DEPARTMENT: Administration, County Counsel & Building  
BY: Rich Inman, CAO  
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Introduce and waive first reading of an Ordinance Amending Chapter 15.28 of the Mariposa County Code Entitled “Grading and Excavation”, approve increase in grading permit fee from $150 to $200 and reaffirm the Resource Conservation District (RCD) as the designated permitting agency.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors had the discussion scheduled for January 24, 2006 public hearing which has been continued to February 7, 2006 for introduction of amended ordinance and fee increase.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes ( ) No  
Current FY Cost: $  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded  
Amount in Budget: $  
Additional Funding Needed: $  
Source:  
Internal Transfer  
Unanticipated Revenue  
Transfer Between Funds  
Contingency  
( ) General ( ) Other

List Attachments, number pages consecutively

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

LEE STETSON, CHAIR
JANET BIBBY, VICE CHAIR
LYLE TURPIN
DIANNE A. FRITZ
BOB PICKARD

DISTRICT I
DISTRICT III
DISTRICT II
DISTRICT IV
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICH INMAN, County Administrative Officer

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: WAIVE 2ND READING AND ADOPT ORDINANCE AMENDING CHAPTER 15.28 OF THE MARIPOSA COUNTY CODE ENTITLED “GRADING EXCAVATION”, APPROVE INCREASE IN GRADING PERMIT FEE FROM $150 TO $200 AND REAFFIRM THE RESOURCE CONSERVATION DISTRICT (RCD) AS THE DESIGNATED PERMITTING AGENCY
ORDINANCE 1025

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 21, 2006

ACTION AND VOTE:

10:44 a.m. WAIVE Second Reading and Adopt an Ordinance Amending Chapter 15.28 of the Mariposa County Code Entitled “Grading and Excavation” (County Administrative Officer, County Counsel, and Building Director)

BOARD ACTION: Tom Guarino, County Counsel, advised of a correction to the lettering of the subparts of section 15.28.200 for Liens. Discussion was held. Supervisor Pickard asked the Board to reconsider adding back in item 12 which referred to an exception for grading in isolated areas; and he noted that the grading ordinance itself wasn’t before the Board for review, just the penalty and administration portion. Discussion was held on this matter. Supervisor Bibby asked whether there was any new information on why item 12 was in the original ordinance. Supervisor Turpin expressed concern with the wording in the penalty section and the discretion that the Building Director has in this matter, and he asked that there be some policies/guidelines adopted for this. Following discussion, (M)Bibby, (S)Stetson (who passed the gavel to Supervisor Pickard), the second reading was waived and Ordinance No. 1025 was adopted, with the correction of the lettering of the subparts as requested by County Counsel. The Clerk of the Board read the title of Ordinance No. 1025 into the record. Further discussion was held. Tom Guarino responded to Supervisor Turpin’s concerns relative to the discretion with the penalty issue; and he advised that the Board could adopt a policy to serve as guidelines for the Building Director to use in exercising his discretion in assessing the fines. He commented on the current system with the departments and he noted that the applicants can appeal the fines to the Board. Ayes: Stetson, Bibby, Fritz; Noes: Turpin, Pickard. The motion passed.

Cc: Tom Guarino, County Counsel
John Davis, Building Director
Dana Hertfelder, Public Works Director
Jerry Progner, Soil Conservation
File
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MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICH INMAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: INTRODUCE AND WAIVE FIRST READING AND ADOPT ORDINANCE AMENDING CHAPTER 15.28 OF THE MARIPOSA COUNTY CODE ENTITLED “GRADING EXCAVATION”, APPROVE INCREASE IN GRADING PERMIT FEE FROM $150 TO $200 AND REAFFIRM THE RESOURCE CONSERVATION DISTRICT (RCD) AS THE DESIGNATED PERMITTING AGENCY RESOLUTION 06-54

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on February 7, 2006

ACTION AND VOTE:

