

5 LAND USE

The Land Use Element identifies issues and defines policies associated with using land and the location of land uses in Mariposa County.

5.1 LAND USE ISSUES AND FINDINGS

The Land Use Element incorporates implementation programs that resolve issues identified in the General Plan. Some of these implementation programs overlap other element boundaries and are implemented through other elements' programs. The following are key issues of the Land Use Element.

- Rural Character
- Growth
- Land Use and Transportation Linkage
- Economic Opportunity
- Agriculture
- Natural Resources
- Public Facilities
- Collaborative planning
- Five-Acre Density and Rural Character
- Ready to Build Land
- Scenic Character
- Legally Existing Uses of Land

5.1.01 RURAL CHARACTER

The General Plan creates a balance through which new residents, new property owners, visitors, and existing constituencies can enjoy quality of life aspects countywide. Privacy is reflected in community desires to maintain open space between homes in rural areas of the County. Effective design review guidelines created for planning areas can ensure rural character is maintained, even with higher densities and commercial and industrial uses. The General Plan delegates responsibility for recommending these policies to the Planning Advisory Committees when area plans are developed.

A challenge to the implementation of the General Plan will be to balance the expectations, anticipations, and perceptions of current residents with those of new residents. The end result of General Plan implementation is an assurance that the County’s character will be maintained for future generations.

This section of the General Plan provides basic principles included throughout the Plan, implementing local guiding principles.

5.1.02 GROWTH

Throughout California, the words “smart growth” and “growing smart” are becoming more commonplace. The 2001-2002 Legislature initiated laws designed to ensure that local jurisdictions utilize smart growth planning concepts as a prerequisite to obtaining certain grants from the State.

Smart growth principles focus on reducing urban sprawl. The Sierra Nevada foothills provide examples of urban sprawl moving from valley counties into the Mother Lode. Urban sprawl in these areas creates patterns of suburbanization that undermine the historic and rural character. Under the definitions and concepts of growing smart, the General Plan anticipates Mariposa County could be subject to urban growth pressures from development in Modesto, Merced, and Fresno.

The greatest cost in local development is the establishing, developing, and delivering infrastructure and services. Small subdivisions of two to four parcels, when added together, result in dozens of parcels served by roads that cannot carry greater traffic volumes and are unable to be accessed quickly by emergency response personnel.

Changes in infrastructure financing and general costs are expensive, including costs previously absorbed by local public and private utilities. With limited acreage available for subdivision or residential development, it becomes important for the County to ensure such land is ready for development.

The General Plan creates managed growth by facilitating new subdivision activity close to available infrastructure. While the Plan does not preclude more isolated development, the requirement to ensure “development-ready” land results in an isolated subdivider facing some significant economic costs. The economics of developing close to services allows development to grow out from areas with existing infrastructure.

Keeping general commercial development in town planning areas with services deters rural sprawl. To avoid lengthy trips by County residents for basic goods and services, it is important to identify sites for rural commercial development.

5.1.03 LAND USE AND TRANSPORTATION LINKAGE

The County road network serves many single-access road systems. The County’s overall transportation network relies heavily on private roads. The Land Use Element and the Circulation, Infrastructure, and Facilities Element are closely integrated. One of the overall objectives of the General Plan is to ensure that residents, customers, and personnel providing emergency and other public services, can access developed parcels.

The County recognizes the need to improve the public and private road systems. Ensuring access to maintained roads is a major precept in the General Plan. Road design must be consistent with planned land uses.

This section of the Land Use Element includes policies to ensure safe and adequate access to newly subdivided parcels.

5.1.04 ECONOMIC OPPORTUNITY

Achieving and maintaining a thriving local economy with good paying jobs and diverse career opportunities is one of the most critical General Plan goals. Diversifying the economy is important and this significance is reflected with the inclusion of an Economic Development Element in the General Plan.

There is the recognition that clustering commercial and service businesses provides a greater chance for success. Locating businesses together provides opportunities to share a customer base. This is best accomplished by siting commercial and service businesses within developed towns and communities countywide. The General Plan focuses the siting of job-creating businesses in the town planning areas—where public services are available.

The challenge facing the General Plan is finding locations that are consistent with the Plan’s policies to support new job-creating businesses that will add to the locally established tourism, retail, research and development, light industrial, and government employment, and maintain agriculture. Ensuring adequate land area for growing home industries requires each planning area to accommodate job creation. This issue has countywide significance and is applicable to area plans as well as the countywide General Plan.

Tourism is another important aspect of Mariposa’s economic growth. With its diversity of recreation and visitor opportunities, the County needs to encourage full service recreation properties in appropriate locations to meet diverse market needs.

An objective of the General Plan is to ensure there are policies to accommodate the unique characteristics of Mariposa’s economy in conjunction with providing housing opportunities. This section of the Land Use Element includes the Rural Economic land use classification and focuses on commercial and job creation within the extent of uses for planning areas.

5.1.05 AGRICULTURE

Moving into the 21st Century, Mariposa County finds agricultural opportunities are expanding. Traditional ranching is still the major use of agriculture lands. Other specialties include greenhouse farming, orchards, medicinal and culinary herbs, vineyards and wineries, and honey. The General Plan creates the land use classification “Agriculture/Working Landscape.” The purpose of this approach is to ensure that agriculture is recognized as an economic use and not a holding classification for open space. California’s General Plan law specifically cites agriculture as a subset of open space. To the greater public, open space has a distinct meaning—land retained in an undeveloped state for its visual character. This section of the Land Use Element includes the extent of uses to be defined for the Agriculture zoning districts.

5.1.06 NATURAL RESOURCES

Mariposa County has an incredible variety of natural resources. As a result of its topography, climate, and water supply, the County of Mariposa is home to unique ecosystems and habitats. The lack of population and urban development results in Mariposa County still retaining many natural, unchanged habitats. Some of these resources warrant protection to assure the continued health and availability of these important components to the quality of life countywide.

This section of the Land Use Element includes the “Natural Resources” land use classification and supports the role of the “Agriculture/Working Landscape” land use classification.

5.1.07 PUBLIC FACILITIES

The General Plan is required to address the location of existing and proposed public facilities and sites. Mariposa’s growth, projected to increase substantially during the life of the General Plan, will require siting and development of new public facilities and/or expansion of existing facilities. Some of the areas that once anticipated new or expanded facilities may find that General Plan policies shift growth into other areas, reducing the need or priority for the facilities. Other areas of the County may find that new facilities are needed where never before anticipated due to growth patterns.

The General Plan allows public facilities and sites to be considered in all land use classifications. The key to locating public facilities will be utilization of the zoning regulations to add site-specific regulatory and development considerations.

This section of the General Plan provides for the overall approach to locating public facilities and complies with requirements to identify certain public facilities. The linkage with the Circulation, Infrastructure, and Facilities Element ensures long-range capital improvement planning.

5.1.08 COLLABORATIVE PLANNING

In Mariposa County, several governmental agencies control vast expanses of land, with more than 55 percent of the County’s land in public ownership. The Federal Government owns almost all of the public land in the County, with the Department of Interior’s National Park Service and Bureau of Land Management combined holdings totaling over 40 percent of the County. The remaining Federal land is under the jurisdiction of the U.S. Department of Agriculture in the Stanislaus National Forest or Sierra National Forest. The State of California has minor land ownership in the County. Caltrans has responsibility for state highway rights-of-way and maintenance facilities located throughout the County.

Other large public landowners include the Merced Irrigation District—which owns lands along the Merced River and around Lakes McClure and McSwain —and the Mariposa County Unified School District.

The General Plan provides for the County to work with agencies such as the California Department of Forestry, Army Corps of Engineers, and California Department of Fish and Game to create mutually beneficial programs. Coordination not only offers significant

benefits to the residents and visitors of the County, but also allows for efficient allocation of resources by coordinating common objectives. The County has unique opportunities to create collaborative planning processes with its major landowning public agencies.

This section of the General Plan enables the County to integrate its planning with the National Park Service and other agencies.

5.1.09 FIVE-ACRE DENSITY AND RURAL CHARACTER

For two generations, the five-acre parcel has been the standard lot size for outlying residential land in the County. The General Plan recognizes this tradition. From a practical perspective, the five-acre parcel appears to be sized to provide the appearance of a rural landscape, ensure adequate room for most individual onsite sewage disposal systems, and provide suitable separation between wells and sewage disposal.

The General Plan changes the five-acre standard from one of “parcel size” to “density.” Density and minimum parcel size may be combined. In the Residential Land Use classification for the countywide General Plan, the maximum density is one dwelling unit per five acres of net land area, but the minimum parcel size is 2.5 acres. This means a twenty-acre parcel can be divided into four lots with a density of one dwelling per five acres based on the land’s carrying capacity. However, the parcel size configuration could be approved as two 2.5-acre parcels and two 7.5-acre parcels, or as 5.0, 5.0, 3.0, and 7.0-acre parcels. Other configurations may be considered provided no parcel is less than 2.5 acres in size.

Mariposa County complies with State law regarding the ability to construct an additional dwelling unit on a parcel zoned for single-family or multi-family residential. California Government Code 65852 provides for the creation of second units on a parcel zoned for single-family or multi-family residences. The Code establishes size, occupancy, and other limits on the second unit. The Code states “No changes in zoning ordinances or other ordinances or any changes in the General Plan shall be required to implement this subdivision.” and states “A second unit which conforms to the requirements of this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing General Plan and zoning designations for the lot.”

This section of the General Plan creates the “Residential” land use classification with its five-acre density patterns.

5.1.10 READY TO BUILD LAND

Providing ready-to-build land in the County means that the planning process can be streamlined for approvals of new subdivisions. Subdivisions and development in all areas require access to roads and sewer and water services. This creates options for a subdivider because of the costs of extending or bringing services to isolated parcels.

The result of this policy approach supports development patterns where new subdivisions and the majority of construction activity will be centered in and around the town planning areas or in close proximity to already developed areas of the County.

This section of the General Plan includes policies providing a greater range of consumer protection in the purchase of undeveloped land. It results in the “ready-to-build” implementation requirements.

Further definition of “ready to build land” is provided in this General Plan. Goal 5-10 requires new subdivisions to be “Ready to Build.” Section 5.4.02 E, New Subdivisions, establishes criteria including; road capacity, access, hillside, and ridge top design, approved areas for individual onsite sewage disposal systems, potable water supply, wildland fire hazard, emergency services, and location of flood zone or risk of flooding.

5.1.11 SCENIC CHARACTER

Mariposa County’s most significant asset is its scenic character, and there is an extraordinary diversity of scenic resources contributing to the County’s overall character and its tourism base. The Yosemite Valley is a world-renowned scenic area anchoring the beauty of Mariposa County. The County’s scenic resources encompass its forested ridges and valleys, grasslands and rolling hills, free-flowing rivers and streams, agricultural landscapes, and the historic character of its towns and settlements.

