

DEPARTMENT: Planning

BY: Sarah Williams, Deputy Director  
PHONE: 742-1215

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt a resolution denying Appeal No. 2008-193 with findings, giving direction to staff, and upholding the Planning Commission and Planning Director's actions.

Justification is provided in the Staff Report to Board of Supervisors and the Staff Report to the Planning Commission from Mariposa Planning.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- Although not specific to this appeal, the Board of Supervisors discussed the "Use, Density and Operational Requirements for Agritourism in Mariposa County" on October 2, 2007.
- The Board had a presentation on Ag / Nature Tourism on November 27, 2007.
- The Board hosted two public workshops on Agritourism; one was conducted on January 26, 2008 and the other was conducted on March 1, 2008.
- The Board hosted two educational workshops on Agritourism; one was conducted on August 26, 2008 and the other was conducted on December 9, 2008. Direction to staff was given on December 9, 2008.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Grant the appeal and reverse the Planning Commission's action on the appeal, reversing or modifying the Planning Director's determination or portions of the determination. This action could result in the Planning Department signing off on Building Permit 28681, relative to zoning compliance. This action could result in policy interpretations of the agritourism provisions in code.

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		Staff Report to the Board with Attachments:
Additional Funding Needed: \$		A. Map; B. Notice of Appeal, including: Staff Report to PC with
Source:		Attachments: 1. Map; 2. Notice of Appeal to PC; 3. Planning
Internal Transfer		Director's Determination; 4. Summary of Planning meeting on
Unanticipated Revenue	4/5's vote	6/19/08; 5. History of Permits / Communications from County;
Transfer Between Funds	4/5's vote	6. Correspondence; 7. Draft PC Resolution; 8. Zoning Ordinance
Contingency	4/5's vote	Excerpts; C. PC Minutes; D. PC Resolution; E. Bd. Minutes
( ) General ( ) Other		F. 11/30/07 Corresp; G. CC Corresp; H. Public Corresp.; I. Draft
		Board Resolution;

CLERK'S USE ONLY:

1-27 13-4 Res. No.: 13-42 Ord. No. \_\_\_\_\_  
 1-27 13-4 Vote - Ayes: 4 Noes: 1  
 Absent: \_\_\_\_\_  
 ( ) Approved  
 13-4 Minute Order Attached ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended  
 No Opinion  
 Comments:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

CAO: 



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BRAD ABORN, CHAIR  
JANET BIBBY, VICE CHAIR  
LYLE TURPIN  
KEVIN CANN  
JIM ALLEN

DISTRICT I  
DISTRICT III  
DISTRICT II  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PUBLIC HEARING to Consider Appeal No. 2008-193, an Appeal of the Planning Commission's Denial of Appeal No. 2008-155 for the Planning Director's Zoning Use Determination Resulting from Review of Building Permit No. 27681. Building Permit Applicant and Appellant: Theresa Castaldi.  
Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 13, 2009

#### ACTION AND VOTE:

**2:00 p.m.** Kris Schenk, Planning Director;

PUBLIC HEARING to Consider Appeal No. 2008-193, an Appeal of the Planning Commission's Denial of Appeal No. 2008-155 for the Planning Director's Zoning Use Determination Resulting from Review of Building Permit No. 27681. Building Permit Applicant and Appellant: Theresa Castaldi.

Coyote Springs Ranch is Located at 2100 Old Highway, Catheys Valley and Includes Ten Parcels. The Subject Appeal and Permit Involves APN 016-220-008, a 21.47 Acre Parcel.

**BOARD ACTION:** Chair Aborn advised of the request that was received from the appellant to continue this hearing for two weeks; and he opened the hearing and advised that input would be taken only on the request for the continuance. Jeff Green, Interim County Counsel, advised that the Board will need to take action on the request to continue the appeal, and that it is appropriate for the Board to take public comment on the request for continuance. If the Board denies the request, the Board would take action on the substantive issues of the appeal.

Input from the public was provided by the following:

Ruth Catalan asked for information on the reason for the request for the continuance. Chair Aborn responded that there is a request to try and reach an agreement.

Rita Kidd stated she feels that we have a situation where this appeal was asked to be held over beyond the timeframe for hearing an appeal for the new Board to hear the appeal, and this date was specifically requested by the appellant. Now we have a request for another continuance and she feels that this is stealing time from the County and staff for something that is not even a project. She feels we should have completed Title 17 in the last two years, but have spent time on road standards and agri-tourism – issues related to this project. She asked that the Board look at the reasonableness of what is happening to the County; and she feels that the County is being played and she believes the purpose is to destroy the General Plan implementation. She asked that if this continuance is granted, that another one not be granted.

