



Community and Economic Development Planning Division

Jamie Bax
Deputy Director *JB*

- 200 W. 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@maderacounty.com

PLANNING COMMISSION DATE: December 10, 2019

AGENDA ITEM: #1

CUP	#98-39	Amending or rescinding Conditional Use Permit #98-39 for a Bed and Breakfast operation
APN	#066-090-061	Applicant: Freddy & Anna Morris/Yvette Abdelmeseh
CEQA	ND #98-80	Owner: Ferment Design Inc. Mitigated Negative Declaration

REQUEST:

This request is to amend or rescind Conditional Use Permit #98-39 which allowed a Bed and Breakfast.

LOCATION:

On the northern end of Ravensbrook Way (37621 Ravensbrook Way), approximately 600 feet north of its intersection with Road 420, Coarsegold.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (ND #98-80) was approved by the Planning Commission in conjunction with the original approval of the Conditional Use Permit. No additional environmental review is required in connection with the proposal to revoke the use permit.



RECOMMENDATION: Amend or rescind Conditional Use Permit #98-39.

STAFF REPORT

December 10, 2019

CUP #98-38

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: RR (Rural Residential) Designation

SURROUNDING: OS (Open Space) Designation; RR (Rural Residential) Designation

COARSEGOLD AREA PLAN DESIGNATION (Exhibit A-1):

SITE: RMS (Residential Mountain Single Family)

ZONING (Exhibit B):

SITE: RRS-2 1/2 (Residential Rural Single Family 2 ½ Acre) District

SURROUNDING: RRS-2 1/2 (Residential Rural Single Family 2 ½ Acre) District; RMS (Residential Mountain Single Family) District;

LAND USE:

SITE: Residential

SURROUNDING: Residential

SIZE OF PROPERTY: 4.52 Acres

ACCESS (Exhibit D): The property is accessed by Ravensbrook Way.

BACKGROUND AND PRIOR ACTIONS:

PROJECT DESCRIPTION:

To amend or rescind an approved Conditional Use Permit for non-conformance of conditions of approval for the Bed and Breakfast operation.

ORDINANCES/POLICIES:

Section 18.11.100 of the Madera County Zoning Ordinance outlines the permitted uses within the RRS (Residential Rural Single Family District) zone.

Section 18.04.083 of the Madera County Zoning Ordinance describes a Bed and Breakfast Operation.

Section 18.92.005 of the Madera County Zoning Ordinance describes the general rules for a conditional use permit regarding conditions, adjustments to regulations and combination of uses.

Section 18.108.030 of the Madera County Zoning Ordinance describes the proceedings for revocation.

ANALYSIS:

On October 6, 1998 a Conditional Use Permit was approved for a Bed and Breakfast establishment. It was to allow a two room facility serving a maximum of four guests. Since the time of approval there have been a number of complaints and a Final Injunction issued by the Superior Court of the County of Madera to refrain from operating the Ravensbrook Bed & Breakfast in a manner which does not maintain appropriate signage, security lighting, water supply, and registration procedures to avoid adverse impacts to the surrounding properties.

According to section 18.108.030 of the Zoning Ordinance any conditional use permit or variance granted by the zoning agency may be revoked by the zoning agency for any of the following reasons:

- A. If any of the conditions or terms of such permit or variance are violated;
- B. If any other ordinance, state statute, federal statute or regulation adopted pursuant thereto would be violated;
- C. If development has not commenced within two years after the approval of the conditional use permit, unless written time extension are applied for and approved prior to permit expiration pursuant to Sections 18.108.050 through 18.108.180. Conditional use permits may be granted or conditionally granted time extensions provided:
 1. Each extension will be for a one year period of time; and
 2. The maximum number of extensions will not exceed an additional total of three years.
- D. If the planning department determines that a conditional use permit has ceased to be used for a period in excess of two years, the property owner will be notified of that determination. On request of the property owner or zoning administrator and prior to approving any permits in connection with the previously authorized use, the planning department shall schedule a hearing before the planning commission pursuant to Sections 18.108.050 through 18.108.180 to consider whether the conditional use permit should be reestablished, modified or revoked.

According to the Environmental Health Division, Ravensbrook failed to perform water quality testing as required by the California Retail Food Code which is stated in their facility Health Permit. The facility was issued a Final Permit

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suspension of their water system on September 23, 2019 which would fall under Item B of this Section.

