

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:

Res. No.: 2008-17
Vote - Ayes: 4 Noes: 1
Absent: _____

() Approved
() Minute Order Attached () No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion
Comments:

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

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. (Continued from January 13, 2009)

RESOLUTION 09-42

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on January 27, 2009

ACTION AND VOTE:

10:16 a.m. CALENDAR 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. (Continued from January 13, 2009)

BOARD ACTION: Chair Aborn explained the appeal process for hearing. Kris Schenk informed the Board of recent discussions with Jeff Green, Interim County Counsel, and the appellant to come to an agreement that did not occur. Sarah Williams, Deputy Planning Director, presented staff report and the history of the permits requested. She explained the Planning Department's responsibility in regards to building permits. She stated the primary issue of the appeal is the non-fixed seating area occupancy that is not a permitted use in the Agriculture Exclusive Zone. She explained the process of a Zoning Amendment and a Conditional Use Permit and explained the process relative to the decision makers, the land owners, neighbors, and departments. She informed the Board that staff has relied on direction of the Planning Director's action and the Interim County Counsel's opinion addressing the need for Title 17 update addressing Agri-tourism. Sarah Williams addressed each appeal issue, made her recommendation and informed the Board of options available to the appellant, such as amending her building permit design, use mobile or temporary facilities and an assemblage permit, apply for a Conditional Use Permit, apply for a General Plan Zoning Amendment or await the outcome of the Agri-tourism code amendments. Staff concluded her presentation and stated it is not the plan of the department to shut down Coyote Springs Ranch. Clarification was made that the only action today is to either deny or approve the appeal. Further

clarification was made as to the occupancy of the eating area being addressed in the Planning Director's decision and relative to the cabins that were authorized in October of 2007, which enables the appellant to build the cabins at this time.

The public portion of the hearing was opened and input was provided by the following:

Theresa Castaldi, Appellant, gave a brief history of the establishment of the ranch. She read a portion of the General Plan regarding Agri-tourism, and an email and letter from the Planning Department relative to serving guests. She stated she built the kitchen to the required commercial specifications and is appealing the denial of her kitchen. She responded to questions from the Board relative to the number of overnight and day guests to be served at Coyote Springs Ranch and what the hours of operations would be.

Al Castaldi, Appellant, responded to questions regarding the number of guests that could be served. He distributed memos from the Building and Planning Departments, and raised issues relative to the contents. He stated he feels the County is trying to limit this operation. He responded to questions of the Board relative to overnight guests permitted with the 6 cabins, the allowance of day guests with an assemblage permit and the probability of hiring local residents to operate the kitchen. He requested that the Board approve the appeal stating he believes they are within the Agri-tourism guidelines. He responded to questions of the Board relative to the Coyote Springs Ranch advertisement of a full service restaurant/conference center.

Jay Castaldi, Appellant, stated there won't be set hours for the kitchen. He read a letter from the Planning Department regarding Agriculture commenting on staff's conclusion regarding Agriculture use relative to Agri-tourism not needing a Conditional Use Permit. He spoke of possible employment on the ranch and benefits to the community and concluded stating they want a cattle ranch not a restaurant.

Input from the public was provided by the following in support of the appeal:

Friend of Jay Castaldi from Big Bear spoke in support of approving the appeal.

MaryAnn Huff, President of Mariposa County Chamber of Commerce, stated the general public has asked them to come and comment on the appeal, she can only comment on the economic development. She brought up discussion regarding the maximum allowance of guests allowed for the kitchen relative to the cabins.

Norm Miller spoke in support of the appeal and asked for clarification relative to the occupancy of the kitchen.

Ken Pulvino, Greeley Hill property owner, spoke in support of the appeal and the kitchen. He commented that Sarah Williams is a valued and talented employee and trusted in the community. He expressed concern relative to staff stating facts regarding Agri-tourism as if it was written in stone in a very gray area.

Katy Gorham spoke in support of the appeal and is in support of the ranch as an education for her boys. She requested the Board please allow the kitchen.

Jeanetta Phillips spoke in favor of the kitchen and urged the Board's approval.

Deanne Kiley spoke in favor of the kitchen acknowledging Theresa Castaldi for the ranch.

Joslin Hume, an Agri-tourist from Merced, spoke in support of the appeal, commenting that her family recently visited Coyote Springs Ranch and would have liked a meal.

Rick Lobaugh spoke in support of the appeal, commenting that Theresa Castaldi has been allowed cabins and is allowed to serve her guests; therefore, she needs a kitchen.

Brent Smith encouraged the Board to support the appeal; he feels it will serve the county well to encourage projects like this.

Input from the public was provided by the following in opposition to the appeal:

Bill McKay spoke opposing the appeal, commented that this has gone on for too long, he expressed concern relative to starting the kitchen without a permit and feels we need to get away from the emotion and get back to the rules and regulations.

