

AN ORDINANCE RESCINDING AND REPLACING
SECTION 16.12.030, AND RESCINDING, REPLACING
AND RENUMBERING SECTIONS 16.12.200, AND 16.12.310 OF
CHAPTER 16.12 ENTITLED "MINOR SUBDIVISIONS", AND RESCINDING
AND REPLACING SECTION 16.16.040 OF CHAPTER 16.16
ENTITLED "MAJOR SUBDIVISIONS--PROCEDURE"
OF THE MARIPOSA COUNTY CODE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

The Board of Supervisors of Mariposa County, a political subdivision of the State of California, establishes the following procedures for approving, conditionally approving or denying tentative subdivision applications and rescinds and replaces Section 16.12.030; rescinds, replaces and renumbers Sections 16.12.200, and 16.12.310 of Chapter 16.12, entitled "Minor Subdivisions"; and rescinds and replaces Section 16.16.040 of Chapter 16.16 entitled "Major Subdivisions--Procedure".

SECTION I: THE BOARD ORDAINS FURTHER that Section 16.12.030 entitled "Tentative parcel map required." is rescinded and replaced to read in its entirety as follows:

"16.12.030 Tentative parcel map required.

A. Any person proposing to create a minor subdivision pursuant to this chapter shall file with the planning department a tentative parcel map application pursuant to the provisions of this title and resolutions passed in implementation of it. The planning department shall review and process the application pursuant to the provisions of this title and implementing resolutions. The county engineer shall not certify a parcel map pursuant to Section 66450 of the Subdivision Map Act unless prior thereto a tentative parcel map of the minor subdivision shown thereon has been approved by the planning commission.

B. Based on a report by the planning department the planning commission will take action on the application and environmental determination and adopt findings of fact on any division of land. The planning commission shall make its findings of fact within thirty-five (35) days following completion of a preliminary negative declaration or final environmental impact report. The findings and conditions shall be entered into the planning commission minutes filed in the planning department. The commission may also hold for further study if the initial study is insufficient; or, refer the application to the environmental review technical advisory committee (ER-TAC) for its recommendation.

C. A preliminary map will be required for a lot

line adjustment between two (2) or more adjacent parcels, where the land taken from one (1) parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, and this preliminary map may be approved by the planning commission."

SECTION II: THE BOARD ORDAINS FURTHER, that Section 16.12.200 entitled "Failure to comply--Rejection of tentative map." is rescinded, replaced and renumbered to read in its entirety as follows:

"16.12.034 Completeness of application.

Not later than thirty (30) calendar days after receiving an application, the planning department shall notify the applicant in writing as to the completeness of the application. If the application is not complete, the planning department shall specify those parts of the application which are incomplete, and shall indicate the manner in which the application can be made to meet the requirements of the county. The applicant may be requested to clarify, amplify, correct or otherwise supplement the information required for the application. The applicant shall have the burden of informing himself of the requirements for compliance with Sections 16.12.090 through 16.12.190 of this chapter. After the planning department accepts an application as complete, the application shall not be refused for failure to provide any new, or additional information."

SECTION III: ORDAINS FURTHER, to rescind, replace and renumber Section 16.12.310 entitled "Procedure for processing tentative parcel and parcel map." to read in its entirety as follows:

"16.12.036 Procedure for processing tentative parcel and parcel maps.

Procedure for processing of tentative parcel and parcel maps described in Section 16.12.090 through 16.12.300 of this chapter shall be as follows:

A. Each application for a land division permit shall be submitted to the planning department.

B. Each application shall be accompanied by the following:

1. Application fee;
2. Copies of the tentative map;
3. Topographical map;
4. The amount of the fee, other information, and the number of copies of such maps shall be set out by resolution.

C. Upon acceptance of the application for processing, the planning department will complete a preliminary staff report and initial study. After consultation with the applicant and affected agencies, staff will finalize recommendations on the project and

determine whether a negative declaration should be issued or an environmental impact report be prepared. This would include any agreements to revise project plans or proposals in order to avoid or mitigate potential significant impacts.