In addition, there were complaints of customers accessing the neighbor's driveways at all hours due to the lack of proper signage directing traffic to the correct home. This could be a potential life safety hazard if there are children at play and are not expecting cars approaching.

If it is the will of the Commission to allow for the CUP to remain in effect, it is recommended to add conditions such as security lighting, proper registration procedures so as to not disrupt neighbors when guests are arriving at the facility, have proper signage placed to direct traffic to the correct residence, and maintain necessary water quality testing. The business shall operate as is required by the courts.

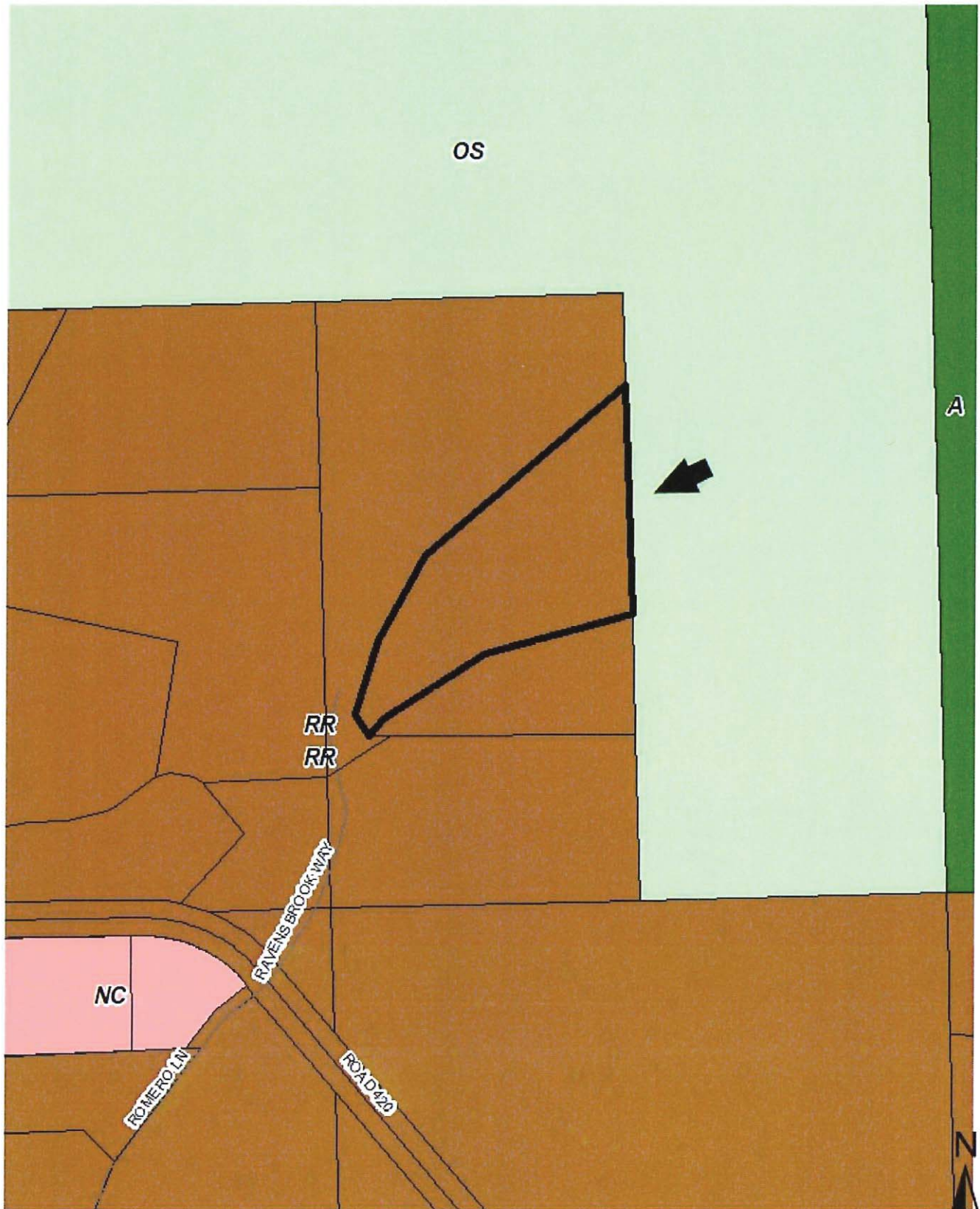
RECOMMENDATION:

