MARIPOSA COUNTY ORDINANCE NO. 910

AN ORDINANCE AMENDING TITLE 2
ENTITLED “ADMINISTRATION AND PERSONNEL”
OF THE MARIPOSA COUNTY CODE

WHEREAS, the Board of Supervisors initiated a comprehensive Permit Streamlining Program, including the public review and hearing process to amend the Mariposa County Code; and

WHEREAS, these include amendments to Title 2 of County Code, entitled “Administration and Personnel”; and

WHEREAS, the Planning Commission and Board of Supervisors have held duly noticed public hearings on the amendments to Title 2 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 many 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. These amendments to Title 2 are exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines because the amendments to Title 2 are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. There is no possibility that the amendments to Title 2 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 do not make any changes in current practices that would result in any impact on the environment.
3. The amendments clarify the existing county code and eliminate conflicting and duplicative information. The amendments clarify the Planning Commission’s and Planning Director’s roles and responsibilities; remove technical requirements for public notice, hearings, findings and other matters from Title 2 (these requirements are located in Title 17 of County Code); and remove references to committees and procedures which no longer exist.

4. The amendments change review and approval authority for several development applications, but still retain requirements for notice, findings and appeals, and therefore maintain discretionary procedures for all affected applications (requirements for notice and procedures are contained in Title 17 of County Code).

5. The amendments do not change any application procedure from discretionary to ministerial.

6. The amendments promote fairness in implementation by clarifying conflicting ordinance language.

7. The amendment 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 result in the consolidation of findings to aid in the day-to-day operations and processing of applications. Contradictory and conflicting language within code is rectified by the amendments.

8. 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. One purpose of the amendments is to ensure that Title 2 is consistent with State law and other County ordinances and policies, and to remove contradictory and conflicting language. 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: Title 2 of the Mariposa County Code is hereby amended in accordance with “Exhibit A” (Amendments are noted as follows: Additions with double underline and italics, and deletions with strikethrough).

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 7th day of January, 1997 by the following vote:

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

ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

JEFFREY C. GREEN, County Counsel
Chapter 2.50

MARIPOSA COUNTY PLANNING AGENCY

Sections:

2.50.010 Creation and composition of the planning agency.
2.50.020 Planning agency functions.
2.50.030 The board of supervisors.
2.50.040 The planning commission.
2.50.050 Planning department established.
2.50.060 The planning and building department.
2.50.070 Director of planning.
2.50.080 Duties of planning director.

2.50.010 Creation and Composition of the planning agency.
In accordance with Government Code Sections 65100 through 65105, the planning agency of Mariposa County is comprised of the following:

A. The board of supervisors,
B. Planning commission, and the
C. Planning department.

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;
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, 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, specific plan, regulations, programs and legislation necessary to implement the planning program 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 request for variance permits;
G. Review and act upon all site plans and building elevations, off-street parking and loading plans, landscaping plans and drawings, drawings for location, size and design of signs, and other matters as may be required by this code.
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.

2.50.050 Planning department established.
There is hereby created a county department known as the planning department.

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 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 and the state sanitarian in enforcement of the building process normally issued by the following departments: building, health and safety, engineer/surveyor. '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. 796 Sec.III, 1991)

2.50.070 Director of planning
The planning director shall administer the planning and building department. The Mariposa County Board of Supervisors shall appoint a planning director qualified by training, experience and demonstrated ability to manage the affairs of the
planning department. The planning director shall serve at the pleasure of the board of supervisors.

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, land use, subdivisions, building code and other planning matters, and act as approval authority for projects as specified by this code.
D. Conduct investigation, prepare reports and recommendation 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 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. 653 Sec.1, 1986; Ord. 796 Sec.IV, 1991)
Chapter 2.52

PLANNING COMMISSION

Sections:

2.52.010 Membership—Representation of supervisorial district.
2.52.020 Qualifications.
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2.52.350 Land use permits—Expiration.
2.52.360 Land use permits—Grounds for revocation.
2.52.010 Membership--Representation of supervisorial district.