The viewsheds along the County’s scenic highways and backcountry roads provide motorists with views of resources that are among the most important scenic values, which complement the scenic beauty of the Yosemite Valley and Merced River Canyon. Along with the County’s dedicated scenic lands, the open space that contributes to the scenic character of much of the County is residential and working landscape.

The County’s history and growth patterns result in a significant inventory of buildings and sites representing the culture of the County’s native populations and its western traditions stemming from Spanish and territorial American settlers. The communities of Bear Valley, Coulterville, El Portal, Hornitos, Mariposa Town, Wawona, and Yosemite Village are saturated with historic buildings.

This General Plan provides policies to maintain the significant scenic resources of the County.

5.1.12 LEGALLY EXISTING USES OF LAND

The General Plan and its implementation tools regulate three major uses of land:

- the use of land and structures—as assigned by zoning regulations or authorized through conditional use permits, or other permits;
- the density associated with subdivision of land—parcel size, units per acre, number of dwelling units; and
- the construction of structures upon the land—building standards, size, bulk, height, or location.

When a land use is properly established, a subdivision recorded, or a building completed in conformance with the regulations in effect at the time the approvals were granted, and then the regulations subsequently changed, the project is a “legally existing nonconformity.” The commonly used term for a legally existing nonconformity is “grandfathering.”

Historically, Mariposa County has allowed a high range of flexibility in expansion and conversion of uses. Part of the reason for this flexibility was the lack of appropriately zoned land to relocate a nonconformity.

The General Plan continues flexibility on nonconformities from past historic precedent. The Plan recognizes the importance of property responsibilities, and as a result, ensures that enlargement, expansion, or a change of nonconformities are reviewed in a public forum.

Abatement of the nonconformity can be ordered through the normal enforcement process. A discovered illegal nonconformity may become conforming through compliance with County regulations in effect at the time of discovery of the violation.

Signs present a challenge to the issue of nonconformities. As a part of the County's overall marketing and brand identification it is important to move towards conformity for signage. In the mid 1990s, the County adopted a sign code requiring amortization and conformance within a fifteen-year period ending in 2006. On the anniversary date, nonconforming signs are to be replaced with conforming signs.

5.1.13 EXISTING CONTRACTS AND AGREEMENTS

The County has entered into contracts and agreements that constrain the uses of land. These include Williamson Act contracts and development agreements. The land under contract or agreement is subject to the terms and conditions of the contract or agreement.

5.1.14 EXISTING ZONING CONSISTENCY

The 1981 General Plan managed land use similar to a zoning ordinance that included multiple land use designations. The General Plan reduces the number of Land Use Classifications from 30 to 5. The Board of Supervisors determined that the existing zoning on land within the Agriculture/Working Landscape and Natural Resource land use designations as of December 1, 2006 is consistent with the land use designations. This means that the subdivision of such parcels pursuant to their December 1, 2006 designations may occur in compliance with this General Plan. The existing zoning designation shall remain consistent with the General Plan land use classification unless or until the owner requests a change in zone designation, or the County applies a new zone designation to the land.

5.2 GENERAL PLAN IMPLEMENTATION

Goal 5-1: Maintain the rural character of Mariposa County.

Policy 5-1a: New development shall be in keeping with the County’s rural character.

Implementation Measure 5-1a(1): Rural character for each of the planning areas is to be defined by Area Plans.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Requires the preparation and adoption of multiple area plans along with associated staff costs. A typical Area Plan takes two years.
Consequences: Area Plans developed for the Planning Areas of the County can more precisely set standards to meet local needs. This provides more details for development within Planning Areas. It may also result in stricter standards within some Planning Areas.

Implementation Measure 5-1a(2): Land development regulations should respect the diversity of rural lifestyles allowing the right to use one’s property.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: When Title 17 of the Mariposa County Code, Zoning, is revised, the zoning regulations will provide for assessment of compatibility issues in the proposed performance standards.

Implementation Measure 5-1a(3): Land development regulations shall define thresholds within which uses are complementary to the concept of rural character as defined by the General Plan and in regulations associated with the Area Plans.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: The thresholds between whether a project’s impacts are environmentally significant or not significant are pre-defined. This provides surety to interested parties in a project to know whether approval can be considered with a negative declaration, an environmental impact report, or if additional information needs to be submitted with an application.

Goal 5–2: Create land use density and development patterns to manage growth in patterns avoiding sprawl.

Policy 5-2a: Ensure that development shall occur first where services are located.

Implementation Measure 5-2a(1): Development shall grow outward from Planning Areas and Residential Areas with available services.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: Orderly growth.

Implementation Measure 5-2a(2): Establish land development regulations defining permitted uses and establishing standards for close-to-services development.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Included in the cost of updating Title 17.
Consequences: The code will have siting criteria to ensure development occurs close to available public services. This means that isolated commercial developments or “leapfrog” type development may not be possible even if other site criteria would normally allow commercial development.

Implementation Measure 5-2a(3): The County shall make findings that the development will not result in premature urbanization of the Planning Study Areas.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: Orderly growth.

Implementation Measure 5-2a(4): No urban expansion shall occur within the Mariposa Town Planning Study Area unless water and sewage disposal are available from a centrally coordinated and managed system.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: Orderly growth.

Goal 5-3: Integrate transportation and land use decisions to achieve the County’s managed growth objectives.

Policy 5-3a: New subdivisions and lands created for commercial and industrial purposes shall have direct access to maintained roads.

Implementation Measure 5-3a(1): Prior to the consideration of an application to change a land use classification into a non-residential land use classification, the subject property shall front on or shall have direct access to a maintained road.

- This is a prerequisite of the application and shall not replace any project-specific conditions that may be required.
- A paved maintained road requirement shall not be imposed when the requested land use classification is “Agriculture/Working Landscape” or “Natural Resources.”

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This policy, while meeting the absolute letter of State law, imposes a standard which may preclude General Plan amendments from being approved on some lands served by private non-maintained roads without a maintenance program being created first.

Implementation Measure 5-3a(2): Prior to consideration of a change of zoning district from residential into a commercial or industrial zoning district, the subject property shall be found to be located on a maintained road.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This policy, while meeting the absolute letter of State law, imposes a standard which may preclude non-residential development or rezoning occurring on lands with private non-maintained roads without a maintenance program being created first.

Implementation Measure 5-3a(3): No subdivision shall be approved unless it is found that there is adequate road capacity to serve the new traffic.

Timing: Ongoing review standard
Responsibility: Public Works Department.
Fiscal Impact: Ongoing.
Consequences: This policy, while meeting the absolute letter of State law, imposes a standard which may preclude subdivisions from occurring on lands accessed by either privately or publicly maintained roads which do not have adequate capacity for existing traffic.

Policy 5-3b: All subdivision roads shall be maintained roads.

Implementation Measure 5-3b(1): No subdivision shall be approved unless a mandatory contribution road maintenance mechanism is created for roads within the subdivision that are not within the County-maintained road system.

Timing: Ongoing review standard
Responsibility: Public Works Department.
Fiscal Impact: Ongoing.
Consequence: The ability to waive a requirement for a subdivision is not feasible the way this Measure is written.

Goal 5-4: Designate land areas and establish siting criteria to enhance economic opportunities.

Policy 5-4a: Cluster commercial and service development in Planning Areas and Rural Economic land use classifications.

Implementation Measure 5-4a(1): Commercial, healthcare, financial, and other service businesses intended to serve the greater County population, a regional or greater customer base, shall be located only within Town Planning Areas.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequence: Large-scale development—including industrial—is limited to Planning Areas.

Implementation Measure 5-4a(2): Commercial, healthcare, financial, and other service businesses intended to serve the neighborhood needs may be located in Planning Areas and Rural Economic land use classification.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: Allows for neighborhood commercial growth to occur outside of planning areas; creates the authority for the Rural Economic land use classification.

Implementation Measure 5-4a(3): All community plans should include land area to accommodate local rural home industries that out-grow their home-based location.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: None.
Consequences: Each Community Planning Area (except as stated in the footnote)⁸ must include land area capable of accommodating the growth of local rural home industries. This ensures that a “homegrown” business remains close-to-home. It is a balance between the requirements of the General Plan to limit rural home industries to five employees and the desire to nurture local businesses for economic diversification. The County would need to monitor business development and business relocation to ensure an adequate inventory.

⁸ It is recognized that Fish Camp and Wawona are town planning areas in which the local industry is tourism. No industrial land is required in the Fish Camp Town or Wawona Town Specific Plans. This footnote is a part of *Implementation Measure 5-4a(3)*.

Policy 5-4b: Businesses, services, and industries need properly classified sites on which to grow.

Implementation Measure 5-4b(1): Zoning shall include provisions to include zoning districts with flexible standards for defining business and industry uses in a changing economy.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Incorporated into the costs of preparing the update to Title 17.
Consequences: The current zoning code prescribes uses in a narrow way. This means that it is difficult for a non-defined use to be easily accommodated even when it is similar to permitted uses. This policy requires the zoning ordinance update to include more performance standards. Performance standards allow a business to substantiate how it meets County objectives and standards for a zone. If it meets standards, it is then permitted.

Implementation Measure 5-4b(2): Establish provisions to accommodate businesses in the home consistent with the purpose of the land use classifications.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Incorporated into the costs of preparing the update to Title 17.
Consequences: Combined with later policies in the Economic Development element, this policy enables home businesses to continue.

Policy 5-4c: Establish siting criteria to provide areas for visitor recreation opportunities.

Implementation Measure 5-4c(1): Accommodate appropriate siting and development standards for recreation and resort uses within the County.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Incorporated into the costs of preparing the update to Title 17.
Consequences: This Measure enables the Resort Commercial land use classification.

Implementation Measure 5-4c(2): Standards shall be included that protect visual character related to:

- Viewsheds;
- Structure design, landscaping and scenic environment;
- Landform grading;
- Site development; and
- lighting.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Incorporated into the costs of preparing the update to Title 17.
Consequences: This Measure protects visual character.

Goal 5-5: Designate land areas to maintain the County’s agricultural/working landscape.

Policy 5-5a: Maintenance of the agricultural/working landscape shall recognize the economic use of these lands, as well as their scenic and open space functions.

Implementation Measure 5-5a(1): The Land Use element shall identify lands within which the economic uses for the production, extraction, or harvesting of food, fiber and timber shall be the primary purpose.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This Measure enables the Agriculture/Working Landscape land use classification.

Goal 5-6: Designate land areas and establish siting criteria for the management of natural resources.

Policy 5-6a: Managing natural resources shall allow a balance of uses.

Implementation Measure 5-6a(1): The Land Use element shall identify lands within which the management of natural resources shall be the primary purpose.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This creates a land use classification that primarily applies to lands in the Merced River Canyon from El Portal to Lake McClure.

