

**MARIPOSA COUNTY ORDINANCE NO. 937**

**AN ORDINANCE AMENDING CHAPTER 17.136  
ENTITLED "APPEALS"  
OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, the Board of Supervisors initiated a comprehensive review of the procedures, policies and standards affecting commercial and industrial properties in Mariposa County, including the public review and hearing process to amend the Mariposa County Code and other county policy documents; and

**WHEREAS**, these include amendments to Chapter 17.136 of County Code, entitled "Appeals"; and

**WHEREAS**, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments to Title 17 in accordance with State Law and County Code, and have considered all input, written and verbal; and

**WHEREAS**, the Planning Commission and Board of Supervisors made modifications to the amendments in response to concerns expressed through the public process; and

**WHEREAS**, the amendments are not intended to change the public's referendum rights with respect to the projects which will be acted upon in accordance with this ordinance;

**NOW THEREFORE, The Board of Supervisors** of Mariposa County, a political subdivision of the State of California, does ordain as follows:

**SECTION I:** The Board of Supervisors makes the following findings:

1. The project is exempt from environmental review, pursuant to Section 15061(b)(3) of the California Environmental Quality Act. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The amendments are in the general public interest, and will not have a significant adverse effect on the general public health, safety, peace, and welfare. The amendments address the ability of an aggrieved party to appeal a decision directly to the Board of Supervisors. The amendments do not make any changes in current practices which would result in any impact on the environment.
3. The amendments are desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making. The

amendments insure that County residents have direct access to the elected officials.

4. The amendments conform with the requirements of State law and county policy and are consistent with other guiding policies, goals, policies, and standards of the Mariposa County General Plan. The amendments insure that County residents have direct access to the elected officials. This action is supported by the General Plan Governing Policy Section 2.202. This section establishes policy regarding the administration of the Mariposa County General Plan as follows: "To provide a practical and legally adequate framework to include... implementation programs and measures which can effectively guide the development and growth of Mariposa, yet reserve adequate flexibility in the day-to-day decision process to be responsive to changing needs and circumstances."

**SECTION II:** Chapter 17.136 of the Mariposa County Code is hereby amended in accordance with "Exhibit A" (Amendments are noted as follows: Additions with double underline).


**SECTION III:** This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**SECTION IV: PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County on this 22nd day of Sept., 1998 by the following vote:

AYES:	Balmain, Stewart, Parker
NOES:	Reilly, Pickard
ABSTAINED:	None
EXCUSED:	None

  
\_\_\_\_\_  
PATTI A. REILLY, Chair  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
JEFFREY G. GREEN, County Counsel

# **EXHIBIT A**

(Additions in Double Underline)

## **Chapter 17.136**

### **APPEALS**

#### **Sections:**

- 17.136.010 Appeals generally.
- 17.136.020 Appeals of planning department.
- 17.136.030 Appeals of the planning commission.
- 17.136.040 Public notice and hearing.

#### **17.136.010 Appeals generally.**

Decisions of the planning director or planning commission may be appealed by an applicant or aggrieved person in accordance with this Chapter.

#### **17.136.020 Appeals of planning department.**

Any determination of the planning director which is made in accordance with the provisions of this Title may be appealed to the planning commission or Board of Supervisors within twenty (20) days of written determination. All determinations shall be in writing. Any appeal initiated in accordance with this Chapter shall be filed with the secretary of the planning commission or the clerk of the Board of Supervisors and accompanied by any fee, as may be required by the board of supervisors' policy, and shall be decided by the planning commission or the Board of Supervisors following a hearing. All appeal decisions by the Planning Commission or Board of Supervisors shall be rendered by formal resolution.

#### **17.136.030 Appeals of the planning commission.**

All matter decided by the planning commission in accordance with this Title may be appealed to the Mariposa County board of supervisors within 20 days of determination. Any appeal initiated in accordance with this Chapter shall be filed with the clerk of the board of supervisors. The board, on its own motion, may review any matter decided by the planning commission in accordance with provisions of this Title. All appeal hearings conducted in accordance with the provisions of this Title shall follow such rules of proceedings as prescribed by state law, local code, and adopted policy of the board of supervisors as amended from time to time. (Ord. 704 Sec.1, 1988). All appeal decisions by the Board of Supervisors shall be rendered by formal resolution.

#### **17.136.040 Public notice and hearing.**

An appeal of a determination by the planning director or planning commission shall be considered at a hearing with notice given to all person directly involved. Notice shall be provided in accordance with Chapter 17.132 of this Title. (Ord. 704 Sec.1, 1988).