RECOMMENDED ACTION AND JUSTIFICATION: Approval of the proposed amendment to 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. The Board action would be to adopt a resolution approving the project and adopting a Notice of Exemption on the environmental determination, waive the first reading, and introduce an ordinance amending zoning ordinance text for County Code Amendment 2008-202.

BACKGROUND AND CONTEXT OF BOARD ACTIONS: On March 6, 2009, the Mariposa County Planning Commission recommended approval of these changes in code and of the environmental determination. Included in the Planning Commission’s recommendation were amendments to Chapter 2.50. However, upon the advice of County Counsel, amendments to Chapter 2.50 have been removed from this project proposal and will be processed at a later date. The next step in the process to amend Chapter 2.52 is for the Board of Supervisors to hear and decide on the proposed amendment. The Board of Supervisors will take final action on the amendment by way of both a resolution and an ordinance. If the Board takes action to approve the project at this hearing, there is both a first reading and a second reading of the ordinance. The second reading of the ordinance approving the amendments to the zoning ordinance will occur two weeks following. The ordinance is effective thirty (30) days after the second reading. Once the zoning amendment becomes effective, the process is final.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors can amend the text as proposed by the Planning Commission, add additional text to the amendment, or refer the matter back to the Planning Department or the Planning Commission for further review and recommendations. If the Board denies the amendment, the process to cancel a Planning Commission meeting and the scope of matters heard remain unchanged.

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List Attachments, number pages consecutively
Exhibit A - Staff Report to Board of Supervisors
Exhibit B - Excerpts from Planning Commission meeting minutes
Exhibit C - Planning Commission Resolution 2009-005
Exhibit D - Draft Resolution
Exhibit E - Draft Ordinance
Exhibit F - Notice of Exemption

CLERK’S USE ONLY:
Res. No. 480
Ord. No. _____
Vote - Ayes: _____
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
Revised Dec. 2002

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:

CAO: _____

Revised Dec. 2002
TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PUBLIC HEARING to Consider County Code Amendment No. 2008-202. Action Includes Adopting a Resolution Approving the Project, and Adopting a Notice of Exemption, and Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend Mariposa County Code Relative to Canceling or Rescheduling Meetings of the Planning Commission and to Amend the Scope of Matters Heard By the Planning Commission. The Amendments to the Provisions for Meetings will Enable the Planning Commission to Cancel or Reschedule Any Regular Meeting By Majority Vote. The Amendments to the Scope of Matters 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. This Project is Considered a County-Wide Amendment. The Proposed Amendment is to Title 2 Chapter 2.52 Mariposa County Code. Project Proponent: Mariposa County

Resolution 09-480

THE BOARD OF SUPERVISORS OF MARIPSOA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 6, 2009

ACTION AND VOTE:

10:18 a.m. Sarah Williams, Deputy Planning Director, appeared on behalf of Kris Schenk, Planning Director;
PUBLIC HEARING to Consider County Code Amendment No. 2008-202. Action Includes Adopting a Resolution Approving the Project, and Adopting a Notice of Exemption, and Waiving the First Reading and Introducing an Ordinance Amending Zoning Ordinance Text. The Project Proposes to Amend Mariposa County Code Relative to Canceling or Rescheduling Meetings of the Planning Commission and to Amend the Scope of Matters Heard By the Planning Commission. The Amendments to the Provisions for Meetings will Enable the Planning Commission to Cancel or Reschedule Any Regular Meeting By Majority Vote. The Amendments to the Scope of Matters 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. This Project is Considered a County-Wide Amendment. The Proposed Amendment is to Title 2 Chapter 2.52 Mariposa County Code. Project Proponent: Mariposa County

BOARD ACTION: Karen Peneschi, Assistant Planner, presented the staff report. Sarah Williams and Karen Peneschi responded to questions from the Board relative to the applications that the Planning Commission acts on and those that they make recommendations to the Board on; as to whether the
recommendation changes what the Planning Commission routinely does; and relative to the amendments. Staff responded to a question from the County Administrative Officer and advised that the decisions of the Planning Commission can be appealed to the Board. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Allen, (S)Turpin, Res. 09-480 was adopted approving the project and adopting a Notice of Exemption on the environmental determination for County Code Amendment No. 2008-202; and the first reading was waived and an Ordinance introduced amending the Zoning Ordinance text as recommended. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Aborn, Turpin, Bibby, Allen; Excused: Cann. The hearing was closed.