D. If the staff determines a negative declaration should be issued, appropriate findings, and recommendations regarding the approval or denial of the application will be prepared. Staff will complete appropriate forms, and prepare a final report to the planning commission. A hearing will then be scheduled and public notice given for planning commission consideration of the environmental determination and the proposed subdivision.

E. If the staff determines an environmental impact report should be prepared, the matter shall be scheduled for consideration by the environmental review-technical advisory committee (ER-TAC) and planning commission to confirm the requirements. A notice of preparation shall be prepared and distributed to establish the scope for the document. Upon completion of the environmental impact report in accordance with the county's environmental guidelines, staff will prepare a final report and schedule a noticed public hearing before the planning commission for certification of the environmental impact report and final action on the project.

F. With completion of all reports and environmental review procedures, a hearing will be scheduled before the planning commission. Public notice will be provided in accordance with the Map Act, the subdivision ordinance, county environmental review policies and procedures, and commission resolution.

G. The public hearing will be conducted in accordance with county ordinance and planning commission resolution. Commission considerations will include all reports and recommendations from the staff. Testimony from the applicant and public will also be considered.

H. The commission will act to adopt a negative declaration, or certify the environmental impact report if one was prepared. The planning commission will take final action on the application by approving, conditionally approving, or denying the tentative map.

I. Action by the planning commission on either the project or the environmental determination is subject to appeal. The filing of appeals and subsequent hearings before the board of supervisors shall be in accordance with county ordinance.

J. When approval of the tentative map has been given, the applicant shall have one year in which to submit the parcel map, pursuant to Section 16.12.430 of this chapter.

K. The county surveyor's office will take action on the map as per Government Code Section 66450.

L. When the map is ready for recording, the county surveyor will request the original map and filing fee from the applicant or person preparing the map. The county surveyor will also inform the planning commission and health department that the map has been recorded. Under no conditions shall the original map and/or filing fee be submitted until they are requested."

SECTION IV: ORDAINS FURTHER to rescind and replace Section 16.16.040 entitled "Planning department and planning commission duties." to read in its entirety as follows:

"16.16.040 Planning department and planning commission duties".

A. The planning department is authorized and directed to carry out the following actions:

1. Accept and review applications for completeness in accordance with provisions of this title and implementing resolutions.

2. Upon acceptance of the application for processing, the planning department will complete a preliminary staff report and initial study. After consultation with the applicant and affected agencies, staff will finalize recommendations on the project and determine whether a negative declaration should be issued or an environmental impact report be prepared. This would include any agreements to revise project plans or proposals in order to avoid or mitigate potential significant impacts.

3. If the staff determines a negative declaration should be issued, appropriate findings, and recommendations regarding the approval or denial of the application will be prepared. Staff will complete appropriate forms, and prepare a final report to the planning commission. A hearing will then be scheduled and public notice given for planning commission consideration of the environmental determination and the proposed subdivision.

4. If the staff determines an environmental impact report should be prepared, the matter is scheduled for consideration by the environmental review-technical advisory committee (ER-TAC) and planning commission to confirm the requirement. A notice of preparation is then prepared and distributed to establish the scope for the document. Upon completion of the environmental impact report in accordance with the county's environmental guidelines, staff will prepare a final report and schedule a noticed public hearing before the planning commission for certification of the environmental impact report and final action on the project.

5. With completion of all reports and environmental review procedures, a hearing will be scheduled before the planning commission. Public notice

will be provided in accordance with the Map Act, the subdivision ordinance, county environmental review policies and procedures, and commission resolution.

