

MARIPOSA COUNTY

Code Compliance Advisory Committee

MEETING #39 FINAL MINUTES

(Approved 7/12/24 with Amendments)

DATE: December 20, 2023
TIME: 2:00 - 4:00 PM
LOCATION: Development Services Conference Room, 1st Floor
5100 Bullion Street, Mariposa CA

1. Call to Order and Roll Call. Welcome

Colleen Rhodes, Chair, called the meeting to order at 2:01 P.M. and announced the presence of a quorum.

CCAC Members Present: Kris Casto, Robert Fox, Ken Melton, Colleen Rhodes, Lydia Clary, Gabe Edwards.

CCAC Members Absent/Excused: None.

County Staff Present: Planning: Steve Engfer, Corrina Miranda, Sophea Craighead. Environmental Health: Carolyn Coder; Building Department: Justin Meisner, Mike Brinkman.

Public Present: Mike and Kate Guenther, Chris Lowey, Shelley Cummings, Eva and Johnny Banuelos, Jim and Adriean Knosp, Jack and Tamara Paddock.

2. Public Comment on Non-Agenda Items: For items within the jurisdiction of the Code Compliance Advisory Committee and not on today's agenda. No action will be taken on non-agenda items.

There was no public comment received.

3. Case Study, Discussion and Education: Illegal occupancy of RV, Timeline and Community Comments (LDPA residents), Staff Actions (Planning, EH staff), Identification of Problems and Solutions. (Attachment 1)

The Chair gave a brief background for the public present and on the phone who intend to participate in the discussion of agenda item #3. Described the CCAC's important but limited role as an advisory committee to the Board of Supervisors. Explained that the CCAC is able to examine the facts of individual cases because the CCAC, unlike the Board of Supervisors and the Planning Commission, never functions in a quasi-judicial role. Gave some information about Mariposa County Codes that may apply to the case under consideration. Summarized relevant provisions of Rosenberg's Rules of Order that will be followed. Welcomed the members of the Lake Don Pedro community present at the meeting and on the phone line. Welcomed the members of county staff who were to make the presentation about county processes, procedures, and actions already taken or still to be done.

Shelley Cummings, a resident of the Lake Don Pedro community and member of the Lake Don Pedro Owners Association's Architectural Committee, presented a timeline regarding the multiple requests for investigation and provided an update regarding the LDPOA's attempts to remedy what appears to be the illegal occupancy of the RV on Villareal (for details and timeline, also see Cummings' memorandum in the Agenda Packet). She described her contacts with Planning, Environmental Health, and Supervisor Poe in her attempts to get the situation resolved. She stated that many residents were unable to attend today but are equally concerned about the issue of the excessive amount of time that remedying this violation has already taken. She respectfully asked that cooperative efforts be made to take care of this illegal occupancy of the RV that has gone on well over six months and constantly gets worse. She is very concerned about the precedent that is being set of tolerating the code violations that are occurring in this case. Emphasized that it is very hard to go so long without good communication from the county. It would be better if violations were addressed more quickly, if county staff would return calls and answer emails, and be more forthcoming with information and responses. Even a little bit of information would help.

Mike Guenther presented new photos taken yesterday, expressed his gratitude to the committee, and commended Shelley for her work. Gave a description of what he has seen on the property, which includes continuing construction including a bridge, moving rocks, installing a culvert, moving the stream bed, digging a good-sized pit, placing hose lines running from that area, cutting wood. Plus, he has three large pipes he appears to intend to install. In less than a month between the sets of photos, you can see a lot of construction has been done and there's nothing slowing him down. There is going to be a problem with clean-up once he's finally removed. The natural creek that comes through there will pick up his debris and garbage. Residents are frustrated that there has been no effective action, and the fellow hasn't slowed down.

Miranda said she would give the staff report. Said she has to maintain confidentiality. Staff received an internal complaint in June that there was trash on the site. Received a complaint soon after about trespassing and explained the Sheriff handles that. A community member said they had conversations with the property owner and the person in the RV was there with the owner's permission and was to do work for the owner. Complaint of illegal grading. Meisner took a look, and the grading would not require a permit. Did not have evidence that the person was residing full time in the RV. Referred the person's actions to Fish & Wildlife. Observed a portable sewage container onsite. No indication that it was being disposed of. Additional complaints came in. She contacted the occupants on 9/27. She explained that they could not live in the RV permanently. They said they were going to move. She put them in contact with HHSA to find other housing. Doesn't know if they followed through. She then met with LDPOA. Environmental Health has been out a lot more.