John Davis, Building Director;

PUBLIC HEARING to Approve an Increase in the Grading Permit Fee from the Current Cost of One Hundred Fifty Dollars ($150.00) to Two Hundred ($200.00) to Offset the Cost of Providing this Service to the Community. Approve an Increase in the Fine for Grading Without a Permit from the Present One Hundred Dollars ($100.00) to Five Thousand Dollars ($5,000)

BOARD ACTION: Rich Inman, County Administrative Officer; Tom Guarino, County Counsel; and John Davis, Building Director, presented the staff report. Staff responded to questions from the Board relative to the establishment of a fee for service and contracting with the Resource Conservation District for administering the permit process; concerning the recommended change in the grading permit fee; and relative to the recommended fine structure. Jerry Progner, USDA Natural Resources Conservation Service, advised of a question he received as to whether brushing projects would be affected by this change; and he referred to the changes with administering the permit process. Staff and Jerry Progner responded to questions from the Board relative to the recommendation to delete the following item from Section D. Exceptions: “12. Grading in an isolated self contained area if there is no danger apparent to private or public property, and will not affect existing drainage patterns or create erosion hazards.” Supervisor Turpin stated he does not feel that the language in the draft ordinance reads smoothly, and that he would like to be able to have a meeting with those involved to draft better language. Supervisor Bibby stated there are areas in the draft ordinance where she feels definitions should be provided, and she agreed with the need for better language. Staff responded to questions from the Board as to what would happen if an applicant pulled a building permit and not a grading permit and what the process would be and how the lien process costs are covered; actions that could be implemented today if the draft ordinance isn’t acted on at this time; relative to
revegetation standards and timeframes; relative to the differences in penalties depending on whether an individual or corporation is involved; and relative to implementation of the fine process. The public portion of the hearing was opened and input was provided by the following:

Ken Melton stated he feels that a good job was done on the enforcement part of the draft ordinance; and he acknowledged that it is hard to read legal language. He strongly suggested that item 12 be left in the document; and stated that there are situations where this exception has been used, and it allows staff discretion. He stated he would like to see the October 15th date removed from the revegetation timeframe, and perhaps reduce the 180 days. He also suggested that consideration be given to scheduling a workshop with the contractors and people involved in this process to review the grading ordinance.

Louie Edwards stated he is a general contractor and is new to the area. He asked about the inspection schedule for projects; whether maximum driveway sizes are addressed; and whether consideration was given to having Public Works take over the administration of the grading permits. He commented on options for addressing erosion control during a project. He suggested that applicants be advised of other agencies that may need to be involved in a project, such as Fish and Game or Water Resources. He also suggested that there be a way to verify in the office whether a permit was issued for a project versus having to make a site visit. He also questioned whether a percentage of the permit fee could be used for the fine versus the proposed $1,000 a day. He suggested that language be used to require that revegetation be done after the first rain versus the October 15th date.

The public portion of the hearing was closed. The Board commenced with deliberations. Staff responded to questions from the Board as to whether the fee increase covers the inspections costs; relative to the issues that were raised by the public; and relative to the proposed process with changing the administration of the permits to the Resource Conservation District. Supervisor Turpin suggested that a formula be developed for the fine structure. Further discussion was held relative to item 12 and whether the language should be left in the draft ordinance and the reason the language was in the existing Code – staff was not sure about the origination of this item. Supervisor Bibby asked that “refuse disposal sites” be clarified.

(M)Pickard, (S)Turpin, Res. 06-54 was adopted approving the increase in the grading permit fee from $150 to $200. Ayes: Unanimous.

