

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

Resolution
No 2021-016

A Resolution Recommending that the Board of Supervisors approve General Plan/Zoning Amendment No. 2017-084, as amended, to Add Policies, Permitting Provisions and Development Standards for Special Event Facilities in Rural Areas

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

WHEREAS, special events include celebrations, ceremonies, weddings, receptions, business functions, arenas which are used for organized competitive events, special festivals or similar activities for the benefit of someone other than the property owner; and

WHEREAS, the General Plan does not contain policies for special event facilities; and

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

WHEREAS, there are special event facilities which are operating in the rural areas of the county; and

WHEREAS, without established authority, it is not possible for Mariposa County Development Services to approve these facilities or issue development permits for permanent facilities to support these venues; and

WHEREAS, these existing facilities are apparently conducting their business in such a way as to not create significant impacts on surrounding rural residential uses; and

WHEREAS, the parcel size and operational characteristics of these existing facilities were considered; and

WHEREAS, it is critically important that code provisions ensure that facilities are established and operated to be compatible in rural residential areas.

WHEREAS, this project is known as General Plan/Zoning Amendment No. 2017-084; and

WHEREAS, the Agricultural Advisory Committee considered this project at a duly noticed public meeting on the 8th day of April 2021 and recommended approval of the amendment with changes to the text which have been incorporated into the amendment; and

WHEREAS, a duly noticed Planning Commission public hearing on the project was scheduled for the 25th day of June 2021; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public, and the recommendation of the Agricultural Advisory Committee; and

WHEREAS, the Planning Commission adopted Resolution No. 2021-010 recommending the Board of Supervisors approve the proposed amendment with minor changes to the text; and

WHEREAS, a duly noticed Board of Supervisors public hearing on the project was scheduled for the 27th day of July 2021; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendment on the noticed date and considered all of the information in the public record, including the Staff Report packet and testimony presented by the public, and the recommendations of the Planning Commission and the Agricultural Advisory Committee; and

WHEREAS, the Board of Supervisors took no action on the amendment and returned the proposed amendment to the Planning Commission to consider changes to text relating to the specific exclusion of home holiday tours, agri-nature trail tours, and similar events within the definition of a Special Event as shown in Exhibit 2, and the exemption of parking lots and spaces adjacent to road easements from proposed setback standards as shown in proposed Section 17.108.220(D)(7) of the amendment text in Exhibit 3; and

WHEREAS, the Board of Supervisors also directed the Planning Commission to consider a recommendation that would allow Special Event facilities two (2) years from the effective date of the special events ordinance to install permanent potable water supply and sewage disposal facilities; all other requirements of the ordinance would have to be met within one (1) year from the effective date of the ordinance; and

WHEREAS, a duly noticed Planning Commission public hearing on the Board's recommendations was scheduled for the 24th day of September 2021; and

WHEREAS, a Staff Report was prepared pursuant to California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered the Board's recommendations and all of the information in the public record, including the Staff Report packet and testimony presented by the public; and

WHEREAS, the Planning Commission also considered further changes to the amendment text relative to the specific exclusion of garage sales, yard sales, estate sales and similar events within the definition of a Special Event (proposed Special Event definition in existing Section 17.148.010 of Title 17); deletion of the reference to identifying

ambulance availability in the application requirements for a Special Event Facility [proposed Section 17.108.220(C)(9)]; the deletion of the term “on a temporary basis” relative to the use of bottled water and porta-potties in the Operational Standards for a Special Event Facility [proposed Section 17.108.220(D)(6)]; and the deletion of text relative to permitting for specific sizes of tent and membrane structures [proposed Section 17.108.220(D)(12)].

NOW BE IT THEREFORE RESOLVED THAT, the Planning Commission does hereby recommend that the Board of Supervisors adopt a resolution approving an amendment to the Mariposa County General Plan pursuant to General Plan/Zoning Amendment No. 2017-084 with changes proposed by the Board of Supervisors and additional changes proposed by the Planning Commission; with recommended findings, including a finding the project is exempt from environmental review; and waive the first reading and introduce an ordinance amending County Code pursuant to General Plan/Zoning Amendment No. 2017-084; action includes findings. The recommended amendment text is as follows:

1. Section 5.3.02(B) of the General Plan, the Residential Land Use Classification; Section 5.3.04(B) of the General Plan, the Agriculture/Working Landscape Land Use Classification; and Section 5.3.05(B) of the General Plan, the Natural Resource Land Use Classification and as shown in Exhibit 1,
2. Section 17.148.010 of Mariposa County Code, to add necessary definitions as shown in Exhibit 2 (with changes recommended by the Board on the 27th day of July 2021 and changes recommended by the Planning Commission on the 24th day of September 2021), and
3. Section 17.108.220 to the Mariposa County Code, to add permitting provisions and development standards for Special Event Facilities (with changes recommended by the Board on the 27th day of July 2021 and changes recommended by the Planning Commission on the 24th day of September 2021) as shown in Exhibit 3.

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

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

Evidence: The amendment promotes the general public health, safety, peace, and welfare. The amendment is in the general public interest in that it provides a clear and comprehensible process for the establishment of Special Event Facilities in rural areas of the County while ensuring that the facilities are compatible with the rural neighborhoods in which they will be located. The amendment merely establishes the process by which such facilities can be sited. No specific project is considered as part of this amendment. Proposed facilities meeting defined

thresholds will be subject to public permitting processes and environmental review, thus ensuring that public health, safety, peace, and welfare is protected.

