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Mariposa County  
Planning Department  
P.O. Box 2039  
Mariposa, CA 95338-2039

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2004-22

**A Resolution Denying an Appeal by Charles and Dianna Rebert,  
Project No. 2004-57, Assessors Parcel Number 003-210-004.**

WHEREAS On July 20, 1970, Mariposa County issued Conditional Use Permit (CUP) No. 5 to operate a 47-space recreational vehicle park with two spaces to be occupied by persons employed in the management of the park (Shore Fun Park), located four miles west of the junction of Highway 49 and Highway 132, adjacent to the Merced Irrigation District Horseshoe Bend Recreational Area, more particularly described as Assessors Parcel Number 003-210-004; and

WHEREAS on June 7, 2002, Mariposa County Planning Department did issue a Notice of Intent to Find a Zoning Violation based on the county's determination that there were more than the permitted number of permanent residents allowed by CUP No. 5; and

WHEREAS on April 9, 2003, based on Health Code Violations, Mariposa County filed a motion with the Superior Court of the State of California requesting the issuance of a preliminary injunction compelling the owner of Shore Fun Park to cause the vacation of all permanently occupied trailers; and

WHEREAS on April 16, 2003, the California State Department of Housing and Community Development issued a Notice of Intent to Suspend Permit to Operate stating that the owner of Shore Fun Park had been found to be willfully operating a mobile home park; and

WHEREAS on July 29, 2003, Mariposa County Planning Department did issue a Notice of Violation based on the counties determination that there were more than the permitted number of permanent residents allowed by CUP No. 5; and

WHEREAS on March 30, 2004, as an interested party to Shore Fun Park, an application for an Appeal of the Notice of Violation was received from Charles and Dianna Rebert regarding the Notice of Violation; and

WHEREAS a duly noticed public hearing was scheduled for the 21st day of May, 2004; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the public hearing scheduled for the 21<sup>st</sup> day of May, 2004 was continued to the 4<sup>th</sup> of June, 2004 by the Planning Commission for additional information from staff regarding the past use of the site and actions of the County; and

WHEREAS the Planning Commission did hold a public hearing on the 4<sup>th</sup> day of June, 2004 and considered all of the information in the public record, including the Staff Report and Notice of Exemption, the additional information from staff regarding the past use of the site and actions of the County, written and verbal testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS the Planning Commission voted to deny the project and directed staff to prepare findings for denial.

NOW BE IT THEREFORE RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Appeal No. 2004-57, Charles and Dianna Rebert, applicants.

BE IT FURTHER RESOLVED THAT this action to deny Appeal No. 2004-57 is based on the following findings as supported by substantial evidence in the public record:

1. Shore Fun Park was approved by Conditional Use Permit No. 5 as a recreational vehicle park with provisions for two of the spaces to accommodate mobile homes occupied by persons employed in the management or operation of the park.
2. There is no evidence in the record showing that the appellants are employed in the management or operation of the park.
3. The original terms of Conditional Use Permit No. 5 are still enforceable.
4. Evidence in the record demonstrated that Shore Fun Park was not being operated as a Recreational Vehicle Park, but rather as a mobile home park with more than two permanent residents.
5. The issuance of the Notice of Violation was based on the fact that Shore Fun Park was operating beyond the scope of the permitted use of the property.
6. The terms of Conditional Use Permit No. 5 may only be modified by the owner of Shore Fun Park (Chang), not by an interested party (Rebert). The owner of the park has not pursued an amendment to the conditional use permit as a means to seek remedy to the Notice of Violation to thereby provide for a different type of residency than the recreational trailer park. A change in the conditional use permit cannot be attained through an appeal.

BE IT FINALLY RESOLVED THAT the evidence in the public record includes testimony presented to the Planning Commission at their hearings of the 21<sup>st</sup> day of May and the 4<sup>th</sup> day of June 2004 and correspondence from the public.

ON MOTION BY Commissioner Skyrud, seconded by Commissioner Turpin; this resolution is duly passed and adopted this 18<sup>th</sup> day of June by the following vote:

AYES: Skyrud, Turpin, Rudzik and Ludington


NOES:

EXCUSED: Crain

ABSTAIN:

  
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Robert Rudzik, Vice-Chair  
Mariposa County Planning Commission

Attest:

  
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Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission