MARIPOSA COUNTY ORDINANCE NO. 543

AN INTERIM EMERGENCY ORDINANCE EXTENDING ORDINANCE NO. 497
AND 524 AND AMENDING PROCEDURES OF ORDINANCE 524
PERMIT PROCEDURE ORDINANCE FOR COMMUNITY PLANNING AREAS

The Board of Supervisors of the County of Mariposa,
State of California, do hereby ordain as follows:

SECTION I: FINDINGS AND DECLARATION OF INTENT

A. The Mariposa County Planning Commission is at present developing concise plans for the development of the Community Planning Areas of Fish Camp and Mariposa to be duly adopted as specific plans to the Mariposa County General Plan adopted February 14, 1978.

B. It has been deemed essential by the Planning Commission that development projects within these above-mentioned Community Planning Areas be reviewed to insure the compatibility of the development projects with such planning documents being drafted.

C. In order to avoid potential conflict between proposed development and specific plans being proposed and for the purpose of protecting the public health, safety, and welfare, the Board of Supervisors finds that it is necessary to adopt the regulations set forth in this ordinance.

D. That changes in circumstance and in light of progress made in the developments of the Mariposa and Fish Camp plans have made it necessary to make minor modifications to the original interim emergency ordinance to insure that the original ordinance intent and purpose can be maintained.

SECTION II: AREAS AFFECTED

A. The Community Planning Areas of (1) Fish Camp, and
(2) Mariposa, as generally described in the Mariposa County General Plan adopted February 14, 1978, with boundaries described in Exhibits "A", and "B", and attached hereto, hence forth referred to as CPAs, shall be affected by the provisions of this ordinance.

B. Upon motion of the individual CPA advisory groups and upon Board adoption of a Planning Commission recommendation, the boundaries of the affected CPA may be revised for the purposes of this ordinance.

SECTION III: PERMIT APPROVAL PROCEDURE

A. Permits

1. All construction, major modification and erection of signs, conducted for purposes of developing commercial or multi-family residential improvements shall require a permit. Multi-family development shall be interpreted to mean a dwelling or dwelling group intended to house four or more individual family units.

2. All grading, not conducted under the supervision of the Mariposa County Engineer's office or California Division of Highways, which involves the moving of 50 or more yards of earth on any given site shall require a permit.

B. Review

1. All permits, development proposals, use permits subdivisions, zoning and General Plan amendments shall conform with standards and specifications contained in a report, plan or proposal prepared by a Community Planning Council of Mariposa or Fish Camp, for their respective Community Planning Area (CPA) and where such report, plan or proposal is accepted by the Planning Commission of Mariposa County.

C. Planning Commission Determination

1. Any questions regarding interpretation and application of such standards, procedures, specifications or policies contained in a report, plan or proposal, as accepted by the Planning Commission, shall be resolved by determination of the Planning Commission and is subject to Board appeal.

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2. Where a question of interpretation and application arises, and a Community Planning Council is duly organized and active in the area affected, the Planning Commission may refer the question to the Community Planning Council for review and comment prior to action being taken.

3. All permits and development proposals, not subject to Planning Commission approval, shall be processed administratively by County officials and employees provided that:

   a. Such County officials and employees shall not approve any permit or development proposal that is inconsistent with any Planning Commission approved report, plan or proposal and

   b. Any question regarding permit or development proposal consistency by a County official or employee shall be referred to the Planning Commission for resolution; such question of consistency will be raised in the best judgment of the County official or employee.

D. PLANNING COMMISSION AND BOARD ACTIONS:

The Mariposa County Planning Commission and the Mariposa County Board of Supervisors shall conduct all public hearings, environmental review, conduct project review and approve or deny and process appeals on subdivision proposals, use permits, rezonings and variances in accordance with established County procedures and policies established for such matters. No subdivision, use permit, rezoning or variance shall be approved where such matter is inconsistent with such duly approved report, plan or proposal. Such staff reports prepared pursuant to actions on these matters shall contain a report on plan, report or proposal consistency.

SECTION IV: URGENCY AND TAKING EFFECT

This ordinance is an urgency ordinance and is for the immediate preservation of the public peace, health and welfare.
The facts constituting the urgency are these:

a. Significant concerns have been registered by members of the residents of Mariposa and Fish Camp over the impact of development in the Mariposa and Fish Camp Community Planning areas prior to adoption and implementation of the Community Plan.

b. It would be destructive of the proposed policies, procedures, standards and specifications contained in such reports, plans or proposals recommended by the Mariposa and Fish Camp Community Planning Councils, if during the period they are being studied and subject to enactment, parties seeking to evade the operation of these regulations in the form they may be adopted, should be permitted to subdivide, construct, redevelop or develop, which progress so far as to defeat in whole or in part the ultimate objectives of these policies, procedures, standards and specifications.

c. It is entirely possible that subdivision, construction, redevelopment or development activity contemplated or in progress on land contained within the Mariposa and Fish Camp Community Planning Area may not conform to the policies, procedures and standards under study and any regulations imposed pursuant thereto, thereby destroying the usefulness of the regulations and creating a hazard to the public peace, health and welfare.

SECTION V: PENALTY

Violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable under Chapter 1.28,
the General Penalty provisions, of the Mariposa County Code.

PASSED AND ADOPTED by the Mariposa County Board of
Supervisors this 20th day of May, 1980, by the following vote:

AYES: Erickson, Dalton, Moffitt, Clark, Taber

NOES: None

ABSTAINED: None

ABSENT: None

[Signature]

ERIC J. ERICKSON, Chairman
Board of Supervisors

APPROVED AS TO FORM:

[Signature]

RICHARD K. DENHALTER
County Counsel

ATTEST:

[Signature]

JOAN J. LYNE, Clerk of the Board
There are two large maps attached to the original Ordinance on file.