Bart Brown spoke opposing the appeal; recommends Theresa Castaldi apply for a Conditional Use Permit. He thanked the Departments for their work on this project.

Rita Kidd offered the Board a publication called "What Can I Do On My Land" put out by UC Davis. She commented that the Planning Department requested a business plan so they could better assist Coyote Springs Ranch. She read the AB1258 Home Stay Bill regarding Agriculture to ensure it is included in the record, stating the previous Board cited this bill in a prior approval. She feels the County has been in support of Coyote Springs Ranch and that we need to stay focused on the issue at hand.

Debbie Lester spoke opposing the appeal stating this should be a Conditional Use Permit for Agri-tourism use.

Robert Brockman spoke opposing the appeal stating there is a restaurant in Catheys valley and Sal's Taco's would be willing to go to the ranch.

Mike McCreary spoke opposing the appeal and feels this would set precedence; he questioned what could happen if this is approved.

Rebuttal by appellant:

Al Castaldi, spoke in rebuttal stating this issue is for an Agriculture Exclusive Agri-tourism guest ranch capability which has been permitted. He commented on the safety issue during the events. He concluded that the kitchen will not have set hours and it will be for their guests only.

Theresa Castaldi stated this issue today is regarding the kitchen only, and then read a letter from the Planning Department relative to Agri-tourism in Agricultural Exclusive zoning.

12:20 p.m. Recess

12:37 p.m. Reconvene

Public portion of the hearing was closed.

Sarah Williams responded to the Board stating the recommended action to adopt a resolution upholding the Planning Commission's action and deny the building permit as it was submitted. Staff's recommendation goes beyond that and has the effect of giving direction to the Building Director to establish a maximum occupancy for the six rental cabins that the Board previously authorized and to limit the occupancy of the eating facility and tie it to the occupancy of the six cabins as determined by the Building Director. She stated the intent is not to shut Coyote Springs Ranch down; it is to enable Theresa Castaldi to redesign the plans to get a permit for the eating facility. Staff concluded, reading findings as stated in the staff report.

Staff responded to questions from the Board relative to the assemblage permit, day guests, non-permanent facilities for serving guests and Coyote Springs Ranch continuing with temporary events; relative to the Board having the authority to make this happen; going back to the definition of Agri-tourism; regarding the assemblage permit process and the Conditional Use Permit process; and relative to this hearing addressing the appeal only.

Board commenced with deliberations.

Discussion was held relative to the need to define the rules for Agri-tourism. (M)Bibby, (S)Allen, Res. 09-42 was adopted denying Appeal No. 2008-193 with findings and recommended action to staff and upholding the Planning Commission and Planning Director's actions. Supervisor Bibby asked staff for clarification relative to the motion; and staff recommended the draft resolution be adopted. This is agreeable with the maker and the second. Under discussion by Supervisor Turpin and Interim County Counsel, the next step would be for the appellant to meet with the Building Department and amend the building permit application for the eating facility based upon applicable codes; and if at the end of that process the appellant is not satisfied with the determination of the Building Department this decision can be appealed as well. Staff clarified that a permanent kitchen could possibly be obtained through a Conditional Use permit. Ayes/Aborn, Bibby, Cann, Allen. Noes: Turpin. The hearing was closed.

Cc: Jeffrey G. Green, Interim County Counsel
File



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

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 27th 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 19th 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 27th 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 27th, 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 27th, 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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 09-42

A resolution denying Appeal No. 2008-193, upholding the Planning Commission's denial of Appeal No. 2008-155, giving direction to staff, and upholding the Planning Director's Determination and Findings regarding Building Permit No. 27681 and Agritourism Uses Occurring on APN 016-220-008; a 21.47 acre parcel located at 2100 Old Highway in Catheys Valley; part of Coyote Springs Ranch.

WHEREAS the Planning Director wrote a determination denying Building Permit No. 27681 with Findings on August 6, 2008 for Theresa Castaldi for property located at 2100 Old Highway in Catheys Valley, also known as Assessor Parcel Number 016-220-008 and hereinafter referred to as "subject property"; and

WHEREAS the authority for the Planning Director's determination is established in Section 17.04.050.G of County Code and Section 17.08.120.A of County Code; and

WHEREAS the subject property is part of the Coyote Springs Ranch; and

WHEREAS an appeal of the Planning Director's action was received from Theresa Castaldi and that appeal was complete for processing on the 5th day of September, 2008; and

WHEREAS that appeal is known as Appeal No. 2008-155; and

WHEREAS Appeal No. 2008-155 was made to the Planning Commission; and

WHEREAS processing of Appeal No. 2008-155 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Planning Commission public hearing to consider Appeal No. 2008-155 was scheduled for the 17th day of October 2008; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS the Planning Commission did hold a public hearing on Appeal No. 2008-155 on October 17, 2008 and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public concerning the Planning Director Determination and Findings, the Notice of Appeal, and the comments of the appellant; and

