

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2009-18

A resolution of intention to initiate an amendment to Title 17, Zoning, and the Mariposa Town Plan to amend the provisions of the Hillside Development Standards

WHEREAS, the Mariposa Town Plan (Town Plan) is adopted by resolution; and

WHEREAS, Section 2 of the Town Plan establishes Community Development Goals, Objectives, and Policies; and

WHEREAS, pursuant to Section 2 of the Town Plan, there are specific standards established to implement community development goals, objectives and policies which are related to the location of the community of Mariposa within a steep canyon; and

WHEREAS, pursuant to Section 2 of the Town Plan, the preservation of these hillside, ridge and ridge top areas is a key element of the Mariposa Town Plan; and

WHEREAS, the preservation of the ridges and particularly the ridge tops in a natural appearing state is critical to achieving identified goals of the plan; and

WHEREAS, an extensive program is developed within the plan to protect the hillsides surrounding the community and this program includes Hillside Development Standards; and

WHEREAS, Section 3 of the Town Plan establishes land Use Development Standards and Regulations; and

WHEREAS, Section 3.24 of the Town Plan establishes Hillside Development Standards; and

WHEREAS, the Mariposa County Zoning Ordinance is adopted by ordinance; and

WHEREAS, the Zoning Ordinance implements the regulatory policies of the Town Plan, including Section 3; and

WHEREAS, Section 17.336.040 of the Zoning Ordinance establishes regulations to implement the Hillside Development Standards in the Mariposa Town Plan area; and

WHEREAS, according to "The Community Development Goals, Objectives and Policies" in Section 2 of the Town Plan, these Hillside Development Standards

are to apply to “all development and construction” on slopes in excess of 20%; and

WHEREAS, the policies in Section 2 of the Town Plan state that the standards will regulate “building design, grading, landscaping and lot coverage within areas of steep terrain”; and

WHEREAS, during the processing of a recent subdivision application for a project in the Town Plan area, which is located on a hillside slope in excess of 20%, the issue of applicability of the zoning regulations to grading for roads for the subdivision was evaluated; and

WHEREAS, based on the intent of the policies as established by Section 2 of the Town Plan, it appears that the standards apply to grading, because grading would be a part of “all development and construction”; additionally, Section 2 of the Town Plan states the standards will regulate grading; and

WHEREAS, grading for subdivision roads has the potential for significant impacts on the objective of keeping hillsides in a natural appearing state; and

Whereas, grading for roads for “an approved tentative map” is referenced in Section 3.24.B.4 of the Town Plan and in Section 17.336.040.B.4 of the Zoning Ordinance and this shows intent of the policy; and

WHEREAS, the Mariposa County Road Improvement and Circulation Policy and the County Improvement Standards, other documents regulating subdivision roads, do not have similar regulations to the Hillside Development Standards relative to the objective of keeping ridges in a natural appearing state; and

WHEREAS, there is a benefit to clarifying the regulatory provisions established in Section 3.24 of the Mariposa Town Plan and Section 17.336.040 of the Zoning Ordinance, to ensure that there is no question that the standards apply to grading for subdivision roads; and

WHEREAS, there is a benefit to adding additional text to the Hillside Development Standards to allow solid rock cuts in lieu of retaining walls when the cuts meet the objective of the standards, as they are less costly.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby initiate an amendment to Section 3.24 of the Mariposa Town Plan and to Section 17.336.040 of Mariposa County Code for Hillside Development.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 3.24 of the Mariposa Town Plan will read as follows (new text shown in *italicized underlined type* and deleted text shown in ~~strike-thru type~~):

SECTION 3.24 Hillside Development Standards.

These standards shall regulate all new construction, including residential construction and construction for subdivision development including but not limited to road construction, on parcels or construction areas with an average slope in excess of 20% as determined by the Planning Director.

A. Building design

All structures shall be designed and constructed using stepped foundations to reduce required cut and fill. Conventional monolithic slabs shall be prohibited on such slopes. This requirement may be waived where it can be shown to the satisfaction of the planning director that the proposed building site has a natural grade of less than 10%.

B. Grading and foundation standards

1. All grading shall be based upon engineered plans prepared in accordance with the standards in the Grading Ordinance or applicable road standards, and based upon a specific building or road design. The grading plans shall include soil stabilization and revegetation measures based upon Resource Conservation District (RCD) Soil Conservation Service or comparable standards. The grading plan for buildings shall include gutter and down spout locations.
2. All building footings shall have a minimum depth of 18 inches below undisturbed native ground and a minimum width of 12 inches unless a reduction to the depth and/or width of the footings is allowed by specific geotechnical analysis. All footings shall be inspected by a soils engineer prior to concrete placement unless inspection is waived by the building official.
3. Cut slopes less than 5 feet high shall not be steeper than 1 to 1. Cut slopes higher than 5 feet shall not be steeper than 1 1/2 to 1. Cut slopes greater than 10 vertical feet, but no more than 20 vertical feet (aggregate total) shall be ~~prohibited~~ considered only under circumstances where:
 - a. The cut slope is composed entirely or almost entirely of solid rock, and is not erosive.
 - b. The cut face has been tested for stability by an appropriately qualified professional and the results reviewed and approved by the County Engineer.
 - c. The color and materials of the exposed rock cut slope generally match or blend with the surrounding terrain.
 - d. A rough finished surface for the exposed rock is preferred to a smooth or cut rock surface.

e. It is determined by the Planning Director that the natural exposed rock cut slope is the equivalent to and preferred over the construction of a retaining wall to achieve a natural appearing surface which blends with the surrounding terrain.

f. A steeper slope than 1 1/2 to 1 may be considered by the Planning Director for the solid rock cut slope, if determined to be stable.