Goal 5-7: Designate land areas and establish siting criteria for public facilities to support current and future populations.

Policy 5-7a: Public facilities and services may be sited in all General Plan land use classifications with due consideration for area-specific issues.

Implementation Measure 5-7a(1): Establish siting and development criteria for public facilities and sites.

Timing: Intermediate-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing.
Consequences: This provides for standards to be created for public sites and facilities without necessitating a General Plan amendment.

Goal 5-8: Create collaborative planning efforts.

Policy 5-8a: Establish ongoing collaborative and cooperative planning relationships.

Implementation Measure 5-8a(1): The Board of Supervisors shall initiate discussions with representatives from public agencies to establish a formal collaborative cooperation and planning process.

Timing: Short-term
Responsibility: Board of Supervisors.
Fiscal Impact: Allocation of staff time, possible miscellaneous operational and meeting costs.
Consequences: This policy requires the Board of Supervisors to serve as the leaders, in effect, of the Mariposa County Council of Governments (COG). It does not, however, require the creation of a COG or the creation of special staff to serve the COG.

Goal 5-9: Maintain rural densities for residential development outside planning areas.

Policy 5-9a: One house per five acres is the County’s rural density.

Implementation Measure 5-9a(1): Outside Planning Areas, the maximum allowable density for residential development shall be one dwelling unit per five acres.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: None.
Consequences: This fixes the standard of the “five acre parcel” as the rural standard in the County. It does not, however, require that this density be based on a minimum parcel size, just an average density of one house per five acres.

Implementation Measure 5-9a(2): In a proposal to modify the boundaries of one or more parcels or lots where one or more of these parcels or lots do not meet minimum parcel size or density of the applicable land use, the County may approve such boundary modifications provided such modifications will result in the improvement of the circumstances and/or design of both parcels or lots and in achieving the goals and policies of the General Plan and the purpose of the applicable land use classification.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Ongoing review.
Consequences: This sets a higher standard of review.

Goal 5-10: Require new subdivisions to be “Ready to Build.”

Policy 5-10a: New subdivisions (minor and major) shall be required to have necessary infrastructure to enable all parcels to be “Ready to Build.”

Implementation Measure 5-10a(1): Require that infrastructure for new subdivisions meet the General Plan’s requirements for ready to build parcels.

Timing: Ongoing review standard
Responsibility: Mariposa County Planning Department.
Fiscal Impact: Adds cost to land prices normally associated with the cost of building a home.
Consequences: This is an essential part of the County’s growth management program. By purposely requiring infrastructure to be installed at the time a map records, it creates an economic disincentive to subdivide lands isolated from existing services.

Goal 5-11: Facilitate the transition of the 1981 General Plan and permit legally existing nonconformities to continue use and operation.

Policy 5-11a: Legally existing nonconformities may continue.

Implementation Measure 5-11a(1): No implementation of the General Plan shall be enacted to force the amortization, closure, and relocation of any legally existing nonconformity except signs and/or billboards and as otherwise provided in adopted planning areas.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: None.
Consequences: This policy prohibits the County from enacting amortization provisions for grandfathered uses and structures. While it extends current ‘unofficial’ official policy, this raises the bar to create a thoughtful and public process if the Board of Supervisors wants to change the policy. In effect, this makes it a official policy.

Policy 5-11b: Accommodate the ability to subdivide parcels of land based on existing zoning within the Natural Resource and Agriculture/Working Landscape land use designations.

Implementation Measure 5-11b(1): The Land Use Element shall identify lands and allow their subdivision in compliance with the zoning as of December 1, 2006 within the Natural Resource and Agriculture/Working Landscape land use designations.

Timing: Short-term
Responsibility: Mariposa County Planning Department.
Fiscal Impact: None.
Consequences: This measure recognizes the 1981 General Plan zoning subdivision potential and implements Section 5.2.02 N of this General Plan.

Goal 5-12: Protect significant timberlands and provide for sustainable management and harvesting of timber resources.

Policy 5-12a: Protect significant timberland from conversion to non-timber related uses.

Implementation Measure 5-12a(1): Use the Timber Preserve zoning district within the Agricultural/Working Landscape and Natural Resource land use classifications to limit development in areas of identified potential timber resources.

Timing:	Short-term
Responsibility:	Mariposa County Planning Department.
Fiscal Impact:	None.
Consequences:	Protects timberlands

5.3 LAND USE CLASSIFICATIONS

California law requires General Plans to include diagrams designating the general distribution and location of land uses in the County. With no incorporated cities, the Mariposa County General Plan serves both the regional needs of the County and the more precise planning needs of the various towns, communities, and special planning areas. Land use classifications are used to generally identify the areas where the County desires specific types of existing and future land uses.

The General Plan has five land use classifications: Planning Area, Residential, Rural Economic, Agriculture/Working Landscape, and Natural Resources.

Land use classifications are different from base zoning districts. The purpose of a land use classification is to lay out the desired land use patterns of the County. The land use classifications may shift patterns of development in some areas of the County. The objective is to ensure that any new land uses, changes in land use, and/or development are both defensible and achieve the desired goals. Base zoning districts (zones) are implementation tools of the General Plan—they incorporate the Plan’s purposes. The zones specify property rights by prescribing permitted uses. The zones prescribe property privileges through conditional uses, accessory uses, temporary uses, and site development standards. For example, in Mariposa County zoning designations, residential uses are permitted uses and churches and organized recreation camps are conditional uses.

General Plan law requires land use classifications to describe the extent of uses, population density, and building intensity for each category. As described below, Mariposa County’s land use classifications include these components, as well as: purpose, consistent zoning classifications, and criteria for inclusion in the land use classification. Actual development standards, prescription of uses, and other requirements are implemented through the Mariposa County Code.

- The purpose defines the need for that classification and the reasons for its inclusion in the General Plan.
- The extent of uses defines the general characteristics of land use within a classification. The extent of uses does not supplement or override the prescribed, permitted, and conditional uses implemented through zoning. Rather, the “extent of uses” creates a sketch of conceptual uses, while specific uses are defined in the zoning and subdivision regulations.
- Zoning consistency establishes a menu or description defining which of the County’s zoning districts are permitted within a land use classification.
- Population density is the theoretical maximum number of persons per acre of gross land area based on the maximum potential number of dwelling units and the most recent (Year 2000) Census number of persons per dwelling unit. Population density is a numeric calculation required by State law and has no regulatory purpose.
- Building intensity is based upon different characteristics that are appropriate for different types of uses. For residential development, building intensity is the number of dwelling units per acre of gross land area. For commercial, industrial, or public

facility development, building intensity is the employee/user capacity of a facility. This may be determined in square footage, lot coverage, traffic generation, or other defined factor in the explanation under a land use classification.

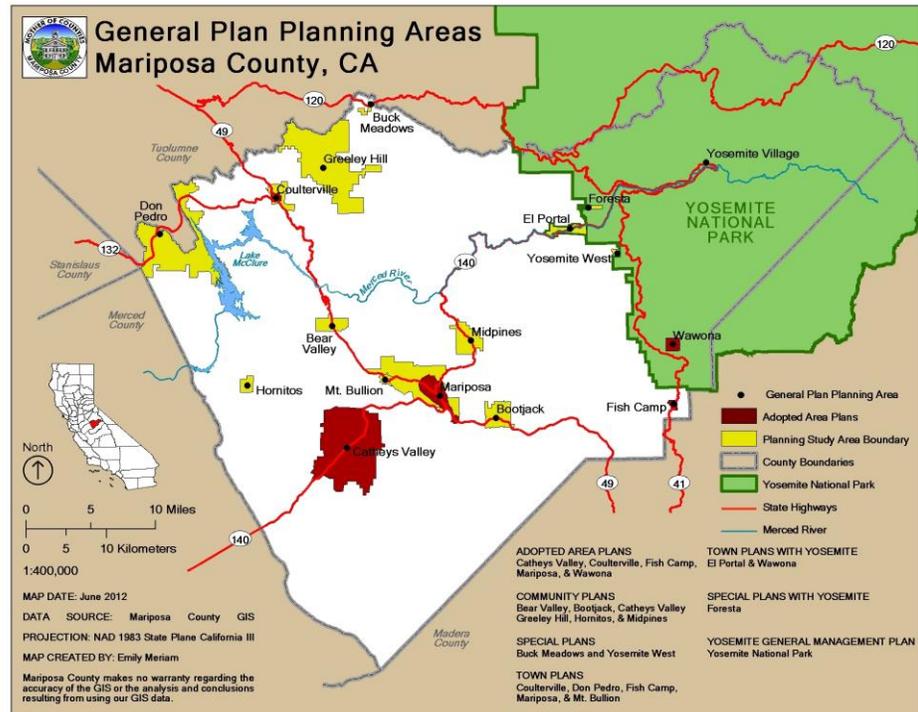
- Criteria for inclusion within a land use classification are policy statements applicable to the review of any application proposing to change a land use classification from one classification to another.
- Parcels of 40 acres or larger in size may be designated on the Land Use Diagram with more than one General Plan land use classification. Classification boundaries are intended to coincide with zoning boundaries whenever possible and shall follow legally defined boundaries.
- Parcels less than 40 acres shall be designated on the Land Use Diagram with one General Plan land use classification, the classification with the greatest area. Classification boundaries shall follow legally defined boundaries.

5.3.01 PLANNING AREA LAND USE CLASSIFICATION

A. Purpose

The General Plan creates the land use classification “planning area.” Planning areas identify “towns,” “communities,” and “special” planning areas (Figure 5-1). Planning areas are implemented by area plans adopted by the Board of Supervisors. Volume II is where adopted area plans are published. “Area plans” are mini-General Plans adopted to meet the needs of each town, community, or uniquely identified special area of the County.

Figure 5-1: Planning Areas



As of December, 2006 the towns of Mariposa, Coulterville, Fish Camp and Wawona each have adopted “town planning area specific plans”. These plans will remain in effect and are incorporated in Volume II of the General Plan as the community’s area plans, though modifications or updates may be necessary to consider Planning Study Areas adjacent to the communities or address new policies. For Mariposa and Coulterville, the name of the plan will change from “specific plan” to “town plan”. For Fish Camp and Wawona, the name of the plan will remain “town planning area specific plan”. As of December, 2012, Catheys Valley has an adopted “community plan”

The planning area land use classification identifies the geographic areas subject to the goals, policies, and implementation measures of adopted area plans. The Planning Study Area diagrams in Volume II identify the geographic areas subject to the goals, policies, and implementation measures of the General Plan. The planning area is depicted on the Land Use Map (Figure 5-2) with the planning area boundaries and an icon defining the type of area plan.

