

MARIPOSA COUNTY ORDINANCE NO. 920

**AN ORDINANCE AMENDING TITLE 2
ENTITLED "ADMINISTRATION AND PERSONNEL" AND TITLE 16
ENTITLED "SUBDIVISION ORDINANCE"
OF THE MARIPOSA COUNTY CODE**

WHEREAS, the Board of Supervisors initiated a comprehensive Permit Streamlining Program, including the public review and hearing process to amend the Mariposa County Code; and

WHEREAS, these include amendments to Title 2 of County Code, entitled "Administration and Personnel" and Title 16 of County Code, entitled "Subdivision Ordinance"; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments to Title 2 and 16 in accordance with State Law and County Code, and have considered all input, written and verbal; and

WHEREAS, the Planning Commission and Board of Supervisors made modifications to the amendments in response to concerns expressed through the public process; and

WHEREAS, the amendments are not intended to change the public's referendum rights with respect to the projects which will be acted upon in accordance with this ordinance;

NOW THEREFORE, The Board of Supervisors of Mariposa County, a political subdivision of the State of California, does ordain as follows:

SECTION I: The Board of Supervisors makes the following findings:

1. These amendments to Title 2 and Title 16 are exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines because the amendments to Title 2 and Title 16 are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is no possibility that the amendments to Title 2 and Title 16 may have a significant effect on the environment.
2. The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace and welfare. The amendments to County Regulations delegate authority for staff to review and approve non-controversial applications. This authority is a

better allocation of Planning Commission and staff time and responsibility and contributes to a more efficient permit process. There are no changes in the required findings or conditions and therefore there is no net impact on the public health, safety, peace, and welfare.

3. The amendments change review and approval authority for parcel merger applications, but still retain requirements for notice, findings and appeals, and therefore maintain discretionary procedures for all affected applications (requirements for notice and procedures are contained in Title 17 of County Code).
4. The amendments do not change any application procedure from discretionary to ministerial.
5. The amendment are 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. The amendments to County Regulations streamline the permit process and contribute to a more efficient mechanism for day-to-day decision making by delegating to staff approval authority for routine applications. By encouraging the merger of substandard or unbuildable parcels through a simplified parcel merger process the amendment encourages parcels to move towards conformance with General Plan and Zoning Ordinance minimum parcel size requirements.
6. The amendments conform with the requirements of State law and county policy and are consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. The amendments conform to State law, particularly PRC Section 66499.20-¾ which pertains to mergers. The actions are consistent with County policy, particularly the overall Governing Policy of the General Plan "to provide a practical and legally adequate framework ... which can effectively guide the development and growth of Mariposa, yet reserve adequate flexibility in the day-to-day decision process". The actions implement this policy by providing a more efficient permit process for the day-to-day decisionmaking of routine matters.

SECTION II: Title 2 and Title 16 of the Mariposa County Code are hereby amended in accordance with "Exhibit A" (Amendments are noted as follows: Additions with double underline and italics, and deletions with strikethrough).

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

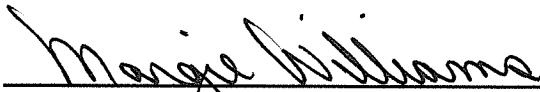
SECTION IV: PASSED AND ADOPTED by the Board of Supervisors of Mariposa County on this 6 day of May, 1997 by the following vote:

AYES: Reilly, Stewart, Parker, Pickard
NOES: None
ABSTAINED: None
EXCUSED: Balmain



ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



JEFFREY G. GREEN, County Counsel

EXHIBIT A: TITLE 2 AND TITLE 16 MODIFICATIONS

Amend as follows:

2.50.080 Duties of planning director.

The planning director, as chief administrator of the planning and building department shall:

C. Advise the board and commission on matters relating to zoning, land use, subdivisions, building code and other planning matters, and act as approval authority, zoning administrator and deputy advisory agency for projects as specified by this code.

16.12.420 Mergers.

A parcel map may be filed, pursuant to the Subdivision Map Act, Chapter 6, Section 66499.20-3/4, for the purpose of merging land previously subdivided and consisting of four or less contiguous parcels under the same ownership. The Deputy Advisory Agency (Planning Director) is the approval authority for these proposals. The requirement for a parcel map may be waived by the Deputy Advisory Agency upon finding that any dedications or offers of dedication to be vacated or abandoned are unnecessary for present or prospective public purposes. An instrument evidencing the merger and extinguishing any underlying historic parcels shall be recorded.