

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution

No. 2009-005 A Resolution Recommending an Environmental Determination and Code Amendment Application No. 2008-202, County of Mariposa, Project Proponent

WHEREAS the Mariposa County Planning Commission initiated Code Amendment Application No. 2008-40 based upon the recommendation of the Planning Department staff; and

WHEREAS Code Amendment Application No. 2008-202 proposes to amend the County Code relative to canceling or rescheduling meetings of the Planning Commission; and

WHEREAS Code Amendment Application No. 2008-202 proposes to amend the scope of matters heard by the Planning Commission; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 6th day of March, 2009; and

WHEREAS the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report and testimony presented by the public concerning the application; and

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors adopt a resolution directing staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act, Title 14, California Code of Regulations and approving Code Amendment No. 2008-202.

BE IT FURTHER RESOLVED THAT the Planning Commission recommends that the Board of Supervisors adopt an ordinance approving the proposed text amendments to Title 2 of the Mariposa County Code.

BE IT FURTHER RESOLVED THAT the recommended amendments to the Mariposa County Code are described in Exhibit A.

BE IT FURTHER RESOLVED THAT the recommendation for project approval is based on the following findings supported by substantial evidence in the public record:

Finding No. 1: There have been occasions when it has been necessary and/or appropriate to cancel or reschedule a meeting of the Planning Commission due to lack

of items to be heard, applicant request to withdraw an application, or other related reasons. This amendment will grant the Planning Commission the legal authority to cancel or reschedule a meeting when there is no business of the Commission to conduct.

Finding No. 2: Some Planning Commissioners are required to travel a distance to attend a Planning Commission meeting, and this amendment will result in cost savings to the County by eliminating travel expenses for commissioners when an unnecessary meeting is cancelled or rescheduled.

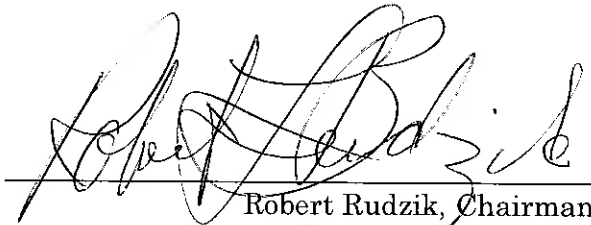
Finding No. 3: There are often significant development projects for which it is a public benefit to conduct the public hearing in the community of the project and this amendment will allow flexibility in hearing scheduling. There is a public benefit to enabling the Planning Commission the flexibility to reschedule or cancel a regularly scheduled meeting.

Finding No. 4: The Planning Commission has routinely heard matters not included in the list of items established under County Code Section 2.52.180 and this amendment will bring actions taken by the commission and this section of code into consistency. The legal authority for the Planning Commission to consider and act upon many of the development applications which are routinely considered by the Commission will be clearly established. This provides a benefit to the public by providing clarity as to the Planning Commission's role in the planning process.

Finding No. 5 The Planning Agency, as comprised of the Board of Supervisors, the Planning Commission, and the Planning Department, has under their purview the development, review, and revision of the general plan and area plans. This amendment to Chapter 2.50 of the County Code is consistent with these responsibilities.

ON MOTION BY Commissioner Ross, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 6th day of March, 2009 by the following vote:

AYES: Ross, Francisco, Rudzik, Marsden
NOES: None
EXCUSED: None
ABSTAIN: None


Robert Rudzik, Chairman
Mariposa County Planning Commission

Attest:

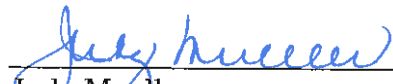

Judy Mueller
Secretary to the
Mariposa County Planning Commission

EXHIBIT A

Proposed Text of Code Amendments

Changes shown in: *italicized, underlined type* for new text
~~strikethrough type~~ for deleted text

Chapter 2.50

MARIPOSA COUNTY PLANNING AGENCY

2.50.020 Planning agency functions.

In accordance with the provisions of government code section 65103, the planning agency shall perform the following functions:

- A. Prepare, periodically review, and revise, as necessary, the general plan *and area plans*;
- B. Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances;
- C. Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan;
- D. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally, concerning implementation of the general plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.

- G. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2.50.030 The board of supervisors.

The board of supervisors, as the legislative body of Mariposa County shall:

- A. Exercise the appointing power provided under state law and this code including appointment of the director of planning, the voting members of the planning commission, and such other boards, commissions, committees or advisory groups as may be established in accordance with this code or state law;
- B. Adopt a general plan, area plans, and specific plans, regulations and ordinances as required by law and/or are deemed necessary for purposes of conducting a planning program in Mariposa County;
- C. Exercise the functions of the "Official Agency" specified in government code section 65401;
- D. Be the final appellant body on all matters as specified in this code with respect to planning matters.

2.50.040 The planning commission.

The planning commission shall:

- A. Exercise the powers and duties prescribed by statute and this code except those powers and duties specifically reserved or delegated to other divisions of the planning agency;
- B. Initiate the preparation of general plans, area plans, specific plans, regulations, programs and legislation necessary to implement the planning programs of the county;
- C. Be generally responsible for advising the legislative body of matters relating to planning, which, in the opinion of the commission, should be studied;
- D. Be the advisory agency as designated in Title 16 of this code for the purpose of acting on subdivision proposals;

- E. Hear and decide all requests for conditional use permits;
- F. Hear and decide all requests for variance permits;
- G. Review and act upon all other matters as may be required by this code and/or the General Plan;
- H. Review the capital improvement program of the county and make recommendations to the board of supervisors with respect to its consistency with the general plan and specific plans. (Ord. 910 Sec.II, 1997).