<p>Explanation 5-1: Planning Areas</p> <p>Town Planning Areas are: Coulterville, El Portal, Lake Don Pedro, Mariposa, Wawona, Mt. Bullion, and Fish Camp</p> <p>Community Planning Areas are: Bear Valley, Bootjack, Catheys Valley, Greeley Hill, Hornitos, and Midpines</p> <p>Special Planning Areas are: Buck Meadows , Foresta, and Yosemite West</p> <p>Yosemite National Park Planning Areas are: General Management Plan, Valley Plan, and others</p>
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Town planning areas represent the rural scale “urban” development centers for the County. Town planning areas are specifically designated as locations in the County where policy mandates a broad and comprehensive mixture of land uses and zoning. A mixture of housing types and styles for all economic segments of the County are disbursed throughout the town planning areas.

Community planning areas or special planning areas represent separate policy approaches. A planning area’s character and values are generally based in the character of the General Plan land use classifications in which it is situated. At the policy level, area plans are developed specifically to reflect community values.

The County manages the majority of the planning areas; the remaining planning areas contiguous to or within Yosemite National Park involve both the County and the National Park Service, with the exception of Yosemite National Park General Management Planning Area, which is managed exclusively by the National Park Service. Each of these area plans—except for the Yosemite National Park General Management Plan—are part of the General Plan. The General Management Plan is identified for reference purposes, showing Yosemite National Park has its own planning document.

B. Extent of Uses

The General Plan defines the geographic boundaries of planning areas and establishes the general purposes of town, community, and special planning areas. A planning area is a defined locality within the County that is managed through an Area Plan adopted by the Board of Supervisors. The Board of Supervisors have designated Plan Study Areas on the Land Use Diagram, areas that do not have an adopted area plan but which the Board of Supervisors wants evaluated in the preparation of the area plan.

An adopted area plan establishes the extent of land uses for each land use classification in that planning area. Generally, area plans will address residential, commercial, industrial, public, and other land use classifications. However, depending on the guiding principles of an area plan, not all classifications may be included.

Area plans may be more restrictive than the General Plan policies as long as they are consistent with the General Plan policies; however, they cannot be less restrictive than the General Plan or inconsistent with the General Plan. There are certain issues where the countywide General Plan pre-empts an area plan.

Housing is a statewide issue of critical concern. Under California law, the State provides the County with a five-year requirement to enable construction of adequate housing units to satisfy the Regional Housing Needs Allocation (RHNA). The County is required to prove it has sufficient land area to accommodate the development of housing that meets the needs of very low-, low-, moderate-, and above moderate-income levels and special needs population groups.

The County is encouraging the economic development emphasis from businesses in residential areas to allow “home-grown” businesses to relocate to appropriately zoned property within the general area. Lands for expansion of rural home industries need to be located within all area plans.

Area plans are not mandated to provide lands for uses inconsistent with the principles of the planning area. There will be no requirement for housing, commercial, or industrial uses merely because an area is designated as a town, community, or special planning area. Area plans should embody greenbelts and open space lands to preclude rural sprawl. Area plans may be adopted for purposes of maintaining rural character, identifying and preserve public lands, protecting agriculture land, or addressing localized issues in greater detail than is possible in the countywide General Plan.

B(1) TYPES OF PLANNING AREAS

- **Town Planning Area:** All residential, commercial, industrial, job-center, recreation, and public uses, as defined in the General Plan, are consistent with the purpose of a town planning area.
- **Community Planning Area:** Single-family residential, rural commercial, recreation/resort-oriented, small business, and public are land uses consistent with the purpose of a community planning area. Multi-family residential uses with more than two attached dwelling units per structure are not consistent residential uses within community planning areas; live-work commercial/residential uses are acceptable.
- **Special Planning Area:** Some small locales in the County do not face the full scope of issues warranting a full-scale town plan or community plan. The purpose of a special plan is to address the specific issues of local importance for the planning area. Consistent uses will be defined in the special plan. Special plans may be used within a town plan or community plan to address more focused issues.

Specific plans are used as specified in California law and are not typically planning areas within the General Plan. A specific plan is an implementation tool of the General Plan or of an area plan. The Towns of Mariposa, Coulterville, Wawona and Fish Camp, however, have

adopted Town Planning Area Specific Plans that also serve as their area plans. For Mariposa and Coulterville, the name of the plan will change from “specific plan” to “town plan”. For Fish Camp and Wawona, the name of the plan will remain “town planning area specific plan”.

On Figure 5-2, Mariposa County General Plan Land Use Map, the portions of the County proposed for one of the three types of area plans are shown as “Planning Areas.”

For example, the town plan for Mariposa would be called the “Mariposa Town Planning Area” and for Bear Valley the “Bear Valley Community Planning Area.” For applicable land use and zoning information, one refers to the appropriate area plan. Prior to an area plan being adopted, refer to the interim implementation measures in this Land Use section of the General Plan.

C. Zoning Consistency

Each area plan’s land use classifications define consistent zoning districts. The area plan may use districts already incorporated into the County Code or create new zoning districts, which meet the precise needs of the area. Each of these zoning districts must demonstrate consistency with the area plan and the General Plan.

D. Population Density and Building Intensity

Each area plan establishes population densities and building intensities for its planning area. These are located in Volume II of the General Plan.

E. Adoption of Area Plans

The Board of Supervisors governs the planning areas and is responsible for adopting the area plans and associated regulations. To ensure area plans reflect local values, planning advisory committees are formed of local residents, property owners, and business owners, to advise the Planning Commission and Board of Supervisors on local issues. The preparation, review, and revision of area plans are a responsibility of the committee. The planning advisory committee sends its planning documents to the Planning Commission for recommendation and Board of Supervisors for adoption.

E(1) DESCRIPTION OF PLANNING AREAS

The General Plan identifies 17 planning areas, including the Yosemite National Park’s General Management Plan. Table 5-1 lists the planning areas and provides information on the status of each planning area’s town, community, or special plan and whether or not a planning advisory committee has been established.

Table 5-1: Planning Areas and Area Plan Status

<i>Planning Area</i>	<i>Planning Advisory Committee</i>	<i>Area Plan Status</i>
Bear Valley Community	No	Not scheduled
Bootjack Community	No	Not scheduled
Buck Meadows Special	No	Not scheduled
Catheys Valley Community	Yes	Adopted
Coulterville Town	Yes	Adopted
El Portal Town	Yes	Pending for completion in intermediate term
Fish Camp Town Specific Plan	Yes	Adopted
Foresta Special	No	Not scheduled
Greeley Hill Community	Yes	Not scheduled
Hornitos Community	No	Not scheduled
Lake Don Pedro Town	No	Pending for completion in short term
Mariposa Town	No	Adopted
Midpines Community	Yes	Pending for completion in short term
Mount Bullion Town	No	Not Scheduled
Wawona Town Specific Plan	Yes	Adopted; Update pending for completion in short term
Yosemite National Park	N/A	Complete ⁹
Yosemite West Special	Yes	Pending for completion in 2007

Source: Mariposa County, 2006.

Four planning areas are identified for collaborative planning between the County and the National Park Service—El Portal, Foresta, Wawona, and Yosemite West. Each community has a different relationship between the County and the Park, but all require cooperation and collaboration in planning efforts.

- **El Portal Town Planning Area.** Although not part of the Yosemite National Park, El Portal is substantially owned by the National Park Service and used for administrative and housing purposes. The County manages the limited private

⁹Yosemite National Park has prepared three major updates to its General Management Plan. Of these various plans, the Yosemite Valley Plan and the Merced River Plan have the greatest set of collaborative planning issues within the County.

ownerships, while the National Park Service manages its lands. Collaborative planning can create uniform standards and long-range development programs to implement the Yosemite National Park General Management Plan as well as the County's General Plan. Because El Portal is a business center, resort area, and high-density residential area it is classified as a Town Planning Area in the General Plan. This represents a new direction in planning philosophy for the El Portal area joining public and private lands into a single County planning document. This reflects the partnership with the National Park Service for managing this area.

- **Foresta Special Planning Area.** This Special Planning Area is an enclave created by a subdivision recorded in the early 1900s intermingled with lands owned by Yosemite National Park. Foresta's small lots and lack of infrastructure make development difficult. The County approves private development and requires a concurrence from the National Park Service. Foresta's limited scope of issues results in the area being classified as a Special Planning Area. Much of Foresta was destroyed during a wildfire in the 1990s, and property owners are anxious to reestablish homes and private property usage while maintaining rural character. Compatible Park Service development is a major issue in this community.
- **Wawona Town Planning Area.** Wawona is a community of privately owned land surrounded by Yosemite National Park. The state delegated management of these private lands to the County of Mariposa. Both the County and the National Park Service must approve land use plans for Wawona. Wawona has an adopted Specific Plan.
- **Yosemite West Special Planning Area.** Yosemite West is a subdivision located near Glacier Point Road adjoining Yosemite National Park. This subdivision is primarily resort homes. The only access to the subdivision is through Yosemite National Park and over a County-maintained road for which the National Park Service issued a special use permit. The limited scope of land uses in Yosemite West warrants its classification as a Special Planning Area.

Five communities have adopted area plans.

- **Catheys Valley Community Planning Area.** Catheys Valley has an adopted Community Plan, adopted in December, 2012. The overall objective of the Catheys Valley Community Plan is to preserve the rural and ranching lifestyle and character of the area. The plan provides for a broad vision maintaining the Catheys Valley Planning Area as a "rural crossroads" and not a "town". The land within Catheys Valley is rural and not to be used for urban scale development or regional commercial development. A cluster of commercial enterprises to serve local residents meets the community's needs. The adopted plan reflects the community's preference to insure agricultural preservation as an anchor to maintaining rural character.
- **Coulterville Town Planning Area.** Coulterville has a Town Planning Area Specific Plan converted in Volume II to a Town Plan. With a public water and wastewater treatment system, Coulterville is capable of handling residential and commercial growth. The town has a quality historic district and unique opportunities for improved tourism as a visitor destination.

- **Mariposa Town Planning Area.** A Town Planning Area Specific Plan was adopted in 1981 and periodically amended. A comprehensive update was adopted in 1992. The Specific Plan is converted to the Town Plan incorporated into Volume II of the General Plan for Mariposa. The General Plan provides for the Mariposa Town Planning Area to become greatly enlarged. The current Town Plan in Volume II provides for land use and zoning for a core area supporting a population of approximately 3,000 people. The future expansion area will retain existing zoning districts until the total Mariposa Town Plan is updated.
- **Yosemite National Park General Management Plan.** The National Park Service requires its parks' management agencies to prepare general management plans for long-range operational goals and vision. The General Plan recognizes the General Management Plan as an area plan by reference. However, the County does not incorporate the General Management Plan into its General Plan. Implementing the Management Plan requires the adoption of area plans within the Park. The Merced River Plan and Yosemite Valley Plan have both been adopted by the Park Service.
- **Fish Camp Town Planning Area.** Fish Camp has an adopted Town Planning Area Specific Plan, originally adopted in June, 1983 and amended since that time. The Fish Camp Plan is described as a Town Planning Area Specific Plan to allow a comprehensive mix of zoning and land uses associated with its rural scale “urban” character. Fish Camp has three community water systems.