Cc: File
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

MARIPOSA COUNTY RESOLUTION NO. 2009-480

A RESOLUTION APPROVING CODE AMENDMENT APPLICATION NO. 2008-202

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

WHEREAS, Code Amendment Application No. 2008-202 proposes to amend the County Code relative to canceling or rescheduling meetings of the Planning Commission; and

WHEREAS, Code Amendment Application No. 2008-202 proposes to amend the scope of matters heard by the Planning Commission; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 6th day of March, 2009; and

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

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2009-005, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 6th day of October, 2009; and

WHEREAS, amendments to Chapter 2.50 have been removed from the amendment and will be processed at a later date, and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.
NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2008-202.

BE IT FURTHER RESOLVED THAT the approved amendment to Section 2.52.070 for Planning Commission meetings date and time is worded to be similar to meeting date and time for the Board of Supervisors in County Code.

BE IT FURTHER RESOLVED THAT the amendment to Title 2 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-through type):

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.

BE IT FURTHER RESOLVED THAT all other text in this Title of County Code shall remain unchanged.

BE IT FURTHER RESOLVED THAT this action is based on the following findings supported by substantial evidence in the public record:

Finding No. 1: There have been occasions when it has been necessary and/or appropriate to cancel or reschedule a meeting of the Planning Commission due to lack of items to be heard, applicant request to withdraw an application, or other related reasons. This amendment will grant the Planning Commission the legal authority to cancel or reschedule a meeting when there is no business of the Commission to conduct.

Finding No. 2: Some Planning Commissioners are required to travel a distance to attend a Planning Commission meeting, and this amendment will result in cost savings to the County by eliminating travel expenses for commissioners when an unnecessary meeting is cancelled or rescheduled.

Finding No. 3: There are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project and this amendment will allow flexibility in hearing
scheduling. There is a public benefit to enabling the Planning Commission the flexibility to reschedule or cancel a regularly scheduled meeting.

**Finding No. 4:** The Planning Commission has routinely heard matters not included in the list of items established under County Code Section 2.52.180 and this amendment will bring actions taken by the commission and this section of code into consistency. The legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission will be clearly established. This provides a benefit to the public by providing clarity as to the Planning Commission's role in the planning process.

**BE IT FINALLY RESOLVED THAT** the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor Allen, seconded by Supervisor Turpin, this resolution duly passed and adopted this 6th day of October, 2009 by the following vote:

**AYES:** ABORN, TURPIN, BIBBY, ALLEN

**NOES:** NONE

**ABSENT:** CANN

**ABSTAIN:** NONE

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
MARIPOSA PLANNING STAFF REPORT

From: Kris Schenk, Planning Director
Prepared By: Karen Peneschi, Assistant Planner
Board of Supervisors Meeting Date: October 6, 2009

PROJECT: County Code Amendment No. 2008-202

PROPOSAL: To amend Title 2 of Mariposa County Code relative to canceling or rescheduling meetings of the Planning Commission, amend the scope of matters heard by the Planning Commission, and amend the scope of planning matters acted upon by the Board of Supervisors. Specific Sections proposed for amendment are Section 2.52.070, and Section 2.52.180 of Mariposa County Code.

PROPOONENT: County of Mariposa

BOARD ACTION: Adoption of a resolution approving the project and adopting a Notice of Exemption on the environmental determination.

Waive the first reading of the ordinance, and introduce an ordinance amending county code text for County Code Amendment 2008-202.

Project Description and Discussion

The project proposes an amendment to Title 2, Administration and Personnel.