Jeff Green advised that for purposes of the public to understand the request and the reason his office and Planning has not objected to the continuance request, is that they were approached last week by the agent for Castaldi and he indicated that they would like a week or two to meet with staff to reach an agreement to reduce the two issues in this appeal. The two issues are: 1) size and type of the kitchen facilities based on the Board's approval of six cabins; and 2) what, if anything, does Title 17 allow for activities in the agri-tourism area. He advised that it is the position of staff that the kitchen facilities must be geared to the occupancy of the cabins only as there are no other facilities that would call for a kitchen on the Agriculture Exclusive land. The way Title 17 is currently structured, there are no permitted activities for agri-tourism. He further advised that they hope to be able to come back to the Board on January 27<sup>th</sup> with an agreement signed by the applicant for the Board to approve. Staff will not bring back an agreement relative to these issues that is not consistent with the recommendation that is before the Board today. He further noted that requests for continuances have not been denied in the past.

Gary Fredo advised that he is a neighbor the property, and he expressed concern that this has been dragging on and he feels there should be a plan for what they want to do on the property. He questioned the stability of the pole barn.

Ruth Catalan stated she feels the appeal should be denied at this point, and the applicant can come back with their plan and agreement.

Laurel Siebecker referred to the October 17, 2008 Planning Commission summary and recommendation; and she agrees that there should be a stop to this because the requested use is Resort Commercial and agri-tourism.

Robert Brockman referred to the discussion that a meeting was held relative to working out some deal, and he expressed concern that applicant gets their way and he feels they should be told "no." He noted the applicants are losing a portion a portion of their property by auction on Wednesday. He further feels that if the restaurant is approved as they want, that they will want more.

Shirley Schmelzer stated she feels that the applicants have broken the law many times and this is costing the County and Planning staff; and she feels we should be working on Title 17 and other projects. She feels if the rules are changed for this project, it will set precedence.

Discussion was held relative to the request to grant a continuance. Jeff Green responded to questions from the Board and provided additional input relative to Friday's meeting and the attempt to resolve this by agreement so that all parties know what they are permitted to do. He explained that it was not possible to do that before today and the appellant was asked to submit a written request for the continuance of the hearing. He advised the appellant that the continuance would be a discretionary act of the Board. He further responded that the December 19<sup>th</sup> cut-off date would not apply to submitting a request for a continuance. Further discussion was held regarding the request for a continuance. (M)Turpin, (S)Cann, Res. 09-17 was adopted approving the request for a continuance of the hearing, and the hearing was continued to January 27, 2009 at 10:00 a.m./Ayes: Aborn, Turpin, Cann; Noes: Bibby, Allen.

Kris Schenk advised they are planning to bring the agri-tourism workshop schedule back to the Board on January 27<sup>th</sup> before this hearing. The matter will include a contract with Karen Robb and a resolution to set up the composition and role of the agri-tourism stakeholders committee. He suggested that if anyone is interested in knowing whether an agreement is signed by Castaldi prior to January 27<sup>th</sup>, that they let Planning know and they will provide notification.

Supervisor Bibby clarified that written comments can still be submitted to become a part of the formal record on this appeal. Jeff Green advised that if an agreement is not reached for staff to recommend to the Board on January 27<sup>th</sup>, then the actual appeal hearing will be conducted to take action on the issues of the appeal. He further responded to a question from the Board and advised that because the Board is in the hearing process that information should not be received outside of this public hearing process. If Board members receive any correspondence, it should be delivered to the Clerk of the Board for inclusion in the record. He further advised that the Board members should refrain from any discussion of this matter outside of the formal hearing process. Further discussion relative to the time that was set for the appeal and scheduling the agri-tourism matter. Motion by Turpin to amend the previous action and to set the hearing for 10:30 a.m. was withdrawn following further discussion.

Rita Kidd stated she feels that confusion arises when these two topics are discussed at the same meeting.

Supervisor Bibby noted that the agri-tourism matter is not on the agenda today to be scheduled.

Dennis Bunning stated he feels the Board is going to try to cut a deal behind closed doors, and he feels the agreement will need to come to the Board for input and action. Jeff Green responded that the agreement would have to be brought before the Board for action.

Ruth Catalan clarified the continuance of the appeal and asked whether the proposed agreement would be considered before or after the appeal. Jeff Green advised that if agreement is reached, that would take care of the appeal issues and he assumes the applicant would withdraw the appeal. He provided additional input relative to the process.

Gary Williams, neighboring property owner, provided input on his dealings and problems with Coyote Springs Ranch; and he stated he wants to see things done right.

Cc: Jeffrey G. Green, County Counsel  
File