6. Provide notice as follows:

a. Publish notice of the time and place of any public hearing once in a newspaper of general circulation published and circulated within the county at least ten (10) days before the hearing,

b. Notify by mail the owners of property within a radius of three hundred (300) feet, of the exterior boundaries of the property covered by any tentative map. The names and addresses of such owners shall be determined according to Section 65905 of the Government Code, and the notices shall be deposited in the United States mails with postage prepaid not less than five (5) days prior to the date of such consideration; provided, however, notice as specified in this subsection shall not be required in cases where the question before the commission is a request for an extension of time for filing a final map or a modification to a previously approved resolution of approval not affecting any design or improvement;

7. The public hearing will be conducted in accordance with county ordinance and planning commission resolution. Commission considerations will include all reports and recommendations from the staff. Testimony from the applicant and public will also be considered.

8. The commission will act to adopt a negative declaration, or certify the environmental impact report if one was prepared. The planning commission will take final action on the application by approving, conditionally approving, or denying the tentative map.

9. Action by the planning commission on either the project or the environmental determination is subject to appeal. The filing of appeals and subsequent hearings before the board of supervisors shall be in accordance with county ordinance.

B. The planning commission is authorized and directed to carry out the following actions:

1. Investigate each tentative map filed with it pursuant to this title or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision and adopt its report with respect to the design and improvements of the subdivision and the kind, nature, and extent of the proposed improvements;

2. Obtain the recommendations of the planning department with respect to the design of the proposed subdivision;

3. Approve, disapprove or return for corrections tentative maps filed with it pursuant to this chapter or the Subdivision Map Act; provided, however, that with respect to the following described tentative maps, the planning commission shall not approve any ten

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tative map with respect to which the planning commission has found that one of the following conditions exists:

a. The site is not physically suitable for the type of development,

b. The site is not physically suitable for the proposed density of development,

c. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat,

d. The design of the subdivision or the proposed improvements are not likely to cause serious public health problems.

4. In any event, the report of the planning commission, together with a copy of any approved tentative map, shall be filed by said commission with the clerk of the board of supervisors. If the report concerns a tentative map with respect to which the planning commission reported its recommendations to the board of supervisors, the board of supervisors shall act upon the report within the time prescribed by the Subdivision Map Act,

5. Where the planning commission approves a tentative map, it shall prescribe, pursuant to the provisions of this chapter the kind, nature, and extent of the improvements to be constructed or installed in or to serve the subdivisions for which such tentative map is filed; provided, however, where the planning commission does not prescribe the kind, nature, or extent of the improvements to be constructed or installed, improvements shall be constructed and installed pursuant to the Mariposa County standards,

6. Except when a tentative map is one as to which final approval can be given only by the board of supervisors as hereinbefore provided, or when an appeal is taken to the board of supervisors as hereinafter provided, the actions of the planning commission specified in this section shall fulfill the requirements for approval of tentative maps by the board of supervisors pursuant to the provisions of Sections 66426 and 66428 of the Subdivision Map Act; provided, however, no final map shall be filed in the office of the county recorder until such map has been approved by the board of supervisors."

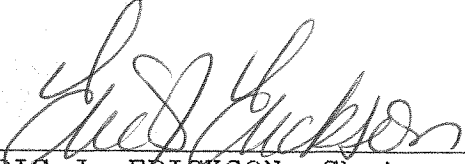
SECTION V: The Board of Supervisors also finds that there is clearly no potential for causing a significant effect on the environment, and that the project is exempt from the California Environmental Quality Act under a general rule finding.

SECTION VI: This ordinance shall become effective thirty (30) days from the date of final passage pursuant to Government Code Section 25123.

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PASSED AND ADOPTED this 12th day of July, 1988 by the Mariposa County Board of Supervisors by the following vote:


AYES: DALTON, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: BAGGETT
ABSTAINED: NONE



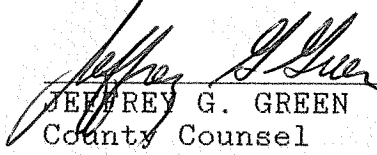
ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM
LEGAL SUFFICIENCY:



MARGIE WILLIAMS
Clerk of the Board



JEFFREY G. GREEN
County Counsel