The planning commission shall consist of five (5) members appointed by a majority vote of the board of supervisors. Each supervisorial district shall be represented by one regular member who shall reside within the district. (Ord. 848 Sec.I, 1993; Ord. 632 Sec.1, 1984; Ord. 581 Sec.1, 1982; Ord. 390 Sec.1, 1975; Ord. 387 Sec.2, 1974).

2.52.020 Qualifications.

Each member of the planning commission shall be a qualified elector of the county. (Ord. 387 Sec.3, 1974).

2.52.030 Term, nomination and appointment.

The term of each member of the planning commission shall coincide with the term of the supervisor of the district which the member represents at the time of appointment. Reselection of the supervisor of that district shall not constitute reappointment of the planning commission member. If for any reason a new supervisor is appointed or elected for a district, the term of the planning commission member of that district shall immediately terminate on the date the new supervisor assumes office. The supervisor of each district shall nominate one or more candidates to represent that district for appointment by the board of supervisors. Each member shall serve until his successor is appointed. (Ord. 848 Sec.II, 1993; Ord. 632 Sec.2, 1984; Ord. 581 Sec.2, 1982; Ord. 390 Sec.2, 1975; Ord. 387 Sec.4, 1974).

2.52.040 Removal from office or vacancy.

A member of the commission may be removed by a majority vote of the board of supervisors. 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 unexpired term. (Ord. 387 Sec.5, 1974).

2.52.050 Absence from meeting.
A. If a member of the commission is absent without cause from three successive regular meetings of the commission, the office becomes vacant automatically. The commission shall immediately notify the board of supervisors of the vacancy.
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 commission written notice that he will be absent and giving the reason for the absence. (Ord. 387 Sec.6, 1974).

2.52.060 Meetings-Place.
The regular meeting place of the commission shall be at the Courthouse, Mariposa, California, or at such other location approved in advance by the board of supervisors. (Ord. 581 Sec.3, 1982; Ord.387 Sec.7(a), 1974).

2.52.070 Meetings-Date and time.
Regular meetings of the planning commission during the year shall be held a minimum of two (2) times each month, the date and time to be set by the planning commission. (Ord. 672 Sec.1, 1986; Ord. 581 Sec.4, 1982; Ord. 444 Sec.1, 1977; Ord. 415 Sec.1, 1976; Ord. 400 Art.1, 1975; Ord. 381 Sec.7(b), 1974).

2.52.080 Meetings-Adjourned and special.
Adjourned meetings and special meetings shall be held in accordance with the Ralph M. Brown Act, Government Code Sections 54950-54961, as may be amended from time to time. (Ord. 387 Sec.7(c), 1974).

2.52.090 (Repealed)

2.52.100 Compensation.
Members of the planning commission shall receive such compensation as shall be determined by resolution of the board of supervisors and such resolution shall also determine mileage reimbursement and the compensation of the secretary of the commission for attendance at commission meetings outside normal working hours. (Ord. 567 Sec.1, 1981; Ord. 535 Sec.1, 2, 1980; Ord. 396, 1975; Ord. 387 Sec.8, 1974).

2.52.110 Appointment of chairman, vice chairman and secretary.
The commission shall elect a chairman and vice-chairman from among its members. The chairman and vice-chairman serve for a term of one (1) year and until the successor of each is appointed and qualified. The commission shall appoint a secretary who need not be a member of the commission. (Ord. 387 Sec.9, 1974).
2.52.120 Adoption of rules.
The commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 387 Sec.10, 1974).

2.52.130 Duties and powers.
In addition to the duties, rights and powers imposed by state law, the commission shall perform the duties, and has the rights, powers and privileges provided by ordinance or resolution of the board of supervisors. (Ord. 387 Sec.11, 1974).

