

DEPARTMENT: Planning

BY: Eric Toll, Director
PHONE: 966-0302

RECOMMENDED ACTION AND JUSTIFICATION:

1. Adopt a resolution adopting a Negative Declaration and Approving Zoning Amendment #2003-007 with the recommended findings and standards.
2. Waive the first reading and introduce an ordinance amending the Neighborhood Commercial Zone-2 to allow self-storage facilities as a Conditional Use, with the recommended development standards and definitions.

This recommendation is based upon the Planning Commission action on the project applications.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This Zoning Ordinance Text Amendment was initiated by the Board of Supervisors, following an appeal hearing on July 23rd 2002, where a similar use determination was denied.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- 1) Approve the project with modified findings and standards; 2) Deny the project.

NEGATIVE ACTION on the General Plan Zoning Amendment would result in denial of any application for self-storage facilities as a Conditional Use in Neighborhood Commercial Zone-2.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes (X) No () Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		Staff Report with attachments
Source:		1. Amended Zone language
Internal Transfer		2. Maps
Unanticipated Revenue	4/5's vote	3. Lighting Handbook
Transfer Between Funds	4/5's vote	4. Draft Board Resolution & Ordinance
Contingency	4/5's vote	5. Mariposa County Planning Commission Resolution #2003-002
() General () Other		6. Negative Declaration

CLERK'S USE ONLY:

Res. No. 03-26 Ord. No. _____
 Vote - Ayes: _____ Noes: _____
 Absent: _____
 () Approved
 Minute Order Attached () No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:

____ Requested Action Recommended
 No Opinion
 Comments:

CAO: RAH



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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DISTRICT IV
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *MW*
SUBJECT: ZONING AMENDMENT #2003-007
Resolution No. 03-86

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on March 25, 2003

ACTION AND VOTE:

Eric Toll, Planning Director;

PUBLIC HEARING to Consider Zoning Amendment No. 2003-007, a Proposal to Change the Zoning Ordinance to Allow "Self-Storage Facilities" as a Conditional Use in the Neighborhood Commercial Zone-2 (CN-2) with the Recommended Development Standards for Landscaping, Lighting and Lot Coverage and Amended Definitions; Mariposa County, Applicant

BOARD ACTION: Eric Toll presented the staff report, and he responded to questions from the Board relative to the definition of "the life of the project" and relative to enforcement. He also responded to questions from the Board as to how the process would work for communities that do not have CN-2 zoning, and for Catheys Valley in relation to their Town Plan process; and whether these changes would be a part of the General Plan Update. It was agreed to delete the reference to "commercial" when discussing properties, and to delete all references to "battery back-up" for irrigation systems.

The public portion of the hearing was opened and in input was provided by the following:

- Lowell Young, a storage facility owner, stated he feels exterior lighting, except for at the office door, is an intrusion on the neighbors.

Eric Toll responded to a question from the Board relative to the light standards, and he clarified that the lighting is not required; however, if it is installed, the standards will apply.

The public portion of the hearing was closed and the Board commenced with deliberations. Staff responded to additional questions from the Board relative to the conditional use process and whether hours of operation were discussed. It was agreed to delete references to "shielded or unshielded" motion sensitive lighting. (M)Parker, (S)Balmain, Res. 03-86 was adopted adopting a Negative Declaration and approving the Zoning Amendment with the recommended findings and standards, with the changes that were agreed to; and the first reading was waived and an Ordinance was introduced amending the Neighborhood

Commercial Zone-2 as recommended, and with the changes that were agreed to/Ayes: Unanimous. The hearing was closed.

cc: File

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2003- 86

**A Resolution Approving Zoning Amendment No. 2003-7 County
of Mariposa**

WHEREAS a Zoning Text Amendment was initiated by the County of Mariposa to allow self-storage as a Conditional Use in CN-2 and TPAs without Plans on July 12, 2002; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a duly noticed public hearing at the Planning Commission was scheduled for the 21st day of February, 2003; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report and Initial Study were prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed data and considered all of the information in the public record, including the Initial Study and Staff Report, testimony presented by the public concerning the application, and the comments of the applicant.

