conformance with the Surface Mining Act and county code,~~ and those applicable uses listed under Chapter 17.108. (Ord. 704 Sec.1, 1988).

b. **Conditional uses:** Employee housing; private schools, except as permitted by section 17.108.060(I); and mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code. (Ord. 816 Sec.IX, 1991).

c. **Prohibited uses:** All uses listed in section 17.108.200 of this title and other uses not listed above are prohibited, except similar uses in compliance with section 17.108.120 and 17.108.030 of this title. (Ord. 1086 Sec.I, 2011; Ord. 912 Sec.II, 1997).

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

3. **Density:** Two (2) single family residences per one hundred sixty (160) acres or a legal quarter section. (Ord. 704 Sec.1, 1988).



New Text shown in *italicized, underlined font*. Deleted text shown as ~~strikethrough font~~.

## ATTACHMENT 6 Amendments to Chapter 17.40

### Chapter 17.40

#### AGRICULTURE EXCLUSIVE ZONE (AEZ)

##### Sections:

17.40.010 Agriculture exclusive zone (AEZ).

##### 17.40.010 Agriculture exclusive zone (AEZ).

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

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

1. **Uses:**

a. **Permitted uses:** Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on-site (not including dairies), seasonal sale of agricultural products grown on-site from roadside stands or produce stands, permanent facilities for sale of and /or tasting rooms for agricultural products produced or processed on-site in accordance with the standards established by Section 17.108.070, u-pick operations, collaborative sales of agricultural products in accordance with state and federal standards, agricultural homestays in accordance with standards established by Section 17.40.010.A.4 and in conjunction with the primary agriculture production use of the property, Bed and Breakfasts and Transient Rentals which are managed by permanent on-site managers in accordance with the standards of section 17.108.180; collaborative agri-nature tourism events, horseback riding as an agritourism use, commercial row crops and other similar agricultural uses when conducted in a manner consistent with proper and accepted customs, standards, and practices, except those listed as administrative or conditional uses below; low density residential and employee housing in accordance with the density standards of this chapter; accessory buildings and accessory uses, barns, private stables, farm equipment shelters, and other out buildings; home enterprises, rural home industry, public schools, public parks and other public facilities, such as volunteer fire departments, utility transmission and distribution lines, towers, poles and substations; mining, which may include mineral or construction material processing, for parcels located in the General Plan Agriculture Working Landscape land use classification which are 160 acres (or legal quarter section)

~~or greater in size, in conformance with the State Surface Mining and Reclamation Act and County Code mining, rock and mineral processing when in compliance with the Surface Mining and Reclamation Act;~~ private airstrips and heliports for personal use by the property owner; and agricultural activities associated with a 4-H and/or FFA project or projects; and those applicable uses listed under Chapter 17.108. Limited agritourism and agri-nature tourism uses and activities pursuant to the definitions for agritourism and agri-nature tourism and in accordance with the development standards established by Section 17.40.010.A.4 shall be permitted.....

c. **Conditional uses:** Intensive commercial agricultural uses including but not limited to the following: commercial hog ranches, livestock feed lots when confinement is for the purpose of finishing livestock for market, and commercial poultry farming; fertilizer plants or yards; animal sales yards; dairies; dairy processing plants; experimental agricultural operations determined by the planning director that the operation could impact other agricultural operations in the county, including, but not limited to, those associated with the agri-biotech industry and genetic technologies; dormitory style housing facilities for employees; slaughter houses; mining, which may include mineral or construction material processing, for parcels other than as identified herein, in conformance with the State Surface Mining and Reclamation Act and County Code; very large and frequent agritourism uses and activities pursuant to the definition for agritourism for groups of 36 or more persons per day for ongoing activities up to more than 250 people per week and in accordance with the development standards established by Section 17.40.010.A.4; commercial hunting, hunting dog trials when fire arms are discharged, and game bird clubs; commercial target or shooting ranges, including archery; dude or guest ranches, riding clubs, commercial stables or animal boarding facilities and similar activities (which are not established as part of an agritourism operation or as a Rural Home Industry operation and meeting the standards and provisions listed in Section 17.108.080 and pertinent standards in 17.108.070); private schools, except as permitted by Section 17.108.060(I); churches; and recreational camps or religious organization camps; Transient Rentals with no on-site manager in accordance with the standards of Section 17.108.180; Glamping in accordance with the standards established by Section 17.108.180, except as modified by the standards herein. In addition to other conditions placed on them by the planning commission, slaughter houses shall have a minimum setback of fifteen hundred (1500) feet from state highways and adjacent higher density land use classifications or property lines. Agricultural activities associated with a 4-H and/or FFA project or projects shall not be subject to a conditional use permit.

---

New Text shown in *italicized, underlined font*. Deleted text shown as ~~strikethrough font~~.

## ATTACHMENT 7 Amendments to Chapter 17.148

### Chapter 17.36

#### DEFINITIONS

##### Sections:

17.148.010 Definitions of terms and phrases.

##### Mineral or construction material processing:

The mechanized crushing, classifying, or processing of mined ~~materials~~ ~~ores for the purpose of extracting and producing materials,~~ earth or construction materials on a site or lot.

##### Mining:

The removal of minerals, earth or construction materials from the earth, by methods including pits, tunnels, quarries, shafts, drifts, stopes, adits, winzes, cross-cuts, raises, overburden removal, mining by the auger method, dredging, etc., and all necessary appurtenances thereto, for the purpose of resource extraction where the operation involves either the removal of more than one thousand (1,000) cubic yards of mineral, ores, and overburden, or involves the disturbance of more than one (1) acre of surface area. Mining includes a surface exploration activity; a surface mining operation; a sub-surface mining operation; or a sand, gravel (aggregate), or cobble mining operation which exceeds the thresholds established herein. Mining includes surface work incidental to a surface or sub-surface mine, in-place distillation or retorting or leaching, and the production and disposal of mining waste.