2.52.140 Quorum.
Three (3) members of the commission shall constitute a quorum for the transaction of business. (Ord. 581 Sec.5, 1982; Ord. 387 Sec.12, 1974).

2.52.150 Duties of chairman.
The chairman shall preside at all meetings of the commission. He shall appoint all committees and shall perform all the duties necessary or incidental to his office. (Ord. 387 Sec.13(a), 1974).

2.52.160 Vice-chairman.
The vice-chairman is chairman in the absence or inability of the chairman to act. (Ord. 387 Sec.13(b), 1974).

2.52.170 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 commission. The secretary shall maintain records of operations and shall perform such other duties as the commission may assign. (Ord. 576 Sec.1, 1982; Ord. 387(c), 1974).

2.52.180 Applications--Scope of matters to be heard by commission and its committees.
A. The planning commission shall hear and decide:
   1. Each application for land conditional use permit or variance permit;
   2. An appeal from an order, requirement, permit, decision, or determination made by the planning department staff or action of the subdivision committee;
   3. Each application for a tentative tract map;
   4. Each application for a parcel map referred to the commission by the subdivision committee;
   5. Environmental impact reports determinations pursuant to the California Environmental Quality Act and county policy adopted to implement said Act;
   6. Recommendations of the title research committee on filing "tentative notices of violation", and "notices of
violation" and "certificates of compliance" in accordance with Government Code Section 66499.36.

B. The planning commission and its committees shall hear and decide any other matter that may be designated by resolution.

C. All decisions and actions of the planning commission committees shall be ratified by the planning commission before they become effective. (Ord. 716 Sec.1, 1988). 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.

2.52.190 Applications Fees.
The fee for zoning applications, permits, appeals, and environmental impact reports, and all other matters covered by this chapter shall be set by resolution. (Ord. 388 Art.2 Sec.2, 1974).

2.52.200 Applications Refunds.
If the applicant withdraws the application before the county on any matter set forth pursuant to this chapter, the planning commission shall make no refund. (Ord. 388 Art.2 Sec.3, 1974).

2.52.210 Applications--Referral to planning commission.
When a person applies to the county for a rezoning, land conditional use permit, variance or other matter which is under the approval authority of the commission relates to the administration of zoning or land use regulations, the applications shall be referred to the planning commission. The procedure is provided in Sections 2.52.180 through 2.52.250 320. (Ord. 388 Art.2 Sec.4, 1974).

2.52.220 Applications--Receipt-Hearing.
The secretary of the planning commission shall endorse the date of its receipt on the application and set the matter for hearing before the planning commission. (Ord. 388 Art.2 Sec.5, 1974). Procedures for the hearing shall be as specified in Section 17.132 of County Code.

2.52.230 Applications Posting of public notice.
In addition to notice required by any other provision of law, the planning commission shall have a copy of the notice of the time and place of the hearing posted in not less than three (3) places at least ten (10) days before the date set for the hearing. The posting shall be on each public road within three hundred (300) feet of the exterior boundaries of the affected land in conspicuous places at a distance of not less than two hundred (200) feet apart. (Ord. 388 Art.2 Sec.6, 1974).

2.52.240 Applications--Posted notice may be dispensed with in certain cases. If the planning commission finds that the matter to be heard is of county-wide interest and applicability and is not limited to specific property, it may order that the additional posting of the notice as prescribed in Section 2.52.230 need not be done. (Ord. 388 Art.2 Sec.7, 1974).
2.52.250 Applications. Form of notice to be posted.

The notice of the hearing shall be in a newspaper of general circulation within the county. The notice of the hearing which is posted shall contain:

A. The time and place of hearing;
B. A brief description of the land which is the subject of the matter to be heard;
C. The purpose of the hearing and the use of the land which is sought; and
D. Any other information which the planning commission considers necessary or desirable in the public interest. (Ord. 388 Art.2 Sec.6, 1974).