This amendment will add language to Section 2.52.070 describing the procedure by which meetings of the Planning Commission may be rescheduled or canceled. This amendment as proposed is worded to be similar to code language contained in Chapter 2.04, Mariposa County Code, establishing provisions for cancelled or rescheduled meetings of the Mariposa County Board of Supervisors.

Without this amendment, the Planning Commission does not have legal authority to cancel or reschedule a meeting, even if there is no business before the Commission. It costs the County money to conduct a meeting of the Planning Commission and many of the Commissioners travel a distance to attend a meeting. There is a public benefit to amending the text as proposed to enable the Commission to reschedule or cancel a regularly scheduled meeting. Additionally, there are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project.

Below are the recommended amendments to Section 2.52.070 (new text shown in italicized underlined type and deleted text show in strike-through type):

SECTION 2.52.070 Meetings-Date and time

\[ T \]
Regular meetings of the planning commission during the year shall be held 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 of County Code establishes the scope of matters to be heard by the Planning Commission. This amendment will add language to include applications involving the Williamson Act and other applications on which the Planning Commission routinely acts on and for which the Planning Commission routinely makes a recommendation to the Board of Supervisors for final action. Such items are not included in the list of applications in the County Code as it currently exists, even though they have been routinely brought before the commission.

Without this amendment, the legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission may be questioned. This chapter of county code has not been reviewed and updated for many years, and there is a public benefit to having the Planning Commission’s routine duties match the scope of matters established by County Code. The Board of Supervisors relies on the Planning Commission for their review of routine land use applications.

Below are the recommended amendments to Section 2.52.180 (new text shown in italicized underlined type and deleted text show in strike-through type):

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.

**Public Comments:**

Prior to the Planning Commission’s public hearing, a 1/8th page notice was published in the Mariposa Gazette on February 19, 2009. A 1/8th page notice is required in lieu of direct mailed notice when there are more than 1,000 persons affected by a project. Notices were also posted in 15 community locations throughout the County and on the County’s website. Staff did not receive any comments.

Prior to the Board’s public hearing, a 1/8th page notice was published in the Mariposa Gazette on September 3, 2009. A 1/8th page notice is required in lieu of direct mailed notice when there are more than 1,000 persons affected by a project. Notices were also posted in 15 community locations throughout the County and on the County’s website.

Staff has not received any comments from a member of the public as a result of this noticing. If any comments are received prior to the public hearing, copies will be provided to the Board at the hearing.
Options:

The Board of Supervisors may approve, conditionally approve, or deny County Code Amendment 2008-202. In addition, the Board can amend the environmental determination.

Environmental Review:

Staff recommends that the Board of Supervisors find the project is exempt from environmental review pursuant to a General Rule Exemption of the California Environmental Quality Act. Staff believes it can be found with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Process:

On March 6, 2009, the Mariposa County Planning Commission recommended approval of these changes in code and of the environmental determination. Included in the Planning Commission's recommendation is an amendment to Chapter 2.50. Upon the advice of County Counsel, amendments to Chapter 2.50 have been removed from this project proposal and will be processed at a later date.

The next step in the process is for the Board of Supervisors to hear and decide on the proposed amendment to Section 2.52 of Mariposa County Code.

The Board of Supervisors will take final action on the amendment by way of both a resolution and an ordinance. If the Board takes action to approve the project at this hearing, there is both a first reading and a second reading of the ordinance. The second reading of the ordinance approving the amendments to County Code will occur two weeks following. The ordinance is effective thirty (30) days after the second reading. Once the Zoning Amendment becomes effective, the process is final.
1. **Finding:** There have been occasions when it has been necessary and/or appropriate to cancel or reschedule a meeting of the Planning Commission due to lack of items to be heard, applicant request to withdraw an application, or other related reasons. This amendment will grant the Planning Commission the legal authority to cancel or reschedule a meeting when there is no business of the Commission to conduct.

