

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: December 8, 2009
AGENDA ITEM NO. CA-7

DEPARTMENT: Building

BY: Dennis Wister, Interim Director
PHONE: 966-3934

RECOMMENDED ACTION AND JUSTIFICATION:

Amend Resolution 09-536 which granted appeal 2009-01 reversing the Building Director's Determination of Building Permit No. 28274 to reflect the correct permit number in the body of the resolution. The permit number made mention of in appeal 09-01 was the incorrect permit number. The correct permit number is in the title of the resolution but is not consistent throughout the body of the resolution.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- Resolution 09-42 required permit 09-28274 to be issued only after all six permits for the rental cabins have been issued and the maximum occupancy determined for the six rental cabins as they had been submitted.
- Appeal 2009-01 was concerning the corrections for permit 09-28274. This was stated in the title of the resolution and the appeal paperwork but was incorrectly stated in the body of the resolution.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Allow Resolution 09-536 to remain unchanged, keeping the inconsistency of the permit numbers.

Financial Impact? () Yes (X) No Current FY Cost: \$ Annual Recurring Cost: \$
 Budgeted In Current FY? () Yes () No () Partially Funded *Formal Res.*
 Amount in Budget: \$ _____
 Additional Funding Needed: \$ _____
 Source: _____
 Internal Transfer _____
 Unanticipated Revenue _____ 4/5's vote
 Transfer Between Funds _____ 4/5's vote
 Contingency _____ 4/5's vote
 () General () Other

CLERK'S USE ONLY:

Res. No.: 09-594 Ord. No. _____
 Vote - Ayes: 4 Noes: _____
 Absent: Abern
 Approved
 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: *[Signature]*

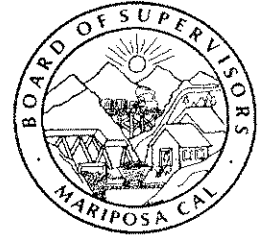


COUNTY of MARIPOSA

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: DENNIS WISTER, Interim Building Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Consider Items Removed from the Consent Agenda
RESOLUTION 09-594

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on December 8, 2009

ACTION AND VOTE:

Consider Items Removed from the Consent Agenda

Item 7 – Supervisor Cann initiated discussion with Dennis Wister, Interim Building Director, relative to the formal resolution and the authority for the Building Director's determination. Steve Dahlem, County Counsel, provided input on the authority of the Director to issue permits. Supervisor Cann asked about the status of issuing permits for the six cabins and the conditions in Resolution No. 09-42 that requires the issuance of the permits for the cabins before issuing the permits for the restrooms and eating facility. Supervisor Bibby commented on the Plumbing Code. Rick Benson noted that the action requested today is to amend the resolution and is separate from the action that was taken on the appeal hearing. (M)Cann, (S)Turpin, item 7 was approved/Ayes: Turpin, Bibby, Cann, Allen; Excused: Aborn.

CA-7 Amend Resolution 09-536 Which Granted Appeal 2009-01 Reversing the Building Director's Determination for Building Permit No. 28274 for a Bathroom Facility for Coyote Springs Ranch to Reflect the Correct Permit Number in the Body of the Resolution (Interim Building Director); Res. 09-594

Cc: File

Original 09-536 filed as 536

Res. 09-594 was approved correcting the Bldg permit # through out Res 09-536
correct

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 09-536

A resolution granting Appeal No. 2009-01, reversing the Building Director's Determination and Findings regarding Building Permit No. 28274 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 Building Director wrote a determination denying Building Permit No. 27681 as applied for 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 Building Director's determination is established in California Building Code; and

WHEREAS processing of Appeal No. 09-01 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. 09-01 for the 3rd day of November 2009; and

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

WHEREAS the Board of Supervisors did hold a public hearing on Appeal No. 09-01 on November 3, 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 November 3rd, 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:

- 1) Grant Appeal No. 2009-01;
- 2) Reverse the determination of the Building Director finding that that the plans must be revised to show two single-accommodation, accessibility-compliant toilet rooms that have one toilet and one lavatory each to permit up to fifty (50) men and fifty (50) women (100 total) to utilize the sanitary facilities pursuant to the requirements of Resolution 09-42.
- 3) Allow the issuance of the bathrooms on permit # 27681 as proposed with two multi-accommodation, separate-sex bathrooms containing three toilets in the women's room and two toilets and one urinal in the men's room when all corrections to the plans, excluding correction number 1, have been made and all other provisions of Resolution 09-42 have been met.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby find that a bathroom facility, such as proposed, could be slightly larger in terms of occupancy and still be consistent with the Board of Supervisor's previous action of January 27, 2009. The approved use at Coyote Springs Ranch by the Board's action of January 27, 2009 does not change. The approved use at Coyote Springs Ranch for which this bathroom facility is a part is six (6) cabins and an eating facility as defined to serve guests at the cabins.

BE IT FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby incorporate the factual basis from the correction notice as contained in Exhibit A of this Resolution as these were not appealed or modified.

BE IT FINALLY RESOLVED THAT the granting of Appeal No. 2009-01 is based upon the discussion of Appeal Issues at the hearing hereby incorporated into this resolution by reference.

ON MOTION BY Supervisor Cann, seconded by Supervisor Turpin, this resolution is duly passed and adopted this 3rd day of November, 2009 by the following vote:

AYES: TURPIN, CANN, ALLEN

NOES: ABORN, BIBBY

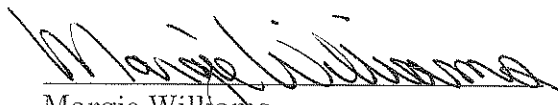
EXCUSED: NONE

ABSTAIN: NONE



Brad Aborn, Chairman
Mariposa County Board of Supervisors

ATTEST:



Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:



Steven W. Dahlem
County Counsel