2.52.260 Hearing. Burden of proof of making showing.

The planning commission shall hear all persons interested in the matter. The applicant or petitioner has the burden and shall offer competent evidence in support of his application or petition. (Ord. 388 Art.3 Sec.10, 1974).

2.52.270 General standards in considering application.

In considering an application, petition or matter, the planning commission shall consider:

A. The health, safety and welfare of the residents of the county;
B. The orderly development of the property in the county;
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; and,
I. Any other matters relevant to the injury. (Ord. 388 Art.3 Sec.11, 1974).

2.52.280 Specific findings by commission which are necessary to granting a variance.

A variance (which is a modification of the requirement of zoning regulations as to lot area, lot coverage, width, depth, side yard, rear yard, setback, parking space, height of building, or other regulation affecting the size, shape, or design of a lot or the placement of buildings on it) may not be granted unless the planning commission finds that:

A. Because of special circumstances concerning the subject property including its size, shape, topography, location, and surroundings, the strict application of the zoning regulations will deprive the property of privileges enjoyed by other properties in the vicinity and under the same land use classification; and,
B. The variance, if granted, is not the grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the subject property is located. (Ord. 388 Art.3 Sec.12, 1974).

2.52.290 Commission may grant variance. Subject to conditions.
If the planning commission grants a variance, it may impose any conditions it considers necessary to:

A. Assure that the authorized adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zone in which the subject property is located; and

B. Secure substantially the purpose of county regulations and give effect to the general plan. (Ord. 388 Art.3 Sec.15, 1974).

2.52.300 Specific findings by commission which are necessary to granting land-use permit.

The planning commission may not grant a land-use permit unless it finds that each of the following general conditions exist:

A. The establishment and maintenance of the use applies for conforms with the general plan with regard to traffic, circulation, population density and distribution and other aspects of the general plan considered by the planning commission to be pertinent;

B. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

C. The proposed use will not under the circumstances of the particular case constitute a nuisance or be detrimental to the health, safety, peace, comfort, and general welfare of persons residing in the neighborhood; and,

D. The proposed use is not detrimental to or injurious to property and improvements in the neighborhood and is appropriate to the location, the lot and the neighborhood. (Ord. 388 Art.3 Sec.14, 1974).

2.52.310 Commission may grant land-use permit subject to conditions.

If the planning commission 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. (Ord. 388 Art.3 Sec.15, 1974).

2.52.320 Time and manner of planning commission decision.

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

B. The planning commission shall:

1. Make its findings of fact within thirty five (35) days; entering them into the planning commission minutes and filing them in the planning office; or,

2. Hold for further study if the initial study is insufficient; or
3. Refer the application to the T.A.C. B.R.C. for their recommendation. (Ord. 412 Sec. 1, 1975; Ord. 368 Art. 3 Sec. 16, 1974).

2.52.330 When decision is final.

The decision of the planning commission is final ten (10) days after the date of the findings. (Ord. 368 Art. 3 Sec. 17, 1974).

2.52.340 Time limit on reapplication for same matter.

If the county 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 (6) months from the date the county takes action. (Ord. 388 Art. 3 Sec. 18, 1974).

2.52.350 Land use permits Expiration.

A. A land use permit which is not used within the time specified in the permit, or if no time is specified within one (1) year after the permit is granted, is void.

B. A land use permit is void one (1) year after the use for which it is issued is discontinued. (Ord. 368 Art. 4 Sec. 21, 1974).

2.52.360 Land use permits Grounds for revocation.

The planning commission may revoke a land use permit for one (1) of the following grounds:

A. Violation of any zoning regulation of the county;

B. Violation of a condition of the permit after notice of the violation;

C. Causing or allowing a nuisance in connection with the premises; or

D. Conviction of a violation of state law in connection with the operation of the permitted use. (Ord. 368 Art. 4, Sec. 22, 1974).