Following discussion, (M)Pickard, (S)Fritz, to waive first reading and introduce the Ordinance amending Chapter 15.28 of the Mariposa County Code entitled “Grading and Excavation” with the following changes and corrections: item 12 is to be left in the document and the rest of the section is to be renumbered, including the removal of “Caveat” and numbering that item as 14; correction to add “Mariposa County Building Department or permitting agency” in Section F. Issuance, item 5; and by clarifying refuse disposal sites as the landfill and transfer stations only. Discussion was held and staff provided input relative to the October 15th revegetation timeframe; relative to the reason for leaving item 12 in the document; relative to addressing the revegetation differently for the winter and summer seasons; and relative to enforcement. Supervisor Bibby noted a typographical error in Section 15.28.170, item E, for “County’s” and she suggested that references to the term “he” be changed to a generic term. Tom Guarino noted that the Board could direct a policy relative to process to the Building Department in the future. Further discussion was held relative to the penalty portion and process and flexibility in interpretation. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Fritz, Pickard; Noes: Stetson, Turpin, Bibby. The motion failed.

(M)Fritz, (S)Bibby, the above motion was restated with the only change to be the removal of item 12 from the Ordinance. Staff responded to a question from the Board and advised that discretion would still remain with the Building Director on the fine. The Clerk of the Board read the title of the Ordinance into the record/Ayes: Stetson, Bibby, Fritz, Pickard; Abstained: Turpin. Supervisor Pickard changed his “aye” vote to a “no” and Supervisor Turpin changed his “abstained” vote to a “no.” The motion passed. The hearing was closed.

Cc: Tom Guarino, County Counsel
John Davis, Building Director
Dana Hertfelder, Public Works Director
Jerry Progner, Soil Conservation
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MARIPOSA COUNTY BOARD OF SUPERVISORS  
MINUTE ORDER  

TO: JOHN DAVIS, Building Director  
FROM: MARGIE WILLIAMS, Clerk of the Board  
SUBJECT: APPROVE AN INCREASE IN THE GRADING PERMIT FEE FROM THE CURRENT COST OF $150 TO $200 TO OFFSET THE COST OF PROVIDING THIS SERVICE TO THE COMMUNITY. APPROVE AN INCREASE IN THE FINE FOR GRADING WITHOUT A PERMIT FROM THE PRESENT $100 TO $5,000 
RESOLUTION 06-54  

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA  

ADOPTED THIS Order on February 7, 2006  

ACTION AND VOTE:  

John Davis, Building Director, 
PUBLIC HEARING to Approve an Increase in the Grading Permit Fee from the Current Cost of One Hundred Fifty Dollars ($150.00) to Two Hundred ($200.00) to Offset the Cost of Providing this Service to the Community. Approve an Increase in the Fine for Grading Without a Permit from the Present One Hundred Dollars ($100.00) to Five Thousand Dollars ($5,000)  
BOARD ACTION: Rich Inman, County Administrative Officer; Tom Guarino, County Counsel; and John Davis, Building Director, presented the staff report. Staff responded to questions from the Board relative to the establishment of a fee for service and contracting with the Resource Conservation District for administering the permit process; concerning the recommended change in the grading permit fee; and relative to the recommended fine structure. Jerry Progner, USDA Natural Resources Conservation Service, advised of a question he received as to whether grading projects would be affected by this change; and he referred to the changes with administering the permit process. Staff and Jerry Progner responded to questions from the Board relative to the recommendation to delete the following item from Section D. Exceptions: “12. Grading in an isolated self contained area if there is no danger apparent to private or public property, and will not affect existing drainage patterns or create erosion hazards.” Supervisor Turpin stated he does not feel that the language in the draft ordinance reads smoothly, and that he would like to be able to have a meeting with those involved to draft better language. Supervisor Bibby stated there are areas in the draft ordinance where she feels definitions should be provided, and she agreed with the need for better language. Staff responded to questions from the Board as to what would happen if an applicant pulled a building permit and not a grading permit and what the process would be and how the lien process costs are covered; actions that could be implemented today if the draft ordinance isn’t acted on at this time; relative to revegetation standards and timeframes; relative to the differences in penalties depending on whether an individual or corporation is involved; and relative to implementation of the fine process.
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