

MARIPOSA COUNTY ORDINANCE NO. 698

AN ORDINANCE AMENDING TITLE 2 OF THE MARIPOSA COUNTY CODE ENTITLED
ADMINISTRATION AND PERSONNEL BY ADDING CHAPTER 2.54, WAWONA
APPEALS BOARD.

WHEREAS, The State of California in Section 65800 et seq. of the Government Code authorizes local agencies to regulate land use through adoption of zoning ordinances, and

WHEREAS, the State of California also requires in Section 65860 of the Government Code that zoning ordinances be consistent with adopted general plans, and

WHEREAS, The County of Mariposa pursuant to Section 65450 of the Government Code has adopted the Land Use Policies and Standards Element of the Wawona Specific Plan as a means of further implementing the County's General Plan, and

WHEREAS, the County of Mariposa has determined it is necessary to amend its zoning ordinance to carry out the intent of the Specific Plan, and

WHEREAS, Section 65900 et seq. of the Government Code provides for creation of a Board of Appeals through adoption by ordinance,

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California, hereby ordains as follows:

SECTION I: Title 2 is amended by adding Chapter 2.54 to read as follows:

CHAPTER 2.54

WAWONA BOARD OF APPEALS

SECTIONS:

- 2.54.005 Authority, purpose, and intent
- 2.54.010 Staff support
- 2.54.015 Membership
- 2.54.020 Qualifications
- 2.54.030 Term, nomination, and appointment
- 2.54.040 Removal from office or vacancy
- 2.54.050 Absence from meeting
- 2.54.060 Meetings - place and time
- 2.54.070 Appointment of chairman and vice-chairman
- 2.54.080 Adoption of rules
- 2.54.090 Duties and powers
- 2.54.100 Quorum
- 2.54.110 Duties of Chairman
- 2.54.120 Vice-Chairman
- 2.54.130 Secretary
- 2.54.140 Matters to be considered by the board
- 2.54.150 Application fees
- 2.54.160 Referrals to the Board
- 2.54.170 Burden of proof
- 2.54.180 General standards in considering applications
- 2.54.190 Conditional approvals
- 2.54.200 Time and manner of Board decisions
- 2.54.210 Time limit on re-applications
- 2.54.220 Permit expirations

2.54.005 Authority, Purpose and Intent. The Wawona Board of Appeals is established pursuant to sections 65900-65904 of the Government Code for the purpose of implementing the policies, procedures and standards of the Wawona Specific Plan. It's intent is to further the cooperative effort between the National Park Service and Mariposa County in the Wawona area, and it shall have jurisdiction only with the Town Planning Area.

2.54.010 Staff Support

A. Secretarial support to the Appeal Board shall be provided by the Secretary to the Planning Commission, and responsibilities shall include the preparation of public notices, agendas, staff reports and minutes.

B. Technical support to the Appeal Board shall be provided by Mariposa County Planning Department, and responsibilities shall include the preparation of special reports, planning documents, and obtaining of such information as the board deems necessary for the discharge of its responsibilities.

2.54.020 Membership. The Wawona Board of Appeals shall consist of five (5) members as follows:

The Supervisor whose district includes the private sector of Section 35; one record property owner of private land in Section 35 to be selected by the Board of Supervisors of Mariposa County; Two employees of the National Park Service selected by the Superintendent of Yosemite National Park; and one Mariposa County resident mutually selected by the Board of Supervisors and the Superintendent of Yosemite National Park.

2.54.030 Term, nomination, and appointment. The term of each member of the appeal board shall be two (2) years. The Board of Supervisors and the Park Superintendent shall nominate one or more candidates for the public member and alternate public member. Appointment by the appeals board shall be at a special meeting scheduled solely for that purpose.

2.54.040 Removal from office or vacancy. A member of the Appeals Board may be removed by a majority vote of the board of supervisors with approval by the Park Superintendent. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the un-expired term.

2.54.050 Absence from meeting. A. If a member of the Appeals Board is absent without cause from three successive meetings of the board, the office becomes vacant automatically. The vacancy is to be filled in the same manner as the original appointment.

B. A member is not absent without cause if his absence is (1) due to illness or (2) unavoidable and the member either prior to or within forty-eight hours after the meeting gives the secretary of the board written notice that he will be absent and giving the reason for the absence.

