
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2006-26

**A resolution denying Appeal No. 2006-50 and upholding the
Planning Director's Notice of Violation regarding APN 007-080-
052 at 8321 Hunters Valley Road**

WHEREAS a Notice of Intent to Find Zoning Ordinance Violation was issued by the Planning Director on the 12th day of December 2005, to Renee Adamson, property owner, for property located at 8321 Hunters Valley Road, also known as Assessor Parcel Number 007-080-052 and hereinafter referred to as "subject property"; and

WHEREAS on the 9th day of January 2006, the Planning Director received a written response to the Notice of Intent from Renee Adamson; and

WHEREAS the Planning Director considered the information contained in the response from Renee Adamson; and

WHEREAS a Notice of Zoning Ordinance Violation was issued by the Planning Director on the 31st day of January 2006, to Renee Adamson for the subject property; and

WHEREAS the Planning Director determined that the current use of the subject property does not comply with Zoning Ordinance regulations; and

WHEREAS the Planning Director determined that the use of the subject property is not solely for recreational purposes, but primarily for residential purposes; and

WHEREAS the Planning Director's determination that the use of the property is primarily for residential purposes was based upon consideration of definitions as well as characteristics and history of occupancy of the site; and

WHEREAS the Planning Director determined that the frequency of site occupancy is similar to a residential occupancy of a property and is not allowed as non-commercial recreation; and

WHEREAS the Planning Director's determination was based upon a finding that this frequency of occupancy, like a residential occupancy, has impacts which are regulated by Health, Safety and Building Codes. These include, but are not limited to, requirements for a permitted septic disposal system, and requirements for a habitable structure which meets current building, plumbing and electrical codes; and

WHEREAS the Planning Director determined that non-commercial recreation as a permitted use in the Mountain General zone is not an allowance for unlimited camping or unlimited non-commercial recreation, such as regular and frequent occupancy of a permanently parked RV, as this would circumvent important Health, Safety and Building codes; and

WHEREAS the Planning Director required the following be immediately done as resolution for the identified violations:

- (1) Cease and remove the residential camping use and camping facilities from the property; and
- (2) Cease the "storage use" and remove all stored items from the property; and
- (3) Remove all junk materials that can be observed from any public street, road or easement, or property line. Disposal of junk materials must be to an appropriate disposal facility; and

WHEREAS an appeal of the Planning Director's Notice of Violation was submitted on the 21st day of February 2006 and that appeal is known as Appeal No. 2006-50; and

WHEREAS the appellant is Renee Adamson, property owner; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for the 2nd day of June 2006; and

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

WHEREAS on the 2nd day of June 2006 the Planning Commission continued the public hearing for Appeal No. 2006-50 to the 16th day of June 2006 at 9:00 a.m. or as soon thereafter as possible. The continuance was based upon two verbal requests from the appellant for a continuance made to staff via telephone voice mail prior to the public hearing, as well as the scheduling of an emergency meeting of the Board of Supervisors; and

WHEREAS the appellant was in attendance at the Planning Commission meeting on the 2nd day of June 2006; and

WHEREAS on the 16th day of June 2006 the Planning Commission did hold a public hearing on Appeal No. 2006-50 and considered all of the information in the public record, including the Staff Report packet, the Notice of Appeal, and the comments of the appellant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Appeal No. 2006-50.

BE IT FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby uphold the Planning Director's Notice of Violation dated January 31, 2006

and hereby incorporates this document, including the basis for the findings of violation, into this resolution by reference.

BE IT FINALLY RESOLVED THAT the denial of Appeal No. 2006-50 is based upon the discussion of the Notice of Appeal as contained in the Staff Report to the Planning Commission also hereby incorporated into this resolution by reference.

BE IT FURTHER RESOLVED THAT the Planning Commission makes the following determinations and findings in support of their action to deny Appeal No. 2006-50:

1. The current use of the subject property and the camping structures on the subject property as described in the January 31, 2006 Notice of Violation do not comply with Zoning Ordinance regulations.
2. The use of the subject property as described in the January 31, 2006 Notice of Violation is not solely for recreational purposes, but primarily for residential purposes.
3. The determination regarding use of the property as primarily for residential purposes is based upon consideration of definitions as well as characteristics and history of occupancy of the site as described in the January 31, 2006 Notice of Violation.
4. The frequency of subject property site occupancy is similar to a residential occupancy of a property and is not allowed as non-commercial recreation.
5. The frequency of subject property occupancy, like a residential occupancy, has impacts which are regulated by Health, Safety and Building Codes. These include, but are not limited to, requirements for a permitted septic disposal system, and requirements for a habitable structure which meets current building, plumbing and electrical codes.
6. Non-commercial recreation as a permitted use in the Mountain General zone is not an allowance for unlimited camping or unlimited non-commercial recreation, such as regular and frequent occupancy of a permanently parked RV, as this would circumvent important Health, Safety and Building codes.

BE IT FINALLY RESOLVED THAT the Planning Commission establishes the following requirements for resolution of the identified Zoning Ordinance violations on APN 007-080-052:

1. Non-commercial recreational camping uses and camping facilities on the subject property shall not exceed 14 overnight stays in any 90 day period. Proper provisions shall be made for disposal of waste materials in accordance with all applicable health and safety codes.
2. The storage use on-site shall cease and all stored items shall be removed from the property within thirty (30) days from the date of action by the Planning Commission

(by Sunday, July 16, 2006). The fencing, the barn, the water storage tank and the water lines for agricultural purposes may remain on-site. The keeping and maintaining of livestock may remain on-site. If there are any additional items on-site which are associated with the agricultural use, the property owner may store them on-site with the written approval of the Planning Director who shall make findings of accessory or appurtenant use.

3. All other junk materials which can be observed from any public street, road or easement, or property line shall be removed from the property within thirty (30) days from the date of action by the Planning Commission (by Sunday, July 16, 2006). Disposal of junk materials must be to an appropriate disposal facility.

ON MOTION BY Commissioner Skyrud, seconded by Commissioner DeSantis, this resolution is duly passed and adopted this 16th day of June, 2006 by the following vote:

AYES: Ludington, Ross, Skyrud, Rudzik, and DeSantis

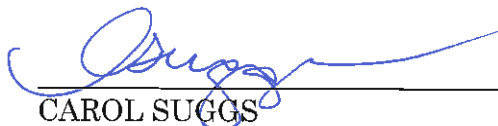
NOES: None

EXCUSED: None

ABSTAIN: None


Rob Rudzik, Chairman
Mariposa County Planning Commission

ATTEST:


CAROL SUGGS
Secretary to the Planning Commission