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

Evidence: The amendment is consistent with the Mariposa County General Plan. The project involves a general plan amendment. When the amendment text is incorporated into the General Plan, it will be a clear statement of policy that will help guide development in the county. It not only allows consideration of Special Event Facilities to serve the local population, but that also have the potential to enhance the visitor economy. Section 6.1.05 – *Enhancing the County’s Economic Sectors*, in the Economic Development element in the General Plan, states in part: *“Expanding the visitor economy is an important short-term economic strategy. This expansion will be accomplished through a number of different efforts, but the primary goals are to extend the “season” from five to nine months or longer, increase lengths of stay and room occupancy rates, and make Mariposa County, outside Yosemite National Park, a major destination fo visitor activities.”* Larger Special Event Facilities will contribute to the visitor economy. The amendment provides a long term guide for economic development in the county and a short term basis for day-to-day decision making through a clear, comprehensible and public permitting process.

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

Evidence: This project has been processed in accordance with State law and county policy, including consultation with local agencies, and public noticing. The project involves a general plan amendment and Native American consultation was sought pursuant to state Government Code.

4. **Finding:** The amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan.

Evidence: The amendment is consistent with the goals, policies and standards in the county’s General Plan. The General Plan contains goals, policies and implementation measures that promote the maintenance of the county’s rural character. It also contains goals, policies and implementation measures that promote economic development and job creation. The amendment, which will allow consideration of Special Event Facilities in rural areas of the county, addresses both sets of standards. It will promote economic development and job creation, while protecting the county’s rural character through implementation of defined operational standards.

- 5. Finding:** County Code Amendment No. 2017-084 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – common sense exemption – (there is no possibility the activity in question may have a significant effect on the environment), CEQA Guidelines. The amendment merely establishes policy in the General Plan to allow consideration of Special Event Facilities in the rural areas of the county, and adds definitions for Special Events and Special Event Facilities and permitting provisions and development standards for such facilities to county code. The amendment does not propose a specific development project.

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission recommends that existing special events facilities operating regularly prior to the effective date of the special events ordinance adopted pursuant to General Plan/Zoning Amendment No. 2017-084 be allowed one (1) year from the effective date of the ordinance to complete the process of obtaining a permit and complying with all of the standards of the ordinance, with the following exceptions:

Exception one: If installation of a permanent potable water supply (and supporting infrastructure) is proposed or required, the installation must occur within two (2) years from the effective date of the ordinance.

Exception two: If permanent on-site sewage disposal facilities (and supporting infrastructure) is proposed or required, the installation must occur within two (2) years from the effective date of the ordinance. Permanent on-site sewage disposal facilities may be a sewer service connection.

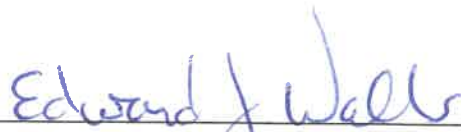
ON MOTION BY Commissioner McCamman, seconded by Commissioner Herman, this resolution is duly passed and adopted this 24th day of September 2021 by the following vote:

AYES: Walls, Wilmeth, Herman, Smith, McCamman

NOES: None

EXCUSED: None

ABSTAIN: None



Ed Walls, Chair
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1

(New text shown in *italicized, underlined* type)

Amend text in Section 5.3.02(B) of the General Plan Residential 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. *Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.*

Amend text in Section 5.3.04(B) of the General Plan Agriculture/Working Landscape 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. *Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.* 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.

Amend text in Section 5.3.05(B) of the General Plan
Natural Resource Land Use Classification

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. Special event facilities meeting defined thresholds as described in county code are allowed subject to a discretionary permit.

Exhibit 2

Chapter 17.148

DEFINITIONS

Sections:

17.148.010 Definitions of terms and phrases.

17.148.010 Definitions of terms and phrases.

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

Add two new definitions to Section 17.148.020 as follows (all other definitions remain unchanged):

Special Event:

A Special Event is a celebration, ceremony, wedding, reception, business function, arenas which are used for organized competitive events, seasonal festival, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. The maximum number of guests or attendees at a special event shall not exceed 500 persons at any one time. Uses that are accessory to a single-family residential use including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner, and holiday home tours, agri-nature farm or trail tours, garage sales, yard sales, estate sales and similar events are not defined as a special event.

Special Event Facility:

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

Exhibit 3

Chapter 17.108

SUPPLEMENTARY STANDARDS

Sections:

Add new Section 17.108.220 to Chapter 17.108 as follows (all other text in this chapter remains unchanged):

17.108.220 Special Event Facilities.

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

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

B. Permit Process Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

4. Traffic management plan that includes the following:

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

b. Provisions for ensuring the orderly and safe arrival, parking, and departure of all vehicles and ensuring that

traffic will not back-up or block private easements, county roads, intersections, state highways, or private driveways;

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

d. Provisions for dust management.

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

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

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

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

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

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

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

D. Operational Standards:

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

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

applicable regulations in this Title, a maximum of two (2) vacation rentals may also be developed in conjunction with the special event facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Operational standards specific to the AE zone:

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

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

F. Public Noticing:

1. In addition to the public hearing noticing requirements for a conditional use permit project contained in Section 17.132.020 of this title, hearing notices shall be sent to the owners of all properties located on any non-county roadway

that serves the subject property, from the nearest county road and/or major collector or arterial.

2. In addition to the public notification requirements contained in Section 17.08.120(D) of this title, approval of an AUP shall be noticed to the owners of all properties located within six-hundred (600) feet of the subject property and the owners of all properties located on any non-county roadway that serves the subject property, from the nearest county road and/or major collector or arterial.

G. Annual Reporting and Monitoring of Events:

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

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