If retaining walls are utilized, the height of cut banks shall be measured from the top of the retaining wall. Cut slopes within building areas shall not exceed 2 to 1 unless specifically engineered. Fill placements greater than 10 vertical feet (aggregate total) shall be prohibited. Fill slopes shall not be steeper than 2 to 1. Landform grading is encouraged. All cut and fill slopes shall be restabilized and revegetated.

4. No grading plans shall be approved and no grading shall occur except in conjunction with approved building plans for residential construction or approved road plans based on an approved tentative map.

C. General development standards:

1. A landscaping plan shall be submitted in conjunction with the grading plan for individual lot grading. The landscaping plan shall be designed to provide for the permanent revegetation of all disturbed areas that will not be covered with buildings, driveways or parking areas. The landscaping plan shall be prepared and reviewed in accordance with the plan preparation and plant criteria established in the Mariposa Specific Plan and the Design Review District. The landscaping shall be installed and approved prior to the issuance of a certificate of occupancy to the residence.
2. The maximum lot coverage for buildings and structures shall be thirty percent (30%).

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 17.336.040 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in ~~strike-thru type~~):

17.336.040 Hillside development.

These standards shall regulate all new construction, including residential construction and construction for subdivision development including but not limited to road construction, on parcels or construction areas with an average slope in excess of 20% as determined by the planning director.

A. Building design: All structures shall be designed and constructed using stepped foundations to reduce required cut and fill. Conventional monolithic slabs shall be prohibited on such slopes. This requirement may be waived where it can be shown to the satisfaction of the planning director that the proposed building site has a natural grade of less than 10%.

B. Grading and foundation standards:

1. All grading shall be based upon engineered plans prepared in accordance with the standards in the Grading Ordinance or applicable road standards, and based upon a specific building or road design. The grading plans shall include soil stabilization and revegetation measures based upon Resource Conservation District (RCD) Soil Conservation Service or comparable standards. The grading plan for buildings shall include gutter and down spout locations.

2. All building footings shall have a minimum depth of 18 inches below undisturbed native ground and a minimum width of 12 inches unless a reduction to the depth and/or width of the footings is allowed by specific geotechnical analysis. All footings shall be inspected by a soils engineer prior to concrete placement unless inspection is waived by the building official.

3. Cut slopes less than 5 feet high shall not be steeper than 1 to 1. Cut slopes higher than 5 feet shall not be steeper than 1 1/2 to 1. Cut slopes greater than 10 vertical feet, but no more than 20 vertical feet (aggregate total) shall be ~~prohibited~~ considered only under circumstances where:

a. The cut slope is composed entirely or almost entirely of solid rock, and is not erosive.

b. The cut face has been tested for stability by an appropriately qualified professional and the results reviewed and approved by the County Engineer.

c. The color and materials of the exposed rock cut slope generally match or blend with the surrounding terrain.

d. A rough finished surface for the exposed rock is preferred to a smooth or cut rock surface.

e. It is determined by the Planning Director that the natural exposed rock cut slope is the equivalent to and preferred over the construction of a retaining wall to achieve a natural appearing surface which blends with the surrounding terrain.

f. A steeper slope than 1 1/2 to 1 may be considered by the Planning Director for the solid rock cut slope, if determined to be stable.

If retaining walls are utilized, the height of cut banks shall be measured from the top of the retaining wall. Cut slopes within building areas shall not exceed 2 to 1 unless specifically engineered. Fill placements greater than 10 vertical feet (aggregate total) shall be prohibited. Fill slopes shall not be steeper than 2 to 1. Landform grading is encouraged. All cut and fill slopes shall be restabilized and revegetated.

4. No grading plans shall be approved and no grading shall occur except in conjunction with approved building plans for

residential construction or approved road plans based on an approved tentative map. (Ord. 862 Sec.I, 1993).

C. General development standards:

1. A landscaping plan shall be submitted in conjunction with the grading plan for individual lot grading. The landscaping plan shall be designed to provide for the permanent revegetation of all disturbed areas that will not be covered with buildings, driveways or parking areas. The landscaping plan shall be prepared and reviewed in accordance with the plan preparation and plant criteria established in Chapter 17.66 and Section 17.336.060 of this Title. The landscaping shall be installed and approved prior to the issuance of a certificate of occupancy to the residence.

2. The maximum lot coverage for buildings and structures shall be thirty percent (30%). (Ord. 822, Sec.I, 1992)

ON MOTION BY Commissioner Francisco, seconded by Commissioner Marsden, this resolution duly passed and adopted this 21st day of August 2009 by the following vote:

AYES: Francisco, Tucker, Rudzik and Marsden

NOES: None

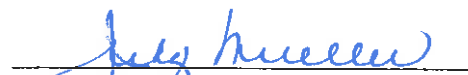
EXCUSED: Ross

ABSTAIN: None



Robert L. Rudzik, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Planning Commission