Two other planning area with pending short-term area plans include:

- **Lake Don Pedro Town Planning Area.** The Lake Don Pedro subdivision was approved in the 1960s with more than 3,000 lots split between Mariposa and Tuolumne counties. More recent subdivision activity in the 1980s and 1990s in both counties resulted in increasing residential densities combined with a lack of jobs and services. The Lake Don Pedro Community Services District provides water for much of the area (1,250 customer connections, October 2004). A Town Plan is proposed for this area of the County creating, in effect, a new town. Ultimately, the Lake Don Pedro area could have a population in excess of 12,500 people.
- **Midpines Community Planning Area.** The Midpines area is a cluster of residential lands surrounding a small scale commercial center. Close to Mariposa, and the nearest County community to Yosemite National Park, Midpines faces growth pressures as the Park Service implements the Yosemite Valley Plan and looks for vacant land in private ownership for seasonal and other employee housing. It also faces issues associated with fire protection and lack of community water.

Six planning areas without area plans scheduled include:

- **Mount Bullion Town Planning Area.** The land in the historic community of Mount Bullion, including an area surrounding the airport is proposed for a town plan in the long-term planning period. The County will need to prepare and adopt a town plan for land use in the Mount Bullion Town Plan area. While this area is intended for business park, commercial, and other residential development to accommodate a population of 2,000, a key issue for this community is the establishment of land use policies and a land use plan that will protect the airport and ensure its continued operation in the future.
- **Bear Valley Community Planning Area.** The lands surrounding the old Bear Valley townsite not under Williamson Act contract are identified for the future Community Plan Area. The intent for this community is to identify commercial lands and appropriate subdivision densities based on available groundwater and soils suitable for onsite sewage disposal systems.
- **Bootjack Community Planning Area.** Bootjack already has a commercial center with “heavy” commercial and “light” industrial uses. From a feed store and rental yard to truss and shed manufacturing, Bootjack has the makings of a small town. However, the population in the area prefers to retain the commercial and job center options without the impacts of high density residential. Without a public water or wastewater treatment center, Bootjack qualifies as a Community Plan Area—even though some of its uses are more “town” oriented.
- **Buck Meadows Special Planning Area.** Buck Meadows is a small cluster of private lands with resort facilities located in an island deriving access from Highway 120 within Tuolumne County.
- **Greeley Hill Community Planning Area.** Greeley Hill has potential for growth as a community and a business center for the northern part of Mariposa County. Its Planning Area boundaries include almost all private land, creating a large “island” within the Stanislaus National Forest.
- **Hornitos Community Planning Area.** Hornitos is another community with a significant inventory of historic structures. It is purported to be the only remaining town in California with a Spanish-style central plaza. Hornitos is a small island of land surrounded by significant acreage under Williamson Act contract.

F. Changes in Planning Area Classification

With the adoption of the General Plan, the planning areas are identified as “town planning areas,” “community planning areas,” or “special planning areas” based on the countywide General Plan policies and anticipated desires of a locality. As the General Plan is implemented, residents and property owners within a planning area may wish to change the permitted uses. Such a change requires changing the planning area classification while maintaining consistency with the General Plan.

Changes in planning area classifications may be approved under the following circumstances and process.

- The Board of Supervisors will establish a Planning Advisory Committee for the planning area. If a Planning Advisory Committee is not seated, the Board of

Supervisors will convene a Committee for the planning area. The Planning Advisory Committee will make a recommendation to the Planning Commission concerning changing the classification from its current town, community, or special class to another classification in the General Plan.

- The Committee’s recommendations will include findings substantiating its reasons for or against the change.
- Changes in a planning area’s classification will require evidence to demonstrate all of the following:
 - General Plan goals and policies establishing the original town, community, or special planning area classification have been amended and a classification change is required for General Plan consistency;
 - In order to better achieve and properly implement the goals and policies of the General Plan, a change in classification is required;
 - A change in County population growth or County land development patterns requiring an amendment of the planning area classification to maintain General Plan consistency; and
 - Changes in the countywide General Plan goals and policies necessitate the change of classification to maintain General Plan consistency.
 - The Board of Supervisors may amend the General Plan by applying the criteria for the land use classification into which the planning area is proposed to be reclassified.

G. Amending the Boundaries of a Planning Area

The boundaries of a planning area are the same as the boundaries of any land use classification in the General Plan in that an amendment of the General Plan is required to amend the boundaries. The boundaries may be amended using the normal General Plan amendment process or by different boundaries being identified in the adoption of an area plan.

G(1) BOUNDARY AMENDMENTS BY ADOPTION OF AN AREA PLAN

When the Board of Supervisors adopts an area plan with boundaries different than those in the General Plan, the action to adopt the area plan will include necessary findings and map amendments to reclassify properties as described below.

If lands are added into the planning area land use classification, such lands will take the land use classification “planning area” with a reference to the adopted area plan.

If lands are removed from the planning area land use classification, the lands will take on the land use classification of the properties surrounding at least two sides of the subject property.

G(2) AMENDING PLANNING AREA LAND USE CLASSIFICATION BOUNDARIES WHEN NO AREA PLAN HAS BEEN ADOPTED

Should the Board of Supervisors desire to amend the boundaries of a planning area when no area plan has been proposed or adopted, the Board of Supervisors may amend the General Plan by applying the criteria for the land use classification into which the subject property is proposed to be reclassified.

H. Creation of a New Planning Area

A new planning area may be created by the Board of Supervisors if an application and resolution of approval substantiate that the issues needing to be addressed require greater detail than can be accomplished within the framework of the County General Plan.

A. An application for a new planning area may be initiated by:

- Board of Supervisors,
- Planning Commission,
- any private property owner(s), or
- citizens living within the proposed planning area.

B. As a prerequisite to approving a new planning area, the Board of Supervisors will substantiate the following findings.

- The boundaries of the proposed planning area represent a recognized, identifiable, and socially cohesive area of the County.
- Population growth, development patterns, or changes in Board of Supervisors policy create a situation in which the long-term planning needs of a defined area are better achieved through an area plan.

C. The approving resolution will:

- identify the geographic area to be included within the planning area;
- define whether the area is to be a town planning area, community planning area, or special planning area;
- adopt findings which establish the reason why the planning area is needed;
- establish a basic proposed mission or objective for the planning area;
- set a timeline for completion of the preliminary version of the area plan; and
- approve an appropriate budget or resource allocation to ensure the plan's completion within the timeline specified by the Board.

I. Regulations for Planning Areas

I(1) REGULATIONS IN PLANNING AREAS FOR WHICH A TOWN SPECIFIC PLAN IS ADOPTED

The towns of Coulterville, Fish Camp, Mariposa, and Wawona have adopted town planning area specific plans. When the General Plan is adopted, the Mariposa and Coulterville plans will be re-adopted as area plans. The names of the Fish Camp and Wawona town planning area specific plans will remain the same. Each specific plan was originally adopted as an ordinance. The ordinances will remain in place.

I(2) INTERIM REGULATIONS IN PLANNING STUDY AREAS

The Planning Areas of Bear Valley, Bootjack, Buck Meadows, El Portal, Foresta, Greeley Hill, Hornitos, Lake Don Pedro, Midpines, Mount Bullion, and Yosemite West do not have adopted area plans. The adopted plans for the towns of Coulterville and Mariposa do not encompass all of the lands shown in the General Plan Land Use Map for the towns. For these Planning Areas and expanded town areas, designated Planning Study Areas on the Land Use Diagram, the General Plan land use classifications as shown on the interim land use diagrams in Volume II shall apply until the appropriate town, community, or special plan is adopted by the Board of Supervisors. The planning areas, including the planning study areas, are displayed on the Mariposa County General Plan Land Use Diagram (Figure 5-2), to identify the boundaries for the Planning Advisory Committees and state the intention of the Board of Supervisors that a plan will be adopted for these areas. The Interim Community Land Use Diagram (Volume II) establishes interim land use provisions pending plan adoption.

Volume II incorporates basic standards for the determination of zoning and development entitlements. The Interim Land Use Diagrams were developed to reflect the existing entitlements and patterns of land uses, upon adoption of this General Plan. These land uses and basic standards are applicable until such time as an area plan is amended or adopted.

The Interim Community Land Use Diagrams employ the land use classifications established in this document, including the Residential, Rural Economic, Agriculture/Working Landscape and Natural Resources classifications. The Interim Community Land Use Diagrams also refer to an Interim Community Center designation. Development within the Interim Community Center designation shall comply with all provisions of the Residential Land Use Classification as established by Section 5.4.02 with the following exceptions:

Interim Community Center Land Use Exceptions

A. Purpose

The Interim Community Center land use classification identifies lands for single family dwellings within a Planning Area for which an area plan has not yet been adopted. The Interim Community Center land use classification also identifies lands that may be appropriate for limited business and commerce to (1) primarily support the needs of local residents, and (2) secondarily support tourism and County visitors.

B. Extent of Uses

Interim Community Center land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses involve personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Uses which supply retail and commercial needs of local residents not in conflict with adjoining land uses shall be subject to a discretionary review. Also subject to a discretionary review shall be uses which support regional tourism and can be developed compatibly with adjoining land uses

C. Zoning Consistency

The following zoning districts are consistent with the purpose of the Interim Community Center land use classification:

Town Planning Area
Public Domain
Public Sites

D. Population Density and Building Intensity

Maximum number of dwelling units: One (1) dwelling unit per legally existing parcel.

Maximum density for new subdivisions: One (1) dwelling unit per two and one half (2.5) acres of gross land area.

Minimum parcel size for new subdivisions: Two and one half (2.5) acres of gross land area.

Maximum building intensity: 10 percent lot coverage per two and one half (2.5) acres of gross land area.

Average population density: 0.948 persons per acre of gross land area.

5.3.02 RESIDENTIAL LAND USE CLASSIFICATION

A. Purpose

The Residential land use classification identifies lands for single family dwellings in a rural setting outside the Planning Area land use classification.

B. Extent of Uses

Residential land uses include single-family dwellings, vacation homes, and agriculture. Typical accessory uses are related to personal recreation, home-based business activities, other uses related to agriculture, and uses consistent with rural character. Churches and mining are allowed subject to a discretionary permit.

C. Zoning Consistency

The following zoning districts are consistent with the purpose of the Residential land use classification:

Agriculture Exclusive
Mountain General
Mountain Home
Mountain Transition
Public Domain
Public Sites
General Forest

The Board of Supervisors has determined that for parcels within the Residential Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Residential land use classification.