2. **Finding:** Some Planning Commissioners are required to travel a distance to attend a Planning Commission meeting, and this amendment will result in cost savings to the County by eliminating travel expenses for commissioners when an unnecessary meeting is cancelled or rescheduled.

3. **Finding:** There are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project and this amendment will allow flexibility in hearing scheduling. There is a public benefit to enabling the Planning Commission the flexibility to reschedule or cancel a regularly scheduled meeting.

4. **Finding:** The Planning Commission has routinely heard matters not included in the list of items established under County Code Section 2.52.180 and this amendment will bring actions taken by the commission and this section of code into consistency. The legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission will be clearly established. This provides a benefit to the public by providing clarity as to the Planning Commission’s role in the planning process.
Recommended Findings for Categorical Exemption

Code Amendment No. 2008-202 is exempt from environmental review pursuant to §15061, CEQA Guidelines, the General Rule Exemption. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project will amend the County Code to provide for rescheduling or canceling Planning Commission meetings, and to specify the list of matters currently heard on a routine basis by the Commission. This project will not result in any new construction on the ground.

Fish and Game Fees

Because the project is exempt from environmental review, the Department of Fish and Game Fees for the filing of a Negative Declaration do not apply to the project. The County may elect to file a Notice of Exemption.
Deliberations: None

On motion of Commissioner Francisco, seconded by Commissioner Ross the Planning Commission recommended approval of the Amended Conditional Use Permit as drafted in the latest version of conditions and the check list for conditions of approval and mitigated issues with the completion of the signing for the parking spaces as directed by the Building Department.

Motion carried by the following vote:

AYES:  4 (Francisco, Ross, Rudzik, Marsden)
NOES:  0

2 B. County Code Amendment No. 2008-202, County of Mariposa, Project Proponent, Proposed amendments to Title 2, Chapter 2.52 Mariposa County Code.

Prior to presenting County Code Amendment No. 2008-202, Karen Peneschi noted several changes to the staff report that were presented to the Commission as a Memo.

Peneschi then presented County Code Amendment No. 2008-202, explaining that the amendments to the provisions for meetings 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 matters which the Planning Commission routinely reviews and decides, or reviews and makes a recommendation for action to the Board of Supervisors. This project is considered a county-wide amendment. The Planning Commission will consider the adoption of a resolution recommending an environmental determination and recommending final action by the Board of Supervisors. A future public hearing will be scheduled and noticed for final action by the Board of Supervisors.

Ross stated that the wording on circle page 2 does not give the Planning Commission the authority to cancel a meeting, only to reschedule a meeting. Ross said that it needs to be made clear that a meeting can be cancelled by the Commission.

Rudzik asked Peneschi if there is a way of clarifying the wording giving the Commission the authority to cancel meetings.

Peneschi said that she interprets the wording to say that the Commission would be able to know in advance as to whether a meeting is to be held or not.

Rudzik stated that wording is still awkward and confusing.

Peneschi referred to the slide where it says that a minimum of 2 meetings be “scheduled” per month and asked if the Commission would like to add additional wording clarifying the authority to cancel meetings.

Francisco asked if adding the wording “a minimum of two times a month with the date and time set by the Planning Commission except as follows” would clarify the issue.
Ross thought that the issue could be clarified by simply inserting the word "normally".

Schenk said that there is a regular schedule of meetings that is determined at the beginning of each year and it is adjusted as necessary. What is being dealt with now is making sure that the schedule is flexible where appropriate. Schenk also stated that County Counsel is in the process of reviewing the issue for consistency so the Commission does not have to be too concerned about having the precise language at this time.

Francisco expressed his concern with the issue of the appointment of the Secretary to the Planning Commission. Francisco stated that on circle page 12 it states "the Commission shall appoint a secretary who need not be a member of the Commission" and Francisco said that he does not have a problem with that language.

Rudzik said that he thought that section of the code had been deleted.

Marsden said that it had been addressed in the last meeting but no motion had been made at that time.