WHEREAS the Planning Commission adopted resolution #2003-002 recommending to the Board of Supervisors the adoption of a Negative Declaration and approval of Zoning Text Amendment #2003-007 with the recommended findings and amended standards; and

WHEREAS a duly noticed public hearing was scheduled for the Mariposa County Board of Supervisors for the 25th day of March , 2003; and

WHEREAS the Board of Supervisors did hold a public hearing on the noticed data and considered all information in the public record, including the Staff Report and Initial Study, testimony presented by the public concerning the application, comments from affected agencies, the comments of the applicant and the recommendation of the Planning Commission.

BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve of ZA 2003-7 to allow for self-storage facilities to be

listed as a Conditional Use in CN-2 zones as shown in Exhibit A, and definitions as shown in Exhibit B added to the Definitions section 17.148.010.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a Negative Declaration for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations.

BE IT FINALLY RESOLVED that the action to approve the projects is based upon following findings supported by substantial evidence in the public record:

1. The amendment creates the opportunity for self-storage facilities to locate as a Conditional Use in Neighborhood Commercial (CN-2) and Town Planning Areas (TPAs) without Specific or Community Plans. Conditional Use Permits are subject to Planning Commission review with respect to the health, safety, morals, comfort, and general welfare of the residents in the neighborhood of the proposed use. The proposed amendment does not create any entitlements.
2. The amendment will not have a significant adverse effect on the health, safety, peace or welfare of the general public. The project potentially allows self-storage facilities to locate as a Conditional Use in the more populous areas of (CN-2) TPAs without Plans. Since Conditional Use Permits (CUP)s are discretionary permits, each project will be analyzed by affected departments and will go before the Planning Commission in a public hearing to allow for neighbors comments. Discretionary permits such as CUPs are also subject to the California Environmental Quality ACT - CEQA - as specified in 15378 (a) of CEQA.
3. The amendment is consistent with the guiding policies and goals of the Mariposa County General Plan. It is the intent of the General Plan for Town Planning Areas to be considered centers of service, commerce, industry and population. It is also the intent to strengthen the economic and employment opportunities of the County through encouragement of appropriate commercial and light industrial activity. Allowing self-storage facilities to locate as a Conditional Use in the more populated areas of TPAs and CN-2s with existing significant development reduces the potential environmental impact.
4. This amendment was processed in accordance with state law and county policy. The project was noticed in accordance with state law, hearings were held, and findings were made. A Negative Declaration has been prepared for the project in accordance with the California Environmental Quality Act (CEQA) and must be adopted prior to approval of the amendment.
5. This amendment contains landscape, lighting and lot coverage standards for self-storage facilities located in Commercial Neighborhood CN-2 areas that will allow these uses to integrate better into the character of these rural communities which generally have a significant amount of residential land uses. These additional standards are consistent with the General Plan's goal of establishing minimum site standards to preserve, protect and promote development of the County's natural resources, as well as its goal of establishing site standards that provide for commercial and industrial development based upon suitability with adjoining uses, and its intent that commercial uses provide minimal impact on surrounding residential uses.

6. It is found that this amendment will not have a significant impact on wildlife or plant resources. It will not substantially and avoidably injure fish and wildlife or their habitat, and will not individually or cumulatively have an adverse effect on wildlife resources because the amendment is establishing a review process only.
7. This amendment is desirable for the purposes 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. Rather than making decisions about where self-storage facilities will be located on an ad-hoc basis, this amendment will guide their long-term development in areas where denser population exist - CN-2 and TPAs without Plans.