D. Population Density and Building Intensity

<i>Maximum number of dwelling units:</i>	One (1) dwelling unit per legally existing parcel.
<i>Maximum density for new subdivisions:</i>	One (1) dwelling unit per five acres of gross land area.
<i>Minimum parcel size for new subdivisions:</i>	Two and one half (2.5) acres of gross land area, provided the average density does not exceed one (1) dwelling per five (5) acres for the proposed subdivision except for Rural Residential existing land use designations, the Board of Supervisors (Planning Commission) may consider parcels of two and one half (2.5) acre minimum
<i>Maximum building intensity:</i>	10 percent lot coverage per five (5) acres of gross land area.
<i>Average population density:</i>	0.474 persons per acre of gross land area.

E. New Subdivisions

In order to create a “ready-to-build” parcel, the General Plan places basic development requirements on the subdivider. This assures the property owner the price paid for land is the cost of ready-to-build land. The objective of the ready-to-build policy is to avoid unexpected costs for developing infrastructure when a later property owner seeks a building permit.

The Board of Supervisors finds that basic development requirements are maintained roads, water supply, and wastewater disposal.

This section of the General Plan addresses criteria applicable to new subdivisions and non-residential uses in the Residential land use classification. These criteria will be considered equivalent to implementation measures. When these criteria are applied for purposes of clustering parcels, the parcel(s) included in the density calculations shall be enforceably-restricted to prohibit future land division of such parcels.

E(1) ROAD CAPACITY AND ACCESS

All newly created subdivision parcels will have safe and maintained access roads. To qualify for subdivision, access to the subject property will be derived from a road that is:

1. maintained, and
2. has adequate capacity for the potential traffic volume generated by the total number of existing lots and those which can be created within the road system.

E(2) HILLSIDE AND RIDGE TOP DESIGN

Building on hillsides is an issue of critical concern to conserving the rural character and avoiding an “over-developed” appearance countywide. The County’s terrain and topography has no regularity, making a uniform solution impossible. Subdivision roads and building sites will be designed to minimize cuts and fills. All cuts and fills will be revegetated within one growing season of construction. The Planning Commission will review subdivisions with slopes on parcels in excess of 15 % intending to consider the following:

- The Commission may permit lot size flexibility within density limits (e.g., clustering) to best achieve safe and reasonable building sites.
- The Commission will review proposed building sites and native vegetation with the intent of requiring or maintaining a screen of access roads, driveways, and structures consistent with fire safety regulations.
- The Commission may require building sites to be set back from ridgelines.
- Visual impact of the subdivision and its building sites may result in the Planning Commission modifying parcel sizes and potentially reducing the number of proposed lots .
- Proof of slope stability will be required as a condition of a final or parcel map submittal.

E(3) SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite or community system sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

E(4) POTABLE WATER SUPPLY

New subdivision lots will be served by an approved potable water supply. Prior to recordation of a final or parcel map, the subdivider will prove to the satisfaction of the Health Department each new parcel has a supply of potable water meeting requirements for quantity and quality. Proof is as follows:

- a. an approved connection from an approved public water provider; or
- b. a proposed connection to a shared well which has been pre-approved by the Health Department; or
- c. a well, for which appropriate permits and inspections have been approved by the Health Department, has been drilled on the subject property and developed with appropriate casings, and for which improvements may or may not include permanently installed pump equipment; or
- d. a demonstration that there can be a source of water capable of producing a sustained potable water supply with storage of at least 1,000 gallons per twelve (12) hour day per dwelling unit , which will be contained within any combination of (a) a potable water storage tank, (b) a static water supply in the well; or
- e. other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in “Section d.” above.

Additionally, if the property is to be served in the future by a well, there will be a requirement to record a disclosure statement concurrently with and referenced on the final or parcel map stating the following:

Water supplies for residential lands are derived from private wells on these parcels. Mariposa County groundwater supplies are found in fractures in the bedrock. The costs associated with drilling and developing a private well is highly variable because it is unknown how much or if any additional water can be found on these parcels. There is no guarantee additional potable water supply of adequate quality or quantity can be found or sustained on any parcel shown on this map.

E(5) WILDLAND FIRE HAZARD AND EMERGENCY SERVICES

All new construction will conform to the regulations of the County Building Department, County Fire Department, and California Department of Forestry and Fire Protection (CDF) for purposes of fire management and fire safety.

E(6) LOCATIONS OF FLOOD ZONE OR RISK OF FLOODING

Land subdivision will be designed in a manner that reduces risk to life and property from flooding. No new subdivision parcels will be created which are wholly within a one-hundred-year flood zone. Any new parcel will have adequate development area as defined by the County outside of the flood zone.

Prior to the submittal of an application for subdivision for which the Planning Director determines more than 50 percent of a proposed parcel of ten acres or less is within a 100 year flood plain, the subdivider will be required to submit a flood plain delineation prepared by a professional appropriately licensed to perform such analysis in the State of California.

F. Intensity of Use Standards

The following sections establish criteria for intensity of use in the development of lands within the Residential land use classification. These criteria will be considered equivalent to implementation measures.

F(1) RURAL CHARACTER

Intensity of use will be consistent with rural character. The standards of review and approval for primary and accessory uses are defined in the Mariposa County Code.

F(2) TRAFFIC GENERATION

Any proposed development or use tripling the baseline average daily traffic of 7.5 trips per day from a parcel within the Residential land use classification will be required to obtain a conditional use permit. This is only applicable to all home-based businesses. Accessory dwelling unit traffic generation will not be counted when calculating average daily traffic.

F(3) STORAGE

Appropriate structures and areas for storage will be permitted in the Residential land use classification. Storage structures and shelters must meet the requirements of the Uniform Building Code. No mobile homes, recreational vehicles, truck trailers, or shipping containers will be used as storage buildings on parcels less than 2.5 acres. On parcels larger than 2.5 acres, the County will update County Code to allow for such uses with screening from public rights-of-way. Mobile homes not installed for occupancy in conformance with Title 25 of the California Code of Regulations will be prohibited from being stored on lands classified as Residential in the General Plan.

F(4) EQUIPMENT NOISE

Motorized, mechanized, and power equipment must be operated in conformance with the provisions of the Noise Element.

F(5) PARCEL SIZE

The Planning Commission will take into account site-specific conditions in determining the parcel sizes of a proposed subdivision to assure an adequate building site. Site characteristics to be considered include drainage, slope, soils for on-site septic, access, or other appropriate criteria determined by the Planning Commission. The Commission may modify the number of parcels requested or require changes in parcel sizes based on the criteria and policies within this section of the General Plan. Should the County modify the number of parcels or parcel size, the maximum density allowed by the land use designation shall not be exceeded and the approach applied to achieve density compliance shall be enforceable by the County.

F(6) ANIMAL HUSBANDRY

Within the Residential land use classification, animal husbandry will be permitted in scale to the surrounding parcel sizes and land uses. Zoning regulations will not impose limitations on this permitted accessory use, unless it is found to be a threat to the public health, safety, and general welfare.

F(7) MULTIPLE DWELLING UNITS ON PROPERTY

Land zoned Residential can accommodate one primary single-family dwelling and one accessory dwelling unit. Any additional dwelling units require approval of a tentative parcel or subdivision map and compliance with associated conditions prior to issuance of a building permit. All conditions associated with the applicable map must be satisfied prior to building a third dwelling unit. Any placement of more than two mobile homes on a parcel will be considered a mobile home park and subject to a conditional use permit and appropriate development standards, regardless of density.

G. Criteria for New Lands to Be Included

For land to be considered for inclusion into the Residential land use classification of the General Plan, the application will include a specific project and the County will substantiate the findings below. This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Residential land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

1. One of the following:
 - a. the subject property is not under a Williamson Act contract or zoned as a Timber Preserve; or
 - b. if the subject property is under a Williamson Act contract for which a Notice of Non-renewal has been recorded, there must be less than two years remaining on the contract or as otherwise specified in the contract or state law; or
 - c. if the subject property is zoned as a Timber Preserve, there must be less than five years remaining on the contract or as otherwise specified in contract or state law.

2. There is a need for additional residential land to meet General Plan goals, respond to changes in County policy, or to meet the Regional Housing Needs Allocation.
3. The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classifications.
4. The subject property has access from a maintained road or the proposed project incorporates maintained road access as part of the project description.

5.3.03 RURAL ECONOMIC LAND USE CLASSIFICATION

A. Purpose

The Rural Economic land use classification identifies land for limited business and commerce to (1) primarily support the needs of local residents, and (2) secondarily support tourism and County visitors. Rural Economic lands are intended to create a local economic unit with the ability to grow and develop in concert with its local service area residential population, reducing local area dependency on vehicle trips to regional commercial centers. Rural Economic land uses provide opportunities for local jobs and a salary base outside of planning areas without creating strips of commercial development.

B. Extent of Uses

B(1) RURAL ECONOMIC/COMMERCIAL SUBCLASSIFICATION

Primary uses are logical suppliers of retail and commercial needs of local residents not in conflict with adjoining land uses. Such uses logically support arts and culture activities and regional tourism incidental to the primary use.

Accessory uses that may be developed after the primary use is in place and that do not conflict with adjoining land use classifications, uses, or County character are those that provide enhancements to the primary use. Residential uses on lands within the Rural Economic land use classification are accessory to the primary use.

B(2) RURAL ECONOMIC/RESORT SUBCLASSIFICATION

Primary uses are those that are self-contained destinations that support regional tourism and can be developed compatibly with adjoining land uses.

Accessory uses that may be developed after the primary use is in place and do not conflict with adjoining land use classifications, uses, or County character are those that provide enhancements to the primary use. Residential uses on lands within the Rural Economic land use classification will be accessory to the primary use.

B(3) RURAL ECONOMIC/RECREATION SUBCLASSIFICATION

Primary uses are those commercial recreation activities that support regional tourism and can be developed compatibly with adjoining land uses.

Accessory uses that may be developed after the primary use is in place and do not conflict with adjoining land use classifications, uses, or County character are those that provide enhancements to the primary use. Residential uses on lands within the Rural Economic land use classification will be accessory to the primary use.

All development within the Rural Economic/Recreation land use subclassification will ensure that adequate housing is available for its employees. If adequate housing is not available within the local community, the development will provide such housing within the project.

C. Zoning Consistency

The following zoning districts are consistent with the purpose of the Rural Economic/Recreation and Rural Economic/Resort land use classifications:

Resort Commercial
Public Domain
Public Sites

The following zoning districts are consistent with the purpose of the Rural Economic/Commercial land use classification:

Neighborhood Commercial-1 (Indoor)
Neighborhood Commercial-2 (Indoor and Outdoor)
Public Domain
Public Sites

D. Population Density and Building Intensity

D(1) MAXIMUM DWELLING UNITS:

Commercial subclassification:

One (1) dwelling unit supporting each retail or commercial use will be allowed. Additional dwelling units per project approval and use permits will not exceed a density equal to the number of employees on largest shift of the primary use divided by 2.45.