WHEREAS at the public hearing on October 17, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-32, denying Appeal No. 2008-155 and upholding the Planning Director's determination dated August 6, 2008, including the denial of Building Permit No. 27681

and information regarding the appropriate permitting process for uses at Coyote Springs Ranch, and all determinations and findings; and

WHEREAS an appeal of the Planning Commission's action was received from Theresa Castaldi and that appeal was complete for processing on the 6th day of November, 2008; and

WHEREAS that appeal is known as Appeal No. 2008-193; and

WHEREAS Appeal No. 2008-193 was made to the Board of Supervisors; and

WHEREAS processing of Appeal No. 2008-193 was conducted pursuant to Mariposa County Resolution No. 02-525; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled to consider Appeal No. 2008-193 for the 13th day of January 2009; and

WHEREAS a Staff Report addressing the Notice of Appeal was prepared pursuant to local administrative procedures; and

WHEREAS on the 13th day of January 2009, the Board of Supervisors continued the public hearing to the 27th day of January 2009 as requested by the appellant; and

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 2008-193 on the 27th day of January 2009 and considered all of the information in the public record, including the Staff Report packet, information and testimony presented by the public at the public hearing on the 27th day of January 2009, the Notice of Appeal, and the comments of the appellant.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby deny Appeal No. 2008-193.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby:

- 1) Deny Appeal No. 2008-193;
- 2) Uphold the Planning Commission's action denying Appeal 2008-155 and uphold the Planning Director's Determination dated August 6, 2008, including the denial of Building Permit No. 27681, all determinations in the correspondence, and all findings;
- 3) Direct the Building Director to establish a maximum occupancy (combined) for the six (6) rental cabins as they have been submitted and plan checked for Building Permits 26937, 26938, 26939, 26940, 26941, and 26942;
- 4) Find that an "eating facility", defined as containing a kitchen and a dining area and restroom facilities, is consistent with zoning for the Coyote Springs Ranch, as long as the maximum occupancy for the "eating facility" does not exceed the maximum occupancy (combined) of the six rental cabins as described in item 3 above as defined by the Building Director pursuant to the 2007 Uniform Building Code;

- 5) Direct that the issuance of a Building Permit for the "eating facility" as defined in item 4 above is contingent upon the issuance of Building Permits for all six (6) of the cabins as well as the Health Department clearance for the proposed "eating facility";
- 6) Find that Chapter 17.40, Mariposa County Code does not contain sufficient regulations and standards to allow a determination of permitted uses in Agritourism; and
- 7) Direct that, until regulations and standards are established, property owners are governed by existing rules, regulations and standards regarding the conduct of events and activities on their land.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby incorporate the factual basis and operating provisions from the 11/30/07 Permit Authorization as contained in Exhibit A of this Resolution as these were not appealed or modified.

BE IT FINALLY RESOLVED THAT the denial of Appeal No. 2008-193 is based upon the discussion of Appeal Issues as contained in the Staff Report to the Board of Supervisors and the Staff Report to the Planning Commission and is also hereby incorporated into this resolution by reference.

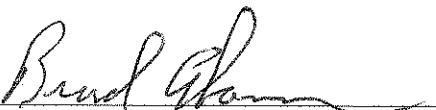
ON MOTION BY Supervisor Bibby, seconded by Supervisor Allen, this resolution is duly passed and adopted this 27th day of January, 2009 by the following vote:

AYES: Aborn, Bibby, Cann, and Allen

NOES: Turpin

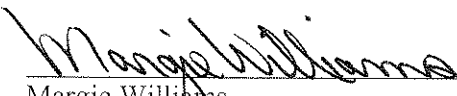
EXCUSED: None

ABSTAIN: None



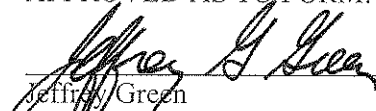
Brad Aborn, Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Jeffrey G. Green
Interim County Counsel

Exhibit A

Factual Basis:

