DEPARTMENT: Planning and Building        BY: Duane Hall        PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No X_)

Resolution amending Resolution No. 92-525 (Mariposa County Appeals Procedure) as described in Exhibit A attached hereto. Justification for the amendment is provided in the attached memorandum.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution No. 92-525 on October 6, 1992 thereby revising the Mariposa County Appeals Procedure.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: 1) Continue matter; 2) Take no action

NEGATIVE ACTION would result in public notices not describing all issues of the appeal which will be considered at the appeal hearing.
MEMORANDUM

March 30, 1993

TO: Mariposa County Board of Supervisors

FROM: Duane Hall, Associate Planner

SUBJECT: Amendment to Mariposa County Appeals Procedure

Recommendation

Staff recommends the Board adopt a resolution amending Resolution No. 92-525 (Mariposa County Appeals Procedure) as described in Exhibit A attached hereto.

Background

The Board of Supervisors adopted Resolution No. 92-525 on October 6, 1992 thereby revising the County Appeals Procedure. The Appeals Procedure includes a requirement that the appellant must file any additional reasons for appeal or any amendments or supplements to the appeal no later that 20 calendar days prior to the appeal hearing date. The objective of this requirement is to ensure that all reasons and issues of the appeal are set before the newspaper and affected property owner notices are published or mailed. This allows the notices to describe all issues of the appeal which will be considered at the appeal hearing.

Discussion

The 20 day deadline for submitting additional reasons for appeal was based on newspaper notices being published by the Mariposa Guide and their day of publication (Monday). The 20 days allowed staff to prepare the notice describing all issues of the appeal and to ensure the minimum 14 day noticing requirement was met. Subsequent to the new Appeals Procedure being adopted, the Board has changed newspapers for the publication of public notices from the Mariposa Guide to the Mariposa Gazette. The Gazette officially publishes on Thursdays and has different publication deadlines than the Guide. Because of the change in the day of
publication for public notices, an additional five (5) days is needed by staff to ensure that all issues of the appeal are described in the public notice and that the minimum 14 day noticing requirement is met.

Staff is recommending an amendment to the Appeals Procedure to require that the appellant file additional reasons for appeal and any amendments or supplements to the appeal no later than 25 days prior to the appeal hearing date. Amendments to the Notice of Appeal form and the appeal information sheet are also recommended to reflect the proposed amendment. The proposed amendments are described in Exhibit A.
EXHIBIT A

Amendments to the Mariposa County Appeals Procedure (County Resolution No. 92-525)

Last paragraph of Section II of Appeals Procedure to read as follows:

If the appeal is determined to be timely filed and complete and is accepted for processing, County Counsel shall forward the appeal to the applicable County official or Department head for processing. Any additional reasons for appeal and any amendments or supplements to the APPEAL shall be filed with the Clerk or Commission Secretary no later than twenty-five (25) twenty-five (25) calendar days prior to the hearing date of the appeal.

Amend Appeals Procedure information sheet and Notice of Appeal form as necessary to reflect the above amendment.