Environmental Health received the referral on the complaint on 9/19/23 and went out initially. Saw no surfacing sewage on the ground or coming out of the pipe. Left a note for the property owner. Gave a 30-day cease and desist at that time. Received a complainant's call and followed up the next day. Did not see installation of a sewage disposal system. Asked where the sewage was being disposed of. Was given no information. On December 1st, asked the occupants where they were disposing of the sewage. The occupants said they didn't have receipts. EH gave another 30-day notice. Around 12/11 received phone call from property owner and asked for information about the sewage disposal. At this time, the property owner said he wanted the RV dwellers off the property. Environmental Health staff gave as authority "all of title 13" and 8.36 (Mariposa County Codes). Nothing was posted on the property at this point. Coder stated that they did not find an actual violation at this time and were just trying to get compliance; they had not found a sewage violation.

In response to questions, Engfer answered that county staff wouldn't know Fish & Wildlife codes and processes. Miranda said she had never seen F&W post a property but was aware that they send out a notice. Guenther asked how county staff works with outside agencies, if they do. Engfer said it could be a coordinated effort. Miranda said it depends on the case, but in this case F&W did not find a violation as far as she knows.

Edwards asked a clarifying question of EH staff about the failure of the occupants to provide an explanation concerning sewage disposal. Also asked what actions the LDPOA is taking. Cummings explained the HOA's actions so far, including involvement of an attorney and letters to the property owner.

Clary asked for clarification about the pit being dug. Staff stated that the RV occupant explained that he was using dirt to level the ground. Clary asked how much communication residents had received from the county. Cummings said she's received very little communication from the county (2 emails from Miranda). Other community members have received little or no communication from the county. The expectation was that the county codes, including the 14-day limitation on occupancy of an RV and the grading permit requirements, led the residents to believe that codes would be enforced.

Melton asked, what was meant by referring to "all of title 13"? Fox observed that the county had not identified any clearcut violations of county code and asked if the HOA had rules they could enforce. Guenther stated that the county's codes supersede the HOA's codes. Rhodes stated she doesn't believe the CCAC serves its purpose well by putting the responsibility on the HOA. The county clearly has jurisdiction for certain matters, regardless of the existence of the HOA, and that is what we're tasked with looking at.

Discussion of why enforcement wasn't being pursued under MCC 13.08.115 or MCC 15.10.270. By August, it was clear that the occupants were living in the RV. Information was available from neighbors that occupants were living in the RV full time. If county staff believes codes should not be enforced as they are written, the CCAC needs to hear about that, including staff's experience and advice as to what would be preferable to the existing codes.

Public comment received by Johnny Banuelos, Tamara and Jack Paddock and Chris Lowey from the Lake Don Pedro area and District II Supervisor, Shannon Poe (on the phone).

4. Discussion and Action: CCAC Priorities for 2024 (Attachment 2)

A discussion was held regarding the priorities work list for 2024 and the CCAC assigned members to the Blue Sky Workshop consisting of Gabe Edwards, Rob Fox and Kris Castro.

By Motion of Casto, seconded by Edwards, the Code Compliance Advisory Committee elected the members to the Blue Sky Workshop. 5 ayes, 0 nays, 1 Abstained (Lydia Clary had to step away from this action). Motion passed.

Rhodes recommended that the CCAC meets once a month instead of twice a month in 2024 on the third Wednesday of each month from 1pm to 4pm with the next meeting date of January 17, 2024.

By Motion of Casto, seconded by Edwards, the Code Compliance Advisory Committee approved to meet on the third Wednesday of each month from 1 pm to 4 pm. 6 ayes, 0 nays. Motion passed.

5. Adjourn

By Motion of Edwards, seconded by Melton, the Code Compliance Advisory Committee adjourned the meeting at 4:44 P.M. 6 ayes, 0 nays. Motion passed.

Minutes prepared from audio recording of meeting and submitted by Sophea Craighead, Office Technician

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