2.52.370 Land use permits Procedure for revocation.

If the planning commission finds that there is probable cause for revoking a land use permit, the planning commission shall direct the planning department to give notice of a hearing to the permittee and the public in the same manner as notice of a hearing for an application for a land use permit. The planning commission shall hold a hearing on the question of revoking the permit, and if it finds that grounds for revocation exist, it shall revoke the permit. Any person may appeal from an order granting or denying revocation. (Ord. 368 Art. 4 Sec. 23, 1974).

2.52.380 Duties of planning commission.

The duties of the planning commission shall include but are not limited to the following:

A. It shall develop and maintain a general plan;

B. It shall develop such specific plans as may be necessary or desirable.
C. It shall periodically review the capital improvement program of the county.

D. It shall review and study land use problems which may arise and recommend to the legislative body recommendations for the solution of such problems.

E. It shall perform such other functions as the legislative body may provide. (Ord. 388 Art. 5 Sec. 31, 1974).

2.52.390 Nonconforming uses—Historical sites.
Nothing in Sections 2.52.390 through 2.52.480 shall apply to a designated historical site or building. Historical sites and buildings within Mariposa County shall be inventoried by the historical preservation advisory committee and designated by the board of supervisors. (Ord. 388 Art. 6 Sec. 50, 1974).

2.52.400 (Repealed)

2.52.410 (Repealed)

2.52.420 (Repealed)

2.52.430 (Repealed)

2.52.440 (Repealed)

2.52.450 (Repealed)

2.52.460 (Repealed)

2.52.470 (Repealed)

2.52.480 (Repealed)

2.52.490 Appeals from decision of planning commission.
A person who is dissatisfied with the findings of the planning commission may appeal to the board by filing a notice of appeal with the county within fifteen (15) days after the findings are filed. (Ord. 576 Sec. 3, 1982; Ord. 388 Art. 7 Sec. 61, 1974).

2.52.491 Appeals Fees on appeals.
A notice of appeal must be accompanied by payment to the county clerk of an appeal fee in an amount to be set by resolution of the board of supervisors to be used to defray a portion of the costs incurred in processing the appeal as required by law. Such a notice shall not be accepted for filing unless and until payment of said fee is made. (Ord. 571 Sec. 1, 1981).

2.52.500 Appeals—Time and manner of Conducting hearing to be set by board.
When the appeal is filed, the files and papers shall be transmitted to the board of supervisors. The board of supervisors shall set the matter for hearing by entering an order
fixing the date of the hearing. In the order, the board of supervisors shall designate whether the hearing will be on the record alone, on the record as supplemented by new evidence, on issues designated by the board, or as a new matter. The order shall be made at the first regular meeting of the board after the appeal is filed. The hearing on appeal shall be set for a time not later than sixty (60) days from the date the appeal is taken. (Ord. 388 Art.7 Sec.62, 1974).

2.52.510 Appeals Notice of hearing.

The board of supervisors shall give notice of the time and place of the hearing or appeal by mailing copies of the notice by first class mail, postage prepaid, to the applicant or petitioner, the appellant and to any interested person who has filed a written request for notice with the county. (Ord. 388 Art.7 Sec.63, 1974).

2.52.520 Appeals Hearing and decision by board.

The board of supervisors shall conduct a public hearing on appeals in accordance with rules and procedures adopted by resolution of the board. The decision of the board shall be final. When findings are required by the adopted rules of the board, or by law, the board shall adopt findings and conclusions in writing at or before the second regular meeting of the board following the decision. The written findings and conclusions shall be filed with the county clerk forthwith upon adoption, and the clerk shall certify and deliver a copy thereof to the planning commission, the appellant(s) and other legally interested parties that request them in writing. (Ord. 570 Sec.1, 1981; Ord. 388 Art.7 Sec.65, 1974).

2.52.530 Judicial review.

Pursuant to Code of Civil Procedure Section 1094.6, adopted in Mariposa County, judicial review of any final decision of the board of supervisors may be had only if filed not later than the 90th day following the date on which the decision becomes final. (Ord. 570 Sec.2, 1981).