

MARIPOSA COUNTY ORDINANCE NO. 706

RESCINDING AND REPLACING
SECTIONS 18.02.030, 18.02.040, 18.02.130,
18.02.140, 18.02.170, 18.02.180, AND
18.02.200 OF CHAPTER 18.02
ENTITLED "SURFACE MINING AND RECLAMATION"
OF THE MARIPOSA COUNTY CODE

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY does ordain as follows:

SECTION I: Sections 18.02.030, 18.02.040, 18.02.130, 18.02.140, 18.02.170, 18.02.180 and 18.02.200 of Chapter 18.02 entitled "Surface Mining and Reclamation" of Title 18 entitled "Miscellaneous Land Use Regulations" are rescinded and replaced in their entirety to read as follows:

"18.02.030 Lead agency.

Lead agency is the County of Mariposa. The county board of supervisors (board) and the planning commission, (commission) are the agencies designated to administer this chapter, and the Technical Advisory Committee (TAC) is the processing and advisory agency.

18.02.040 Permit required.

From and after the effective date of the ordinance codified in this chapter, no person, unless the person has a vested interest as defined by Section 2776 of the Act, shall conduct a surface mining operation unless a permit is first obtained from and a reclamation plan is submitted to and approved by the board or commission as required herein, for such operation or change except as set out in Section 18.02.050.

18.02.130 Public hearing--Commission Action.

If an Environmental Impact Report (EIR) for the proposed project is not required, the commission shall hold a public hearing on the application, notice of which shall be given by one publication in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date and by mail notice to owners of property adjoining the proposed operation site. The hearing may be continued at the discretion of the commission.

At the conclusion of deliberation by the commission, the commission shall act to approve, conditionally approve or disapprove the application. The commission must act within fifteen (15) days of the conclusion of the public hearing. Any application approval and permit issuance may be subject to a specified term of permitted operation and timing of reclamation, reasonable conditions and requirements for proper operation and reclamation, guarantees to ensure compliance with terms and

conditions and periodic inspections by the county to ensure such compliance. Members of the TAC may accompany the county employee on such inspections.

18.02.140 Board action.

If an EIR for the proposed project is required the commission shall hold a public hearing on the application, notice of which shall be given by one publication in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date and by mail notice to owners of property adjoining the proposed operation site. The hearing may be continued at the discretion of the commission. Within thirty (30) days after conclusion of the public hearing, the commission shall make recommendations to the board to approve, conditionally approve or disapprove the application.

Within sixty (60) days after conclusion of the public hearing by the commission, the board shall hold a public hearing on the application, notice of which shall be given by one publication in a newspaper of general circulation in the county at least ten (10) days prior to the hearing date and by mail notice to owners of property adjoining the proposed operation site. The hearing may be continued at the discretion of the board. At the conclusion of deliberation by the board, the board shall act to approve, conditionally approve or disapprove the application taking into consideration the recommendation from the commission. The board must act within fifteen (15) days of the conclusion of the public hearing. Any application approval and permit issuance may be subject to a specified term of permitted operation and timing of reclamation, reasonable conditions and requirements for proper operation and reclamation, guarantees to ensure compliance with terms and conditions and periodic inspection by the county to ensure such compliance. Members of the TAC may accompany the county employees on such inspections.

18.02.170 Variances.

Variances (modifications) from an approved reclamation plan may be allowed upon request of the operator and applicant, if they are not one and the same, and upon a finding by the board or commission as required herein, that each requested variance is necessary to achieve the prescribed or higher post-mining use of the reclaimed land.

18.02.180 Appeal--Commission action.

Within fifteen (15) days of any final action taken by the commission, an aggrieved person may file a written appeal with the board of supervisors requesting that the board of supervisors act to confirm, modify or reject the commission action. The board may refer the matter to the commission with specific directions.

18.02.200 Violations.

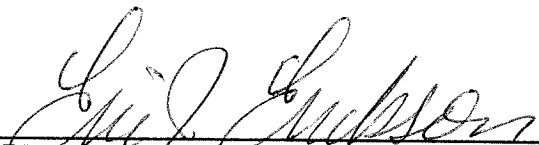
A. Revocation of permit. Following a public hearing held pursuant to Section 18.02.130 or 18.02.140, the board or commission as required herein, may revoke an approved permit on a finding of noncompliance with the terms and conditions thereof.

B. Violation. Violation of any provision of this chapter, including operation without a required permit or following permit revocation, constitutes a misdemeanor; and such operation shall constitute a public nuisance."

SECTION II: This ordinance shall become effective thirty (30) days from the date of final passage pursuant to Government Code Section 25123.


SECTION III: Passed and adopted this 10th day of May, 1988 by the Board of Supervisors of Mariposa County by the following vote:

AYES: Taber, Dalton, Radanovich, Erickson, Baggett
NOES: None
ABSENT: None
ABSTAINED: None



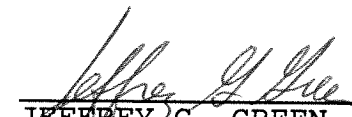
ERIC J. ERICKSON, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JEFFREY G. GREEN
County Counsel