2.50.060 The planning and building department.

The planning and building department shall:

- A. Perform the duties required for the proper preparation and administration of the general plan, area plans, and specific plans as provided by statute and county code;
- B. Provide administrative support and professional advice to the planning commission and board of supervisors;
- C. Perform special studies and surveys as directed by the board of supervisors;
- D. Implement the building permit and inspection function for the county, including:
 - 1. Enforce within the boundaries or the agreed upon line of assessment of the county all the applicable county ordinances relating to the state's and county's statutory responsibilities under all of the provisions of the State Housing Law and Earthquake Protection Law, Division 13, Parts 1.5 and 3, Section 18300 and 19992 of the Health and Safety Code of the state as applicable; California Code of Regulations, Title 25, Chapters 1, 3, and 5 as applicable and all other applicable provisions of all future ordinances and laws and amendments thereto relating to building. Such enforcement shall include all of the duties prescribed by these laws, rules and regulations including inspecting buildings and structures to verify that construction or alteration work is being done according to approved plans and in accordance with the provisions of applicable state and local building codes and ordinances, and issue all orders required in enforcement.

2. Issue all permits required to be issued by the county environmental health department in enforcement of the building process. "Permit" means any license, certificate, registration, permit, or any other form of authorization required to be issued by the county, or state if applicable, which deals with construction and building, well and septic permits, and excluding permits issued by other county agencies such as the planning commission, LAFCo, etc.
3. To assist in the implementation of these duties, the building permitting and inspections function of the planning and building department shall consist of a chief building inspector and such other employees as designated by the board of supervisors. The chief building inspector shall be responsible for the application of the Uniform Building Code and other applicable building and grading standards within the county of Mariposa except as otherwise specifically provided by county code, under the general direction of the planning director. (Ord. 910 Sec.II, 1997; Ord. 796 Sec.III, 1991).

2.50.080 Duties of planning director.

The planning director, as chief administrator of the planning and building department shall:

- A. Be responsible for directing, supervising and overseeing the staff activities of the department;
- B. Prepare and administer the budget of the department;
- C. Advise the board and commission on matters relating to zoning and land use, subdivisions, building codes and other planning matters, and act as approval authority for projects as specified by this code;
- D. Conduct investigations, *and* prepare reports and recommendations on matters relating to planning in the county as required by government code section 65400(a);
- E. Act as official spokesman for the planning agency and prepare such notices, publications and other materials necessary to assure that the planning agency meets its statutory public information requirements as set forth in government code section 65103;
- F. Prepare an annual report for the legislative body as set forth in government code section 65400(b);

- G. Act as zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of the county's zoning code;
- H. Collect and deposit with the Mariposa County Treasurer's Office, all fees and charges for service by the planning and building department, as set forth by this code;
- I. Oversee and administer the county environmental review procedures in accordance with the requirements of Title 14 of the California Code of Regulations and Sections 21000 through 21176 Public Resources Code. (Ord. 920 Sec.II, 1997; Ord. 910 Sec.II, 1997; Ord. 796 Sec.IV, 1991; Ord. 653 Sec.1, 1986).

Chapter 2.52
PLANNING COMMISSION

Sections:

SECTION 2.52.070 Meetings-Date and time

Regular meetings of the planning commission during the year shall be ~~held~~ scheduled a minimum of two (2) times each month, the date and time to be set by the planning commission. Notwithstanding anything to the contrary contained in this section, the planning commission may, by majority vote, cancel or reschedule any regular meeting of the commission. Any cancellation or rescheduling of a regular planning commission meeting shall be conducted in open session at a regular meeting of the commission.

SECTION 2.52.180 Applications-Scope of matters to be heard by commission

- A. The planning commission shall hear and decide:
 - 1. Each application for conditional use permit, use permit determination or variance permit, including applications for amended conditions or an amended map or site plan;

2. An appeal from an order; requirement, permit, decision, or determination made by the planning department staff;
 3. Each application for a tentative tract map, or revised tentative tract map, including amended conditions;
 4. Each application for a parcel map, or revised parcel map, including amended conditions referred to the commission;
 5. Applications for time extensions;
 6. Applications for a mining permit, reclamation plan and financial assurances, including amendments, as specified in Section 18.02.030, County Code;
 7. Applications for planned residential developments, as specified in Section 17.108.100, County Code;
 8. Applications for planned unit developments, as specified in Section 17.328.030, County Code;
 9. Environmental determinations pursuant to the California Environmental Quality Act and county policy adopted to implement said Act;
 10. Recommendations on filing "tentative notices of violation", and "notices of violation", in accordance with Government Code Section 66499.36
- B. The planning commission shall hear and make a recommendation to the board of supervisors for action on the following:
1. Any application involving land conservation act applications or applications involving amendments or cancellations to existing land conservation act contracts;
 2. Any application involving a general plan, area plan, specific plan or zoning amendment;
 3. Any application involving a timber exclusive zone, including amendments to existing zones;
- C. The planning commission shall hear and decide any other matter that may be designated by resolution or ordinance;
- D. The planning commission shall hear and decide, or shall hear and make a recommendation to the board of supervisors for action on items as assigned or as established by California Government Code;
- E. Where this title designates the planning director as the approval authority for any permit or approval, the planning director may refer the decision to the planning commission.

(all other sections of Chapter 2.52 to remain unchanged)