

DEPARTMENT: Planning

2nd Reading 9-14-04 5
BY: Sarah Williams, Interim Director
PHONE: 966-0303

RECOMMENDED ACTION AND JUSTIFICATION:

- 9/7 1. Adopt a resolution adopting a Negative Declaration and Approving Zoning Amendment #2003-251 with the recommended findings.
- 9/7 2. Waive the first reading and introduce an ordinance amending Mariposa County Code §17.108.130D and E to allow onsite sewage disposal systems within property setbacks when a public water system is present.

Waive 2nd Reading and Adopt Ordinance.

At their April 2, 2004, the Planning Commission reviewed and recommended approval of the proposal to change the setback standards for sewage disposal system when a subject property is served by a public water system as long as the septic system location is no closer than 5 feet from any property line or adjacent to a property not served by a public water system. The zoning text amendment potentially affects all properties within the County of Mariposa which are served by a public or community water system.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board considered and did not support a proposal to remove sewage disposal systems from setback standards regulation entirely.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative actions include referring the item back to staff for minor changes to the language of the text amendment, or denying all of the amendment. Denial of the Zoning Amendment could continue to pose a hardship for those property owners who own smaller lots within subdivisions having community water systems. Denial has the potential to increase the number of Variance Applications being brought to the Board.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		1. Memorandum to Board
Source: _____		2. Proposed Amended Text
Internal Transfer _____		3. Planning Commission Staff Report, Feb. 6, 2004
Unanticipated Revenue _____ 4/5's vote		4. Planning Commission Minutes, Feb. 6, 2004
Transfer Between Funds _____ 4/5's vote		5. Correspondence from Health Dept., March 24, 2004
Contingency _____ 4/5's vote		6. Planning Commission Minutes, April 2, 2004
() General () Other		7. Draft Board Resolution & Ordinance
		8. Negative Declaration

CLERK'S USE ONLY:

9/7 Res. No.: 04-412 21 Ord. No. 1011
 Vote - Ayes: _____ Noes: _____
 Absent: _____
 () Approved
 9/7 () Minute Order ~~attached~~ () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
 Comments:

The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

CAO: RH

MARIPOSA COUNTY ORDINANCE NO. 1011

**AN ORDINANCE AMENDING SECTION 17.108.130
OF THE MARIPOSA COUNTY CODE ENTITLED
“STRUCTURE LOCATION”**

WHEREAS, the Mariposa County Code was drafted in 1988 and did not address septic systems in areas with small lots and public water systems; and

WHEREAS, the Mariposa County Health Department seeks to maximize the small lot landowner’s options for installation of a sewerage disposal system or replacement sewerage disposal system where the original has failed; and

WHEREAS, the Mariposa County Health Department seeks to protect groundwater quality and the options of neighbors who wish to utilize drinking water from individual private wells; and

WHEREAS, publicly distributed water supply systems exist in certain areas of the county; and

WHEREAS, the Board of Supervisors desire to amend Section 17.108.130 of Chapter 17 of the Mariposa County Code to clarify under which circumstances sewerage disposal systems may be permitted closer to the property line than normally permitted,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 17.108.130 entitled “Structure Location” is hereby amended to read as follows:

17.108.130 Structure location.

Unless otherwise prescribed, the following setback standards shall apply to all buildings with roof area exceeding one hundred twenty (120) square feet, all structures except as permitted by Subsection D, and all uses set forth in Subsection E. Additions to existing buildings, structures, or uses set forth in Subsection E, where such building, structure, or use encroaches into a setback area, shall not be closer to the property boundary than one-half (1/2) the width of the set back requirement or closer to the property boundary than any part of the existing building, structure, or use, whichever constitutes the lesser encroachment.

A. Public street and front yard setback: The front yard setback shall be a minimum of twenty-five (25) feet from the nearest point on the front property line or edge of any public street, public easement, or easement or right-of-way offered for dedication, and a minimum of fifty-five (55) feet from the center line of said street, easement or right-of-way.

B. Side yard setback: The side yard setback shall be a minimum of twenty-five (25) feet or ten percent (10%) of the lot width, whichever is less, from a side property line or

parcel boundary line. For the purposes of this section, the lot width shall be the average distance between the side property lines as measured through the building envelope.

C. Rear yard setback: The rear yard setback shall be a minimum of twenty-five (25) feet or ten percent (10%) of the lot depth, whichever is less, from a rear property line or parcel boundary line. For the purposes of this section, the lot depth shall be the average distance between the rear property line and the front property line as measured through the building envelope.

D. Uses permitted in setback areas: The following uses shall be permitted in all setback areas:

1. Wells, highway and traffic signs, signs, rural mail boxes, fences, gates, propane tanks, uncovered walkways, driveways, and underground utilities and appurtenant above-ground structures

2. Livestock loading structures can be located within the front setback of a parcel of land in the AEZs, MPZs, IMZs and GFZs, and may be located in the front setback of other land use zones, subject to planning department review and approval.

3. Garages, carports, sheltered parking, and covered walkways may be constructed in front yards areas providing:

- (a) The subject site is above four thousand (4,000) feet in elevation;
- (b) Carports shall have no enclosing walls higher than three (3) feet

above ground level;

(c) Garages may be considered providing sight distance standards are satisfied, and the location is approved by the road division of the public works department. A variance to these standards shall not be approved;

(d) The structure is located no closer than five (5) feet from the property line or the edge of the street easement or right of way offered for dedication;

(e) The structure is for the exclusive use of the property owner or resident for the purpose of vehicular parking, and/or pedestrian access.

4. Septic systems on a lot served by a public water system or a mutual water company, provided that the septic system is not closer than five feet to any property line or adjacent to a lot that is not served by a public water system or a mutual water company.

E. Uses prohibited in setback areas: The following uses shall be prohibited in the setback areas:

1. Septic systems unless approved through the variance process or permitted in Section 17.108(D)(4).

2. Stables or pens used for the raising or keeping of small animals.

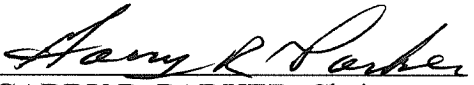
3. Covered walkways except as permitted by Section 17.108.130(D)(3).

F. Projections in Setback Areas: Architectural projections including eaves, canopies, and balconies; deck and porch overhangs; and signs attached to a building shall not project more than three (3) feet into a required setback area. (Ord. 862 Sec. I, 1993; Ord. 744 Sec. 1, 1989; Ord. 704 Sec.1, 1988).

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

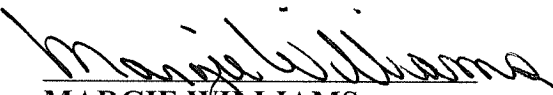
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 21st day of September, 2004 by the following vote:

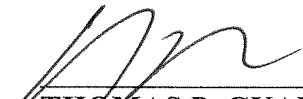
AYES: STETSON, BALMAIN, PARKER, PICKARD
NOES: BIBBY
ABSENT: NONE
ABSTAINED: NONE


GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**


MARGIE WILLIAMS
Clerk of the Board


THOMAS P. GUARINO
County Counsel