Francisco said that the appointing of the Secretary had been brought up with no decision and he wanted to clarify the issue. Francisco then stated that he has no problem with the language and thinks that is fine to go through the formality of appointing the Secretary.

Ross said that he thinks that the appointment is not necessary, should be removed and left to the Planning Director to provide the Secretary to the Planning Commission.

Marsden said that the appointment of the Secretary should be left in the code as it is such a small formality and only done once a year.

Francisco stated that he recommends removing the appointment of the Secretary from the code.

On motion of Commissioner Ross, seconded by Commissioner Marsden, the Planning Commission approved the original resolution subject to the amendments that have been agreed upon and discussed with staff and enumerated in the most recent updated staff report and the resolution will be passed to County Counsel for review.

Francisco asked Schenk if the resolution would come back to the Commission after it has been reviewed by County Counsel for a final action.

Schenk answered that the resolution reflects the action of the Commission on the items before the Commission. Schenk said that after County Counsel reviews the resolution it may be amended slightly, and if there are major changes or new items added, then that item could be brought back to the Commission.
Motion carried by the following vote:

AYES: 4 (Francisco, Ross, Rudzik, Marsden)
NOES: 0

3. INFORMATIONAL ITEM:

Schenk gave an update on the surgery that Sarah Williams had on her broken leg. Schenk said that the surgery went well and she is looking forward to coming back to work as soon as the doctor releases her.

Schenk then announced the following Planning Advisory Committee meetings:

Coulterville, Thursday, March 12th
El Portal, Tuesday, March 10th
Midpines, Wednesday, March 18th

Schenk also said that May 7th at 6:00pm, is the tentative date to consider the Catheys Valley Community Plan. He went on to say that state law requires that four designated Native American Tribes have been sent registered letters requesting comments. Schenk stated that the tribes have a 90 day time frame in which to request formal consultation on the Plan, if they wish. Schenk explained that if any of the four tribes that have been asked for comments should also request a consultation, then the May 7th date would have to be changed to a later date to accommodate the consultation.

Francisco asked Schenk when the date of the 90 days began.

Schenk said that the registered letters requesting comments were sent on February 12th.

Rudzik asked Schenk to name the four tribes.

Schenk said the four tribes that have been notified are the Miwok, Chukchansi, North Fork Rancheria Band of Mono Indians and the Choinumni Tribe.

Schenk informed the Commission that there are no advertised public hearings for the Planning Commission meeting on March 6th so the meeting will be a "nominal" meeting.

Schenk then reported that the Ag Advisory Committee met the day before and discussed new rules and procedures for the Land Conservation Act (Williamson Act) in Mariposa County. Schenk explained that David Guy is the staff contract person working on the changes and will be reporting back to the Committee on April 2nd for their final review of the changes. Schenk stated that when this process is completed there will be an updated and legally consistent set of rules and procedures governing all Williamson Act Contracts in this County.

Schenk remarked that Tuesday the Board of Supervisors will be appointing the members of the Agriculture Tourism Committee. Schenk explained that the assignment of the Committee is to look at Calaveras County regulations and other regulations and over the next four months put together a program for Agricultural Nature Tourism and develop an AEZ ordinance. Schenk said that the Board of Supervisors will appoint two members of the public to the committee and the operating agencies have nominated the balance of the committee, creating a total membership of seven people.
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2009-005  A Resolution Recommending an Environmental Determination and
Code Amendment Application No. 2008-202, County of Mariposa,
Project Proponent

WHEREAS the Mariposa County Planning Commission initiated Code Amendment
Application No. 2008-40 based upon the recommendation of the Planning Department
staff; and

WHEREAS Code Amendment Application No. 2008-202 proposes to amend the County
Code relative to canceling or rescheduling meetings of the Planning Commission; and

WHEREAS Code Amendment Application No. 2008-202 proposes to amend the scope of
matters heard by the Planning Commission; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 6th
day of March, 2009; 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 was prepared pursuant to the California Government Code,
Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and
considered all of the information in the public record, including the Staff Report and
testimony presented by the public concerning the application; and

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of
Mariposa does hereby recommend that the Board of Supervisors adopt a resolution
directing staff to file a Notice of Exemption for the project pursuant to the California
Environmental Quality Act, Title 14, California Code of Regulations and approving

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the
Board of Supervisors adopt an ordinance approving the proposed text amendments to
Title 2 of the Mariposa County Code.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa
County Code are described in Exhibit A.