Resort subclassification:

Applications to site a Resort land use will incorporate an analysis of the housing market to ensure there is adequate housing for the total number of employees.

Recreation subclassification:

Applications to site a Recreation use will incorporate an analysis of the housing market to ensure there is adequate housing for the total number of employees.

D(2) MAXIMUM ACREAGE AND MINIMUM LOT SIZES:

Commercial subclassification:

Maximum of twenty (20) contiguous acres of gross land area.

Recreation subclassification:

The minimum developed area must be not less than five (5) acres and the developed area will not exceed thirty-five (35) percent of the total project land area.

Resort subclassification:

Minimum of thirty (30) acres of gross land area for the project site.

D(3) MAXIMUM BUILDING INTENSITY:

Lot coverage in the Rural Economic land use classification and all of its subclassification is a maximum of thirty-five (35) percent of the gross land area.

E. Development Standards

The purpose of allowing commercial uses outside of planning areas is to provide services and convenience for residents in the general vicinity. It is necessary to ensure lands within this classification are ready for development, and a development is proposed for the site.

E(1) DEVELOPMENT PLANS REQUIRED

An application under the Rural Economic land use classification will always be accompanied by preliminary development plans and building permit applications.

E(2) FRONTAGE ON MAINTAINED ROAD

Safe access is required for Rural Economic development. Development within the Rural Economic land use classification will be required to front on a road meeting County road standards. Direct access to State Highways or County arterials should be limited, as appropriate to reduce multiple driveway encroachments, through the use of shared driveways or frontage roads.

E(3) DESIGN

New development in the Rural Economic classification will be compatible with rural character and will be compatible with the intended use and setting. Development will comply with Design Guidelines for the Rural Economic land use classification incorporating performance standards of design for the following:

- a. Overall site design: Overall site design will be considered on a comprehensive basis and not as individual components.
- b. Viewshed: Views from public rights-of-way in the foreground, middleground, or background will not be obstructed by the bulk or height of a structure. The maximum obstruction of a viewshed must not be more than thirty-three (33) percent.
- c. Structure design, landscaping and scenic environment: The colors, materials, texture, and architectural style of a structure will complement the view and not detract from the quality of the view.
- d. Landform grading: No grading will be permitted prior to approval of a design review permit and no grading will commence until the necessary grading permits have been obtained. Grading and site design will reflect the natural topography with appropriate terracing and building design into the topography rather than reflective of grading or fill.

- e. Site development: Site development will be compatible with rural character and its setting, terrain, and vegetation. This must be reflected in the project’s mass, bulk, height, materials, architectural style, detail, grading, landscaping, and siting.
- f. Lighting: Development will comply with established lighting standards.

E(4) SLOPE

To reduce risk from construction on steep slopes, development sites with slopes over fifteen (15) percent will incorporate landform grading engineered for stability and be designed to match the natural contours and topography blending in with the natural environment. The use of cuts and fills must be minimized. The maximum surface area that can be graded will be in scale to the project site and proposed use, with consideration of the aesthetics, wildlife habitat, and vegetation on the site.

E(5) LANDSCAPING

Landscaping is required as an integral part of project design incorporating the existing landscape features of the site. Existing mature vegetation, especially trees, will be retained to the greatest extent possible. Landscaping with native species suitable to site characteristics is encouraged.

E(6) INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

E(7) POTABLE WATER SUPPLY

New development will be served by an approved potable water supply system.

E(8) WILDLAND FIRE HAZARD AND EMERGENCY SERVICES

Rural Economic development will meet fire protection regulations.

E(9) LOCATIONS IN FLOOD ZONE OR AREAS WITH RISK OF FLOODING

Protection from flood hazard will be incorporated in all project approvals in flood hazard zones. When new structures are permitted within the 100-year flood zone or flood plain, structures will be designed in conformance with accepted structural engineering standards.

All flood protection measures, structures, and physical features will be subject to design review and must be designed for consistency with the natural and scenic landscape of the site. Exposed concrete barriers are prohibited unless certified by an independent appropriately licensed engineer acceptable to the County. If any barrier or flood control device is to be exposed concrete, the Planning Commission will review a design which may include the use of stone, simulated stone forms, stamped concrete, or vegetation that will grow over the concrete to block its visibility.

F. Criteria for New Lands to Be Included

Applications for a General Plan amendment to add new lands into the Rural Economic classification will require the submission of a project application for both a zoning district change and a development project concurrently with the General Plan amendment application. The application for a General Plan amendment will specify the applicable land use subclassification: “Rural Economic/Commercial,” “Rural Economic/Resort,” or “Rural Economic/Recreation.”

F(1) SEPARATION BETWEEN THE LOCATION OF THE RURAL ECONOMIC LAND USE CLASSIFICATION

For lands proposed for inclusion in the Rural Economic/Commercial subclassification:

A minimum separation between a planning area or another Rural Economic/Commercial land use classification must be three (3) miles; and the service population within the radius of separation must be at least one thousand (1,000) persons as shown in the latest decennial Census as adjusted by the County’s annual population growth rate.
None.

For lands proposed for inclusion in the Rural Economic/Resort subclassification outside of a planning area:

For lands proposed for inclusion in the Rural Economic/Recreation subclassification:

A minimum separation between a planning area or another Rural Economic land use classification should be three (3) miles or one (1) mile if the site is located adjoining a recreation facility and separated by a topographic change in elevation of three hundred (300) feet or more.

F(2) ACREAGE OR SITE SIZE CONSTRAINTS

For lands proposed for inclusion in the Rural Economic/Commercial subclassification:

The maximum size of the cluster of existing and proposed Rural Commercial classification must be twenty (20) acres. All Rural Economic/Commercial parcels must be contiguous, and will not create islands of Residential or other land use classifications.

For lands proposed for inclusion in the Rural Economic/Resort subclassification:

The minimum area which may be proposed for inclusion within the land use classification must be thirty (30) acres of developed property with resort facilities and amenities.

*For lands proposed for inclusion
in the Rural Economic/Recreation
subclassification:*

The minimum developed area
must be not less than five (5) acres
and will not exceed thirty-five (35) percent of
the total land area within the land use
classification.

5.3.04 AGRICULTURE/WORKING LANDSCAPE LAND USE CLASSIFICATION

A. Purpose

The Agriculture/Working Landscape land use classification defines lands for the production, extraction, or harvesting of food, fiber, and timber. These lands and their historically and economically important activities are a major contributing factor to the County's character. The Agriculture/Working Landscape classification incorporates both the County's traditional ranch lands and timberlands at the mid-elevations of the County west of Yosemite National Park. This land use classification identifies lands where the primary use is the production of agriculture or timber for economic benefit, which incidentally have scenic value and appear as open space areas. Agriculture/Working Landscape lands are different from lands in public ownership and lands primarily used for resource protection, which are identified in the Natural Resources land use classification.

B. Extent of Uses

The primary uses in the Agriculture/Working Landscape land use classification include single-family dwellings on large parcels, agritourism uses in conjunction with the primary agriculture production use of the property, agriculture and timber production and harvesting. Secondary or accessory uses which may be permitted with an appropriately-noticed public review process include feed lots, lumber mills, mining and other uses associated with the primary uses that are known to have characteristics which require site specific compatibility review. Lands under Williamson Act contract are subject to the terms and conditions of the contract.

In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches, and organizational camps. In addition, the County permits through a discretionary review (conditional use permit) the creation of resort or visitor uses, which are secondary to the primary uses of agriculture and timber production. Agritourism is a permitted use when in conjunction with the primary agriculture production use of the property. Such agritourism uses support the County's goal of encouraging agriculture and regional visitor businesses. Review criteria for the agritourism use will include but not be limited to biosecurity, compatibility for neighboring agriculture uses, and availability of proper infrastructure. A reclassification to Rural Economic/Resort is required to approve a resort or visitor-oriented ranch as the primary use in the Agriculture/Working Landscape land use classification. Agritourism uses in the Agriculture/Working Landscape should be compatible with the surrounding primary uses.

C. Consistent Zoning Districts

The following zoning districts are consistent with the purpose of the Agriculture/Working Landscape land use classification:

Agriculture Exclusive
Mountain Preserve
General Forest Industrial Mining
Timber Exclusive
Public Domain
Public Sites

The Board of Supervisors has determined that for parcels within the Agriculture/Working Landscape land use designation on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Agriculture/Working Landscape land use classification.

D. Population Density and Building Intensity

Maximum dwelling units:

Two (2) dwelling units per one hundred and sixty (160) acres of gross land area or a legal quarter section of land; or one (1) dwelling unit per legally existing lot or parcel of less than one hundred and sixty (160) acres of gross land area or a legal quarter section of land. Lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contracts.

Maximum building intensity:

Ten (10) percent lot coverage or per approved discretionary permit to a maximum of seven hundred thousand (700,000) square feet of structure coverage per parcel. On Agriculture/Working Landscape parcels of less than one hundred and sixty (160) acres or a legal quarter section of land for which a specialty agriculture use is proposed, the discretionary permit may establish a larger lot coverage of up to thirty (30) percent based on site specific conditions, project needs, and appropriate environmental review.

Minimum parcel size for new subdivisions:

One hundred and sixty (160) acres of gross land area or legal quarter section of land.

Average population density:

0.02 persons per acre of gross land area.

E. Development Standards

E(1) INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

F. Criteria for New Lands to Be Included

This section shall not be considered in the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within other land use classifications pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

*Lands proposed for
Agricultural use:*

The application must be presented with a recommendation by the Agricultural Advisory Committee indicating the proposed agricultural use requires the policy protections of the Agriculture/Working Landscape classification and, if applicable, meets standards for Williamson Act contracts.

*Lands proposed for timber
Management:*

Minimum 160 acres and compliance with state regulation.

*Lands proposed for mineral
resource production:*

The proposal must be accompanied by either an application for a mining permit, reclamation plan and a Conditional Use permit, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2.

G. Criteria for Lands Proposed To Be Removed From the Agriculture/Working Landscape Land Use Classification

The General Plan provides for long-term preservation of agricultural uses. The purpose of this section is to establish significant criteria which are applicable to any proposal to change a land use classification from Agriculture/Working Landscape to another land use classification.

Small lot or parcel sizes diminish commercial scale agricultural use potential of an area. The smaller parcels, when sited in close proximity to working agricultural lands create potential conflicts when the accepted agricultural practices are at variance with perceived rural residential lifestyles. The inclusion of lands under Williamson Act contract and within the Agriculture Exclusive zoning district as Agriculture/Working Landscape lands in a community plan is to reinforce the need to preserve and conserve these lands. With the Mariposa County 20-year Williamson Act contract, no Agriculture Preserve is eligible for exit from its contract during the 20-year life of the General Plan through 2026, unless the parcel filed a notice of non-renewal.