ON MOTION BY Supervisor Parker, seconded by Supervisor Balmain; this resolution is duly passed and adopted this by the following vote:

25th day of March, 2003,

AYES: Stetson, Balmain, Bibby, Parker and Pickard

NOES: None

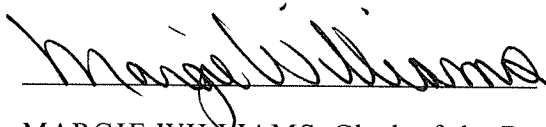
EXCUSED: None

ABSTAIN: None



Bob Pickard, Chairman
Mariposa County Board of Supervisors

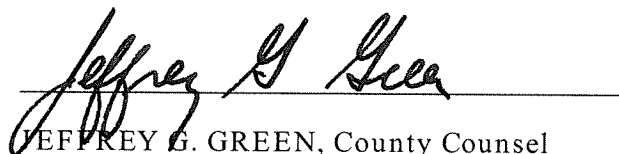
ATTEST:



MARGIE WILLIAMS, Clerk of the Board

Mariposa County Board of Supervisors

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFFREY G. GREEN, County Counsel

Resolution Exhibit A

17.80.020 Development standards for CN-2.

Development standards for the CN-2 shall be as follows:

A. **Uses:**

1. **Permitted uses:** (no changes necessary to this section)
2. **Accessory uses:** (no changes necessary to this section)
3. **Conditional uses:** Self-Storage Facilities. (this section has been amended)
4. **Prohibited uses:** (no changes necessary to this section)

B. **Minimum parcel or lot size:** (no changes necessary to this section)

C. **Density:** (no changes necessary to this section)

D. **Signs:** (no changes necessary to this section)

E. **Lighting:** (no changes necessary to this section)

F. **Site development for self-storage:** (new section to be added by this amendment)

1. Lot Coverage

a. Maximum lot coverage: Thirty-five (35) percent of the gross land area.

2. Lighting for Self-Storage Facilities:

The Board of Supervisors finds that preserving rural character means requiring lighting practices and systems that will minimize light pollution and glare, conserve energy and resources, and restrict the degradation of the night sky while maintaining night-time safety, utility, security and efficiency.

a. All building lighting for security or aesthetics will be a fully shielded type, and installed and maintained such that shielding does not allow any upward distribution of light. Floodlighting is discouraged, and if used, shall be shielded to prevent:

- i. Disability glare for drivers or pedestrians
- ii. Light trespass beyond the property line, and
- iii. Light visible above a 90 degree horizontal plane.
Wall pack type fixtures are not acceptable

b. All exterior lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and disability glare at any location off the property.

c. The applicant for any permit for work involving outdoor lighting fixtures governed by this Section shall submit, as part of the site plan, evidence that the proposed lighting plan complies with this Section. This information shall contain and not be limited to the following:

i The location, lamp type, and lumens, of each fixture.

ii The height of each fixture

iii The area to be lit by each outdoor lighting fixture.

3. Landscaping:

The Board of Supervisors finds that preserving rural character means requiring landscaping standards that reflect the character of the surrounding area and ensure development is reasonably compatible with adjacent property.

a. Utilization of indigenous or water conserving vegetation is required. Using existing vegetation shall be required to meet required screening or for intervening landscaping purposes.

b. Within 5 years of planting, vegetation shall be in place effectively breaking up the bulk, mass, and length when the storage buildings are viewed from adjoining properties and roadways.

i. Views from adjoining residential properties shall be substantially screened during all seasons.

c. A combination of trees and shrubs as approved by the Planning Department shall be used around the perimeter of the facility for screening purposes.

i. All trees in the perimeter landscaping shall be a minimum of 15 gallons in size.

ii. All shrubs used in perimeter landscaping shall be a minimum of 5 gallons in size.

d. Permanent irrigation systems shall be provided in all landscaping areas.

e. The landscaping plan shall be detailed on the site plan.

Resolution Exhibit B

Section 17.148.010 of Chapter 17.148 of the Mariposa County Code is hereby amended to add the following definitions:

Fully shielded fixture. An outdoor lighting fixture that only allows emitted light to be projected below a horizontal plane running through the lowest part of the fixtures.

Disability glare. Harsh light directed within the eye's line of sight so that contact with a direct light source causes a partial blindness or reduction of visual performance.

Outdoor lighting fixture. An electronically powered illuminating device or other lighting fixture, portable or fixed, used for illumination. Such devices include, but are not limited to, spot flood and area lighting.

Lot coverage. "Lot Coverage" means the area of a lot covered by building perimeter roof area expressed as a percentage of total land.