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on
the following findings supported by substantial evidence in the public record:

Finding No. 1: There have been occasions when it has been necessary and/or
appropriate to cancel or reschedule a meeting of the Planning Commission due to lack
of items to be heard, applicant request to withdraw an application, or other related reasons. This amendment will grant the Planning Commission the legal authority to cancel or reschedule a meeting when there is no business of the Commission to conduct.

Finding No. 2: Some Planning Commissioners are required to travel a distance to attend a Planning Commission meeting, and this amendment will result in cost savings to the County by eliminating travel expenses for commissioners when an unnecessary meeting is cancelled or rescheduled.

Finding No. 3: There are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project and this amendment will allow flexibility in hearing scheduling. There is a public benefit to enabling the Planning Commission the flexibility to reschedule or cancel a regularly scheduled meeting.

Finding No. 4: The Planning Commission has routinely heard matters not included in the list of items established under County Code Section 2.52.180 and this amendment will bring actions taken by the commission and this section of code into consistency. The legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission will be clearly established. This provides a benefit to the public by providing clarity as to the Planning Commission’s role in the planning process.

Finding No. 5 The Planning Agency, as comprised of the Board of Supervisors, the Planning Commission, and the Planning Department, has under their purview the development, review, and revision of the general plan and area plans. This amendment to Chapter 2.50 of the County Code is consistent with these responsibilities.

ON MOTION BY Commissioner Ross, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 6th day of March, 2009 by the following vote:

AYES: Ross, Francisco, Rudzik, Marsden
NOES: None
EXCUSED: None
ABSTAIN: None

Robert Rudzik, Chairman
Mariposa County Planning Commission

Attest:

Judy Mueller
Secretary to the
Mariposa County Planning Commission
EXHIBIT A

 Proposed Text of Code Amendments

Changes shown in: italicized, underlined type for new text
strike-through type for deleted text

Chapter 2.50

MARIPOSA COUNTY PLANNING AGENCY

2.50.020 Planning agency functions.

In accordance with the provisions of government code section 65103, the planning agency shall perform the following functions:

A. Prepare, periodically review, and revise, as necessary, the general plan and area plans;

B. Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances;

C. Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan;

D. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it;

E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally, concerning implementation of the general plan;

F. Promote the coordination of local plans and programs with the plans and programs of other public agencies:
G. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2.50.030 The board of supervisors.

The board of supervisors, as the legislative body of Mariposa County shall:

A. Exercise the appointing power provided under state law and this code including appointment of the director of planning, the voting members of the planning commission, and such other boards, commissions, committees or advisory groups as may be established in accordance with this code or state law;

B. Adopt a general plan, area plans, and specific plans, regulations and ordinances as required by law and/or are deemed necessary for purposes of conducting a planning program in Mariposa County;

C. Exercise the functions of the "Official Agency" specified in government code section 65401;

D. Be the final appellant body on all matters as specified in this code with respect to planning matters.

2.50.040 The planning commission.

The planning commission shall:

A. Exercise the powers and duties prescribed by statute and this code except those powers and duties specifically reserved or delegated to other divisions of the planning agency;

B. Initiate the preparation of general plans, area plans, specific plans, regulations, programs and legislation necessary to implement the planning programs of the county;

C. Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;

D. Be the advisory agency as designated in Title 16 of this code for the purpose of acting on subdivision proposals;
E. Hear and decide all requests for conditional use permits;

F. Hear and decide all requests for variance permits;

G. Review and act upon all other matters as may be required by this code and/or the General Plan;

H. Review the capital improvement program of the county and make recommendations to the board of supervisors with respect to its consistency with the general plan and specific plans. (Ord. 910 Sec.II, 1997).

