

DEPARTMENT: Planning

BY: Kris Schenk
PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: Waive the second reading and adopt the Ordinance amending Title 2, Chapter 2.52 of Mariposa County Code.

The Planning Commission recommended approval of this amendment to county code following a public hearing, review of the staff report, and testimony by the public concerning the application.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On October 6, 2009, at a public hearing, the ordinance was introduced and the Board voted to waive the first reading.

The Board took action on the amendment by way of both a resolution and waiving the first reading of the ordinance. The ordinance is effective thirty (30) days after the second reading. Once the code amendment becomes effective, the process is final.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively _____
Additional Funding Needed: \$ _____		Final Ordinance _____
Source:		_____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 1062
 Vote - Ayes: 4 Noes: _____
 Absent: Bobby
 Approved _____
 () 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: RB

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY ORDINANCE NO. 1062

AN ORDINANCE AMENDING TITLE 2 OF THE MARIPOSA COUNTY CODE

WHEREAS, the Mariposa County Planning Commission initiated County Code Amendment Application No. 2008-202 based upon the recommendation of the Planning Department staff; and

WHEREAS, Application No. 2008-202 proposes to amend the provisions for meetings of the Planning Commission and to amend the scope of matters heard by the Planning Commission. The amendments to the provisions will enable the Planning Commission to cancel or reschedule any regular meeting by majority vote. The amendments to the scope of matters to be heard modifies and updates the list of projects (scope of matters) to reflect the projects which the Planning Commission routinely reviews and decides, or reviews and makes a recommendation for action to the Board of Supervisors; and

WHEREAS, the Planning Commission held a duly noticed public hearing on Code Amendment 2008-202 on the 6th day of March, 2009, in accordance with State Law and County Code; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on Code Amendment 2008-202 on the 6th day of October, 2009, in accordance with State Law and County Code; and

WHEREAS, environmental review has been conducted on Code Amendment 2008-202 in accordance with the California Environmental Quality Act, a Notice of Exemption has been adopted, and a Notice of Exemption will be filed for the project.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors of the County of Mariposa does hereby amend Title 2 of Mariposa County Code as follows:

Section I:

Chapter 2.52
PLANNING COMMISSION

Sections:

SECTION 2.52.070 Meetings-Date and time

Regular meetings of the planning commission during the year shall be scheduled a minimum of two (2) times each month, the date and time to be set by the planning commission. Notwithstanding anything to the contrary contained in this section, the

planning commission may, by majority vote, cancel or reschedule any regular meeting of the commission. Any cancellation or rescheduling of a regular planning commission meeting shall be conducted in open session at a regular meeting of the commission.

SECTION 2.52.180 Applications-Scope of matters to be heard by commission

- A. The planning commission shall hear and decide:
1. Each application for conditional use permit, use permit determination or variance permit, including applications for amended conditions or an amended map or site plan;
 2. An appeal from an order; requirement, permit, decision, or determination made by the planning department staff;
 3. Each application for a tentative tract map, or revised tentative tract map, including amended conditions;
 4. Each application for a parcel map, or revised parcel map, including amended conditions referred to the commission;
 5. Applications for time extensions;
 6. Applications for a mining permit, reclamation plan and financial assurances, including amendments, as specified in Section 18.02.030, County Code;
 7. Applications for planned residential developments, as specified in Section 17.108.100, County Code;
 8. Applications for planned unit developments, as specified in Section 17.328.030, County Code;
 9. Environmental determinations pursuant to the California Environmental Quality Act and county policy adopted to implement said Act;
 10. Recommendations on filing "tentative notices of violation", and "notices of violation", in accordance with Government Code Section 66499.36
- B. The planning commission shall hear and make a recommendation to the board of supervisors for action on the following:
1. Any application involving land conservation act applications or applications involving amendments or cancellations to existing land conservation act contracts;
 2. Any application involving a general plan, area plan, specific plan or zoning amendment;
 3. Any application involving a timber exclusive zone, including amendments to existing zones;
- C. The planning commission shall hear and decide any other matter that may be designated by resolution or ordinance;
- D. The planning commission shall hear and decide, or shall hear and make a recommendation to the board of supervisors for action on items as assigned or as established by California Government Code;
- E. Where this title designates the planning director as the approval authority for any permit or approval, the planning director may refer the decision to the planning commission.

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

PASSED AND ADOPTED on this 20th day of October, 2009, by the following vote:

AYES: ABORN, TURPIN, CANN, ALLEN

NOES: NONE

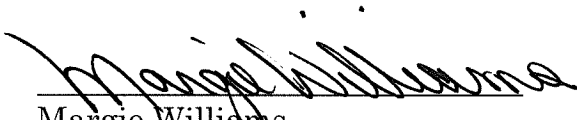
ABSTAINED: NONE

EXCUSED: BIBBY



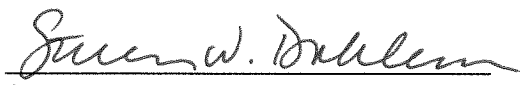
Brad Aborn, Chair
Mariposa County Board of Supervisors

Attest:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel