



MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2014-661

MEETING: December 16, 2014

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Rescind 1st Reading of Zoning Ordinance Amendment No. 2014-078;
County of Mariposa

RECOMMENDATION AND JUSTIFICATION:

Rescind Board's Action to Waive First Reading and Introduce an Ordinance Amending Mariposa County Code Title 17 Pursuant to Code Amendment No. 2014-078 to Implement General Plan Provisions for Processing Mining Permits.

Staff recommends the Board of Supervisors:

1. Rescind action taken on November 25, 2014, to waive the first reading and introduce an ordinance amending Mariposa County Code Title 17 pursuant to Code Amendment No. 2014-078 to implement General Plan provisions for processing mining permits;
2. Refer the amendments back for review and recommendation by the Agricultural Advisory Committee and the Planning Commission; and
3. Extend the required reporting period for the Planning Commission's review from forty (40) calendar days to ninety-one (91) calendar days (report must be received no later than Tuesday, March 17, 2015).

This recommendation is based on California Government Code Section 65857 (Planning and Zoning Law); Sections 65854 through 65857 read as follows:

65854. The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance...

65855. After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to the applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

65856. (a) Upon receipt of the recommendation of the planning commission, the legislative body shall hold a public hearing...

65857. The legislative body may approve, modify or disapprove the

recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.

The time extension recommendation is made to allow adequate time to schedule and notice an Agricultural Advisory Committee meeting and Planning Commission hearing.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On June 24, 2014, the Board of Supervisors adopted Resolution No. 2014-306 initiating amendments to Mariposa County Code Title 17 to implement General Plan provisions for processing mining permits and to make text in County Code title 17 consistent with text in the State Surface Mining and Reclamation Act (SMARA) and County Code Title 18, Chapter 18.02.

On November 25, 2014, the Board of Supervisors adopted Resolution No. 2014-610 directing staff to file a Notice of Exemption and approving Zoning Ordinance Amendment No. 2014-078 with findings.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Alternative actions the Board may take include:

1. Give direction regarding specific issues to be addressed through the Agricultural Advisory Committee and Planning Commission review.
2. Refer the item back to the Planning Commission only. If this recommendation is made, the ninety-one (91) day reporting period may be shortened.
3. Modify the recommended ninety-one (91) day Planning Commission reporting period.

Action must be taken based on Government Code.

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, Interim CAO 12/10/2014

RESULT: ADOPTED [UNANIMOUS]
MOVER: John Carrier, District V Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Stetson, Jones, Bibby, Cann, Carrier