2.54.060 Meetings - Place and time. The meeting place of the Board of Appeals shall be at the Wawona Community Building, or at such other location approved in advance by the appeal board. The appeal board shall meet only as necessary to consider matters scheduled by the secretary to the board. All meetings shall be held in accordance with Government Code Sections 54950-54961.

2.54.070 Appointment of chairman and vice-chairman. The Appeals

Board shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one year and until the successor of each is appointed and qualified.

2.54.080 Adoption of rules. The Appeals Board shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations.

2.54.090 Duties and powers. In addition to the duties, rights and powers imposed by state law, the Appeals Board shall perform the duties, and has the rights, powers and privileges provided by ordinance or resolution of the board of supervisors.

2.54.100 Quorum. Three members of the Appeals Board shall constitute a quorum for the transaction of business.

2.54.110 Duties of chairman. The chairman shall preside at all meetings of the board. He shall perform all the duties necessary or incidental to his office.

2.54.120 Vice-chairman. The vice-chairman is chairman in the absence or inability of the chairman to act.

2.54.130 Secretary. The secretary shall keep minutes of each meeting and shall record each hearing and official action. The secretary shall examine incoming mail for proper referral and answer correspondence for the board. The secretary shall maintain records of operations and shall perform such other duties as the board may assign.

2.54.140 Scope of matters to be considered by the Board of Appeals. The appeals board shall hear and decide on:

A. An appeal of a Planning Commission action on a variance application;

B. An appeal of a Planning Commission action on a Conditional Use

Permit application;

C. An appeal of a Planning Commission action on a Subdivision application;

D. Disputes between the County and the Park Service regarding issuance of building permits;

2.54.150 Applications--Fees. The fee for appeals, and all other matters covered by this chapter shall be set by resolution, approved by the Board of Supervisors.

2.54.160 Referrals to the Board of Appeals. When a matter requires a determination by the Appeals Board, it shall be filed with the secretary to the board, who shall endorse the date of receipt and set the matter for hearing. Notice shall be provided as required by state law and county code.

2.54.170 Hearing--Burden of proof. The Appeals Board shall hear all persons interest in the matter. The applicant or petitioner has the burden and shall offer competent evidence in support of his application or petition.

2.54.180 General standards in considering application. In considering an application, appeal, or other mater, the board shall consider:

- A. The health, safety and welfare of the residents of Wawona;
- B. The orderly development of the property in Wawona;
- C. The preservation of property values;
- D. The protection of the tax base;
- E. The effect on the neighborhood;
- F. The likelihood of a nuisance being created;
- G. The effect on the general plan of the county;

H. Special conditions or exceptional characteristics of the property and its location or surroundings;

I. The effect upon the purposes for which Yosemite National Park was established; and,

J. Any other matters relevant to the injury.

2.54.190 Board may grant land use permit subject to conditions.

If the Board of Appeals grants a land use permit, it may impose any conditions which it considers necessary to secure the purpose of county regulations and give effect to the general plan.

2.54.200 Time and manner of Board decision. A. After hearing the evidence and considering the application, the Appeals Board shall make its findings and have them entered in the minutes of the Board and shall file them with the planning department. In its findings, the Board shall report the facts found and its conclusion whether a permit, application or appeal is granted, granted with conditions or denied.

2.54.210 Time limit on re-application for same matter. If the Appeals Board denies an application or request, the applicant or his successor in interest may not file a new application or request for substantially the same thing for a period of six months from the date the Board takes action.

2.54.220 Land use permits--Expiration. A land use permit which is not used within the time specified in the permit, or if no time is specified elsewhere in county code, is void one year after the permit is granted. The land use permit is also void one year after the use for which it is issued is discontinued.

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


PASSED AND ADOPTED by the Mariposa County Board of Supervisors this
20th day of October , 1987 by the following vote;

AYES: BAGGETT, DALTON, ERICKSON, RADANOVICH

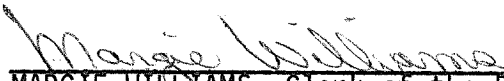
NOES: NONE

EXCUSED: TABER

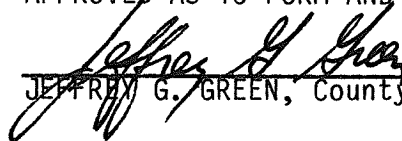
ABSTAINED: NONE


LERoy RADANOVICH, Chairman

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


JEFFREY G. GREEN, County Counsel