2.50.060 The planning and building department.

The planning and building department shall:

A. Perform the duties required for the proper preparation and administration of the general plan, area plans, and specific plans as provided by statute and county code;

B. Provide administrative support and professional advice to the planning commission and board of supervisors;

C. Perform special studies and surveys as directed by the board of supervisors;

D. Implement the building permit and inspection function for the county, including:

1. Enforce within the boundaries or the agreed upon line of assessment of the county all the applicable county ordinances relating to the state's and county's statutory responsibilities under all of the provisions of the State Housing Law and Earthquake Protection Law, Division 13, Parts 1.5 and 3, Section 18300 and 19992 of the Health and Safety Code of the state as applicable; California Code of Regulations, Title 25, Chapters 1, 3, and 5 as applicable and all other applicable provisions of all future ordinances and laws and amendments thereto relating to building. Such enforcement shall include all of the duties prescribed by these laws, rules and regulations including inspecting buildings and structures to verify that construction or alteration work is being done according to approved plans and in accordance with the provisions of applicable state and local building codes and ordinances, and issue all orders required in enforcement.
2. Issue all permits required to be issued by the county environmental health department in enforcement of the building process. "Permit" means any license, certificate, registration, permit, or any other form of authorization required to be issued by the county, or state if applicable, which deals with construction and building, well and septic permits, and excluding permits issued by other county agencies such as the planning commission, LAFCo, etc.

3. To assist in the implementation of these duties, the building permitting and inspections function of the planning and building department shall consist of a chief building inspector and such other employees as designated by the board of supervisors. The chief building inspector shall be responsible for the application of the Uniform Building Code and other applicable building and grading standards within the county of Mariposa except as otherwise specifically provided by county code, under the general direction of the planning director. (Ord. 910 Sec.II, 1997; Ord. 796 Sec.III, 1991).

2.50.080 Duties of planning director.

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

A. Be responsible for directing, supervising and overseeing the staff activities of the department;

B. Prepare and administer the budget of the department;

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

D. Conduct investigations, and prepare reports and recommendations on matters relating to planning in the county as required by government code section 65400(a);

E. Act as official spokesman for the planning agency and prepare such notices, publications and other materials necessary to assure that the planning agency meets its statutory public information requirements as set forth in government code section 65103;

F. Prepare an annual report for the legislative body as set forth in government code section 65400(b);
G. Act as zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of the county's zoning code;

H. Collect and deposit with the Mariposa County Treasurer's Office, all fees and charges for service by the planning and building department, as set forth by this code;

I. Oversee and administer the county environmental review procedures in accordance with the requirements of Title 14 of the California Code of Regulations and Sections 21000 through 21176 Public Resources Code. (Ord. 920 Sec.II, 1997; Ord. 910 Sec.II, 1997; Ord. 796 Sec.IV, 1991; Ord. 653 Sec.1, 1986).

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 held 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.

(all other sections of Chapter 2.52 to remain unchanged)
DRAFT
STATE OF CALIFORNIA
COUNTY OF MARIPOSA BOARD OF SUPERVISORS

MARIPOSA COUNTY RESOLUTION NO. 2009-____

A RESOLUTION APPROVING CODE AMENDMENT APPLICATION NO. 2008-202

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

WHEREAS, Code Amendment Application No. 2008-202 proposes to amend the County Code relative to canceling or rescheduling meetings of the Planning Commission; and

WHEREAS, Code Amendment Application No. 2008-202 proposes to amend the scope of matters heard by the Planning Commission; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 6th day of March, 2009; and

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

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application; and

WHEREAS, Planning Commission adopted Resolution 2009-005, recommending that the Board of Supervisors approve a Notice of Exemption, and further recommending Board of Supervisors approval of the project; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 6th day of October, 2009; and

WHEREAS, amendments to Chapter 2.50 have been removed from the amendment and will be processed at a later date, and

WHEREAS, a Staff Report packet for the Board of Supervisors was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the application, and comments and recommendations from the Planning Commission.
NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby adopt a resolution adopting a Notice of Exemption and directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2008-202.