Land may be considered for reclassification to a Rural Economic land use designation if the land is not restricted by a Williamson Act contract, or is not within an Agricultural Exclusive zone, or if the land is not within a Timber Preserve zone. The reclassification shall meet the criteria for Rural Economic land use classification as provided in Section 5.4.02.

Areas of the General Plan classified as Agriculture/Working Landscape and proposed for reclassification to a Residential, Planning Area or Natural Resource land use classification will be reviewed against the following criteria. No land within the Agriculture/Working Landscape land use classification shall be changed to a Residential, Planning Area or Natural Resource land use classification unless the Board of Supervisors adopts the following findings. These findings shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within another land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and Implementation Measure 10-2a(4), and pursuant to adopted criteria.

- The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.
- The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agriculture production.
- There are no other lands within the proposed land use classification available for the proposed or similar project.
- The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.
- The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

5.3.05 NATURAL RESOURCE LAND USE CLASSIFICATION

A. Purpose

The Natural Resource land use classification defines lands for open space, recreation, ecosystem conservation, watershed protection, environmental protection, conservation of natural resources, and protection of public health and safety.

B. Extent of Uses

The primary uses in the Natural Resource land use classification include lands in public ownership, single-family dwellings on large parcels of 40 acres or greater in size, ranches, farms, vineyards, public access, timber management and harvesting, natural resource-compatible recreation access, and land conservation uses or easements. An ecotourism resort or mining project may be permitted with a discretionary approval. Churches and organizational camps are allowed subject to a discretionary permit.

C. Zoning Consistency

The following base zoning districts are consistent with the purpose of the Natural Resource land use classification:

Agriculture Exclusive
General Forest
Mountain General
Public Domain
Public Sites

The Board of Supervisors has determined that parcels within the Natural Resource Land Use Classification on the Land Use Diagram, the existing zoning assigned to that parcel, as of December 1, 2006, is consistent with the Natural Resources land use classification.

D. Population Density and Building Intensity

<i>Maximum dwelling units:</i>	One (1) dwelling unit per forty (40) acres of gross land area or legal quarter quarter section of land.
<i>Maximum building intensity:</i>	Ten (10) percent lot coverage for residential or recreation development or per approved discretionary permit. If resource-related, non-residential lot coverage exceeds twenty five (25) percent, a conditional use permit is required.
<i>Minimum parcel size for new subdivisions:</i>	Forty (40) acres of gross land area or legal quarter quarter section of land.
<i>Average population density:</i>	0.08 persons per acre of gross land area.

E. Development Standards

E(1) INDIVIDUAL ONSITE SEWAGE DISPOSAL SYSTEMS

New parcels must have approved areas for onsite sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.

E(2) CRITERIA FOR NEW LANDS TO BE INCLUDED

To be approved for the Natural Resources land use classification, the subject property must be proposed for a zoning district consistent with the purpose of this classification. This section shall not apply to the processing of a General Plan Amendment application to transfer agriculture land within the Agriculture/Working Landscape land use designation for lands within the Natural Resource land use classification pursuant to General Plan Goal 10-2, Policy 10-2a, and implementation Measure 10-2a(4), and pursuant to adopted criteria.

Lands proposed for Agricultural use:

The application will be presented with a recommendation by the Agriculture Advisory Committee indicating why the proposed agricultural use requires the policy protections of the Natural Resource classification. Comply with state regulations.

Lands proposed for timber management:

Lands proposed for mineral resource production:

The proposal will be accompanied by either an application for a mineral resource permit, reclamation plan, or a report from the California State Geologic Survey showing the land area is within a CSGS mineral resource classification rated 1 or 2. No special requirements.

Lands proposed for open space or conservation purposes:

5.4 RELATED GENERAL PLAN ELEMENTS

5.4.01 RELATION TO THE AGRICULTURE ELEMENT

The Agriculture Element differs from the Land Use Element in how it addresses the future of agriculture in Mariposa County. The Land Use Element focuses on what locations in the County should be the primary lands for agricultural uses. The Agriculture Element focuses on enhancing and preserving agriculture as an important component of the County's economy.

5.4.02 RELATION TO THE CIRCULATION, INFRASTRUCTURE, AND FACILITIES ELEMENT

The Circulation, Infrastructure, and Facilities Element works with the Land Use Element to establish policy requirements and implementation standards related to delivering services to developing properties. A major objective defining the policies in the General Plan is the need for “ready-to-build” land. Ready-to-build land ensures the buyer the County has approved creation of a new lot capable of supporting permitted uses with the required infrastructure for roads, water and sewage disposal. It is recognized the infrastructure needed to ensure ready-to-build land adds cost to the subdivision process. However, it creates a ready-for-building-permit property.

5.4.03 RELATIONSHIP TO IMPLEMENTATION TOOLS

A. Performance Standards vs. Prescriptive Standards

Historically, Title 17 of the Mariposa County Code, Zoning, created “prescriptive” zoning regulations. A prescriptive zoning code prescribes minimum development standards and may undermine efforts at creativity and flexibility. The other type of zoning regulations is called “performance” regulations. Performance standards define objectives to be achieved, including some minimum thresholds. The General Plan provides a policy basis for the conversion of Title 17 from prescriptive to a combination of prescriptive and performance standards.

B. Standards for New Subdivisions

New subdivisions in the County are required to be ready-to-build. It is recognized the “ready-to-build” principal adds cost to the subdivision process and may result in higher land prices. However, this is a full disclosure principle because the increased land cost is directly associated with the value of land being ready for a building permit.

General Plan policies and implementation spell out the need for standards to be adopted as ordinances or regulations. The General Plan is not the regulatory tool, but rather is the policy enabler. When the General Plan specifies a development standard or a range of standards, it means the Board of Supervisors imposes these standards.

C. Design Review

C(1) INTRODUCTION

Design review is used to accomplish economic development goals associated with the County’s significant asset—scenic views. Most communities implement design review preserving the community’s aesthetic vision.

The General Plan policies associated with design review create multiple tiers of design review. The most intense levels of review occur within designated Historic Districts and along designated scenic highway routes and designated wild and scenic river corridors in the County. Unless located within a historic district, no design review is required for single-family dwellings and no design review is required for agricultural uses.

C(2) RELATIONSHIP OF DESIGN REVIEW AND DEVELOPMENT STANDARDS

Development standards and the design review process work together ensuring that structures and developments complement the County’s overall character.

C(3) COMPONENTS OF DESIGN REVIEW

[A] HISTORIC DISTRICTS

Mariposa County has two communities and several areas identified as “historic districts” on the National Register of Historic Places—Coulterville, Mariposa, and portions of Yosemite National Park. In addition, the County has numerous other sites and structures which are eligible for inclusion on the National Register of Historic Sites and Places. To accomplish General Plan objectives, design review is mandatory within Historic Districts.

As area plans are developed, other communities may identify historic resources worthy of preservation. These communities can address this issue at a local level. Design review of single-family homes is an issue of great policy importance within designated Historic Districts where it is easy to recognize the need for new construction to be developed consistent with historic character.

[B] DESIGN REVIEW AND COUNTY CHARACTER

Throughout the County a variety of scenic landscapes—integral parts of Mariposa’s character—are visible to residents and visitors. The County has opportunities to establish criteria to manage design review in balance with a property owner’s right to develop and the responsibility to maintain County and community character.

[c] SCENIC HIGHWAYS

In the 1990s, Mariposa County established scenic highway corridors review requirements. Protecting the scenic assets of the County requires a properly designed and implemented

program creating fair, efficient, and predictable standards that are understood prior to project design.

[D] WILD AND SCENIC RIVERS

The Federal Wild and Scenic River designation for the Merced River does not impose any special regulations on private lands. Development that complements the vistas and character of a wild and scenic river increases the opportunities for visitors to come and enjoy Mariposa County. The Merced River corridor is an area in which the County affirms protection of the scenic values implemented through a design review process.

[E] AGRICULTURAL BUILDINGS

Agricultural buildings are utilitarian. The County recognizes the design and character of such structures can have an impact on scenery. Balancing the need to encourage and improve agricultural economy with the scenic character creates a policy choice—construction of agriculture buildings for agricultural purposes is not subject to design review.

[F] COMMERCIAL AND INDUSTRIAL

Construction of commercial and industrial structures and facilities can create major impacts—both positive and adverse—on the scenic landscape. As such, these buildings are to be subject to design review.

[G] PUBLIC FACILITIES

All public facilities are subject to design review procedures.

[H] MOBILE HOME PARK DESIGN STANDARDS

Mobile home parks provide opportunities for affordable housing. The mobile home parks in the County tend to create a high-density residential setting. Mariposa County recognizes the importance of maintaining a certain quality of life that is part of the County’s character. To ensure that residents have a basic quality of life, it is important that high-density housing sites incorporate amenities to accomplish this goal. This means new mobile home parks in the County will have to meet minimum standards of site design and development requirements.

C(4) DESIGN REVIEW DECISION-MAKING

Design review can be implemented in several different ways: a staff decision review process with the opportunity for comment, a dedicated design review committee with members of the public and professionals, or a combination of Planning Advisory Committee review combined with Planning Commission action.

D. Landscaping

Landscaping is part of the overall project development intended to enhance appearance of the project site and maintain rural character. Issues considered include topography and retention

of existing trees, shrubs, and vegetation as a part of the overall project design. Integration of landscaping into project design accomplishes many goals.

E. Sign Regulation

Regulation of sign size, shape, color, materials, texture, and lighting are based on location of the business, the service classification, and the type of traffic.

5.5 RELATIONSHIP OF SPECIFIC PLANS TO GENERAL PLANS AND AREA PLANS

Specific plans are used as specified in California law and are not typically used for planning areas within the General Plan. A specific plan is an implementation tool of the General Plan or of an area plan. The Towns of Mariposa, Coulterville, Wawona and Fish Camp, however, have adopted Town Planning Area Specific Plans that also serve as their area plans. For Mariposa and Coulterville, the name of the plan will change from “specific plan” to “town plan”. For Fish Camp and Wawona, the name of the plan will remain “town planning area specific plan”.

Additionally, as defined by the state, specific plans are implementation tools to more precisely define land use, zoning, and development standards for a large project or limited area of the County. The use of a specific plan is intended to carry out General Plan implementation measures for large or complex projects developed over an extended period of time. Specific plans connect to the General Plan as an implementation tool, not a replacement for the General Plan. Specific plans prepared for projects within planning areas likewise implement the area plan. The relationship of the specific plan to an area plan is exactly the same as the relationship of the specific plan to the General Plan. A specific plan may be more restrictive, but never less restrictive than, or inconsistent with, the area plan. However, a specific plan must always be consistent with the General Plan. The County may utilize specific plans for areas in which it wishes to more precisely direct development and define how infrastructure will be developed, phased, and financed.

The specific plan may propose changes to the County General Plan or an area plan to create consistency, but the proposals are subject to policy-level scrutiny and analysis to determine the greater impacts on a countywide or planning area basis.