1. The six (6) cabins requested under Permits 26937, 26038, 26939, 26940, 26941, 26942, and the septic facilities for the cabins requested under Permit No. 26819, are proposed to be located on APN 016-220-008. This parcel is a 21.74 acre parcel in the AE zone. The authorization for these permits is pursuant to prior Mariposa County Board of Supervisors' action.
2. The authorization for the cabin permits is based upon the map submitted to the Planning Department on August 13, 2007 entitled "Coyote Springs Guest Ranch", which shows a total of 10 parcels "checked" as part of the ranch. These 10 parcels include:
 - APN 016-220-008; 21.74 acres; ownership is Theresa Castaldi.
 - APN 016-160-082; 129.20 acres; ownership is Larry and Patricia Oakander.
 - APN 016-160-023; 105 acres; ownership is Patricia Oakander.
 - APN 016-160-071; 103.8 acres; LCA Contract; ownership is Larry and Patricia Oakander.
 - APN 016-170-091; 52.6 acres; LCA Contract; ownership is Larry and Patricia Oakander.
 - APN 016-170-093; 39.4 acres; LCA Contract; ownership is Larry and Patricia Oakander.
 - APN 016-170-094; 137.8 acres; LCA Contract; ownership is Theresa Castaldi.
 - APN 016-160-074; 160 acres; LCA Contract; ownership is Larry and Patricia Oakander.
 - APN 016-180-008; 160 acres; LCA Contract; ownership is Larry and Patricia Oakander.
 - APN 016-180-009; 31.4 acres; LCA Contract; ownership is Larry and Patricia Oakander.

The total ranch acreage, as shown on this map, is 940.94 acres.

3. The permit authorization is based upon the "Livestock and Agricultural Information" submitted on August 7, 2007 to the Planning Department which indicates that the 940.94-acre ranch is used for a year-round, fall-calving, cow-calf operation (approximately 120 pair). The ranch maintains its own bulls as well. This agricultural production use was also described at the Agricultural Advisory Committee meeting on August 2, 2007. This production use ("food and fiber") is what qualifies the Coyote Springs Ranch for the Agritourism permits.
4. The permit authorization takes into account that during 2007, the Coyote Springs Ranch grew several acres of oat hay to supplement purchased hay for stock. This crop is considered to be part of the ranch's agricultural production.
5. The permit authorization considers and incorporates the Board of Supervisors' discussion and general direction regarding the scope of permitted uses under the new General Plan at their meeting on October 2, 2007.
6. Relative to the California Alcoholic Beverage Control (ABC) Application for a Permit, the Coyote Springs Ranch is authorized to prepare, sell and serve food and alcoholic beverages to Agritourism guests, in conjunction with an authorized Agritourism use. However, as an Agritourism facility, the ranch is not approved as a restaurant or a bar which can be open to the general public.

Operating Provisions

- Provision 1. The ranch operations occurring as described above must continue as the primary use of the ranch property. If at any time the ranch ceases to conduct a commercial cattle operation on the 940.94-acre ranch and there is no longer a viable agricultural production use occurring on the 940.94-acre Coyote Springs Ranch, the rental cabins approved as an Agritourism Use for the ranch shall not be permitted and the rental use and all occupancy becomes void and must cease. This provision is based upon the definition of Agritourism as contained in the Zoning Ordinance.*
- Provision 2. This authorization is written specifically for the Coyote Springs Guest Ranch and only applies to the Coyote Springs Guest Ranch. It is not a precedent for any other Agritourism uses or other agricultural properties in Mariposa County.*
- Provision 3. This Agritourism use is authorized pending the Board of Supervisors' adoption of definitive Agritourism standards in the County zoning regulations. The Board of Supervisors has directed that Countywide standards are to be developed for Agritourism and related visitor activities. Once the zoning standards have been defined and adopted, the Coyote Springs visitor activities and any future Agritourism uses will be subject to the updated standards. Having clear, objective standards makes the processing of obtaining permits easier for the business and for all those involved in Agritourism operations.*
- Provision 4. Unless the standards for an Agritourism use change, the ranch will not be able to have more than a total of six (6) rental units on the Coyote Springs Ranch. If the ranch wishes to have more than six rentals, the ranch should submit a discretionary use permit application to operate as a guest ranch or a General Plan/Zoning Amendment and CIM Plan.*
- Provision 5. The operations that constitute the primary agriculture production usage of the Coyote Springs Ranch are conducted, linked to and may occur on all of the ten (10) ranch parcels. Some of these parcels are under Williamson Act contract. The information submitted to the County by Coyote Springs Ranch owners indicates that the Agritourism and visitor activities are carried out as a joint program involving all parcels and all owners of the Coyote Springs Guest Ranch, including Theresa Castaldi and Patricia and Larry Oakander. If ownership, management or operational control of portions of the ranch become separated in the future, such that the primary agriculture use of the ranch and the Agritourism uses are no longer conducted jointly, then the cabin rental and visitor facilities shall become an invalid Agritourism use and must cease.*
- Provision 6. As an Agritourism facility, the sale and service of food and alcoholic beverages must be only to Agritourism guests who are visiting the facility in conjunction with an authorized Agritourism use. The facility is not approved as a restaurant or a bar which may be open to the general public.*
- Provision 7. When the building inspection process is nearing the "final" (final inspection) for the cabin facilities, the owners will need to obtain a Transient Occupancy Tax (TOT) Certificate from the Planning Department for the cabins. There is an application for these certificates. These certificates must be posted in each cabin prior to renting them to the guests of your ranch.*