BE IT FURTHER RESOLVED THAT the approved amendment to Section 2.52.070 for Planning Commission meetings date and time is worded to be similar to meeting date and time for the Board of Supervisors in County Code.

BE IT FURTHER RESOLVED THAT the amendment to Title 2 of the Mariposa County Code will read as follows (new text shown in italicized underlined type and deleted text shown in strike-thru type):

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 held 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.**

**BE IT FURTHER RESOLVED THAT all other text in this Title of County Code shall remain unchanged.**

**BE IT FURTHER RESOLVED THAT this action is based on the following findings supported by substantial evidence in the public record:**

**Finding No. 1:** There have been occasions when it has been necessary and/or appropriate to cancel or reschedule a meeting of the Planning Commission due to lack of items to be heard, applicant request to withdraw an application, or other related reasons. This amendment will grant the Planning Commission the legal authority to cancel or reschedule a meeting when there is no business of the Commission to conduct.

**Finding No. 2:** Some Planning Commissioners are required to travel a distance to attend a Planning Commission meeting, and this amendment will result in cost savings to the County by eliminating travel expenses for commissioners when an unnecessary meeting is cancelled or rescheduled.

**Finding No. 3:** There are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project and this amendment will allow flexibility in hearing.
scheduling. There is a public benefit to enabling the Planning Commission the flexibility to reschedule or cancel a regularly scheduled meeting.

Finding No. 4: The Planning Commission has routinely heard matters not included in the list of items established under County Code Section 2.52.180 and this amendment will bring actions taken by the commission and this section of code into consistency. The legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission will be clearly established. This provides a benefit to the public by providing clarity as to the Planning Commission’s role in the planning process.

BE IT FINALLY RESOLVED THAT the effective date of this resolution shall be the effective date of the ordinance adopted in conjunction with this action.

ON MOTION BY Supervisor __________, seconded by Supervisor __________, this resolution duly passed and adopted this 6th day of October, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________  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
DRAFT
STATE OF CALIFORNIA
COUNTY OF MARIPOSA BOARD OF SUPERVISORS
MARIPOSA COUNTY ORDINANCE NO. ___

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 held 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 6th day of October, 2009, by the following vote:

AYES:

NOES:

ABSTAINED:

EXCUSED:

NOT VOTING:

_________________________________________________________________
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
Exhibit F

MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
    P.O. Box 247
    Mariposa, CA  95338
FROM: Mariposa County
    Board of Supervisors
    P.O. Box 784
    Mariposa, CA  95338

Project Title: County Code Amendment No. 2008-202

Project Location: This amendment affects Mariposa County.

Description of Project: This code amendment will give the Planning Commission the ability to cancel or reschedule their meetings. The amendment would also modify the scope of matters heard by the Planning Commission.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person/Agency Carrying Out Project: County of Mariposa

Exempt Status: General Rule Exemption; Section 15061, CEQA Guidelines.

Reason Why Project Is Exempt: Code Amendment No. 2008-202 is exempt from environmental review pursuant to the General Rule Exemption, Section 15061, of CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project will amend the County Code to provide for rescheduling or canceling Planning Commission meetings, and to specify the list of matters currently heard on a routine basis by the Commission. This project will not result in any new construction on the ground.

Lead Agency Contact Person: Karen Peneschi, Assistant Planner

Phone Number: (209) 966-5151

Kris Schenk
Planning Director

Date
RECOMMENDED ACTION AND JUSTIFICATION: Waive the second Ordinance amending Title 2, Chapter 2.52 of Mariposa County Code filed w/ ordinances.

The Planning Commission recommended approval of this amendment following a public hearing, review of the staff report, and testimony on 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: $

Additional Funding Needed: $

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. 62

Vote - Ayes:  Noes:  

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:  

Revised Dec. 2002
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