Staff recommends the Commission choose from the following:

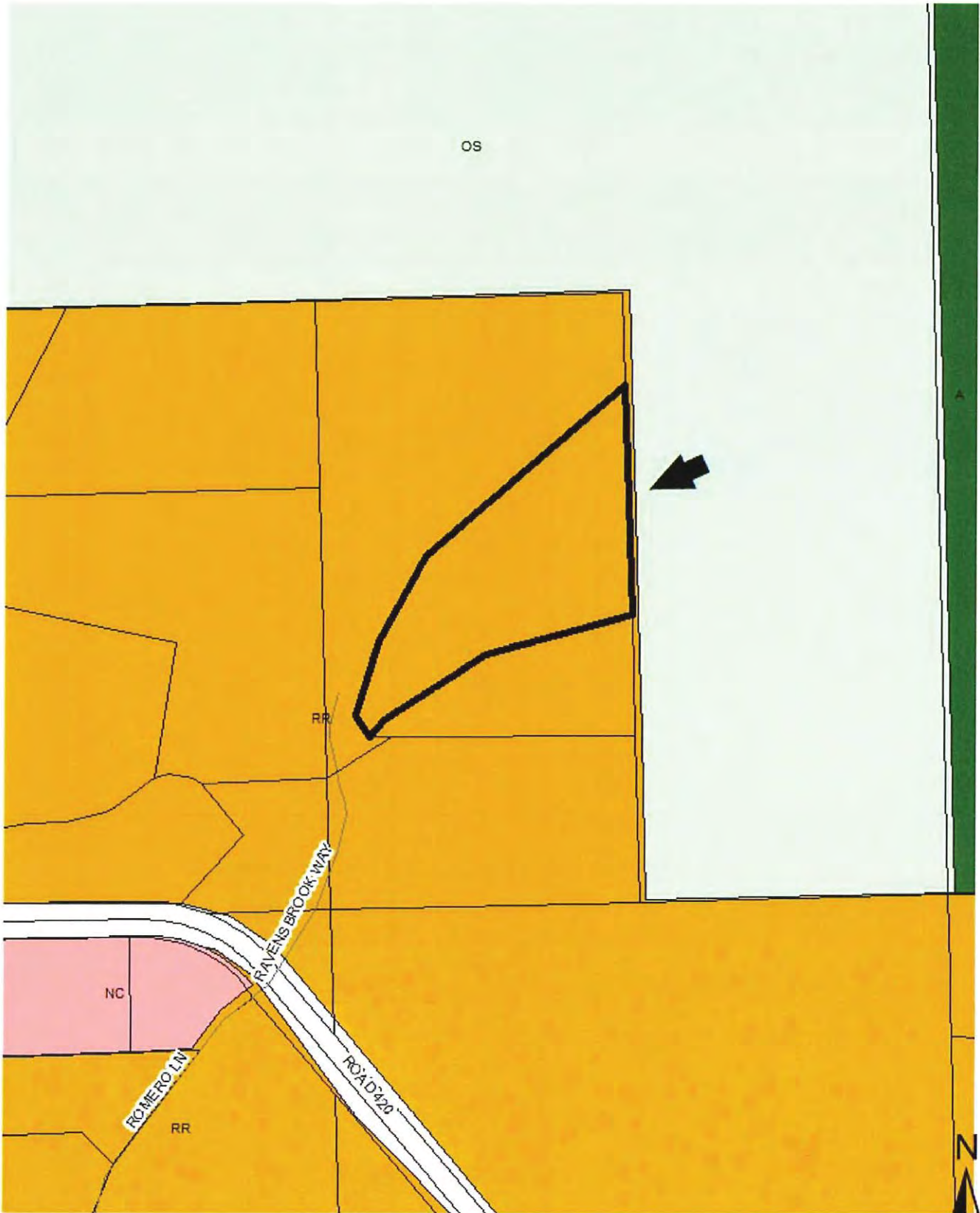
1. Rescind CUP #98-38; or
2. Apply additional conditions of approval to enforce the Final Injunction; or
3. Allow CUP #98-38 to remain as approved.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Coarsegold Area Plan Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Aerial Map
5. Exhibit E, Topographical Map
6. Exhibit F, Minute Order #4051
7. Exhibit G, Original Staff Report with Conditions
8. Exhibit H, Final Injunction
9. Exhibit I, Final Permit Suspension

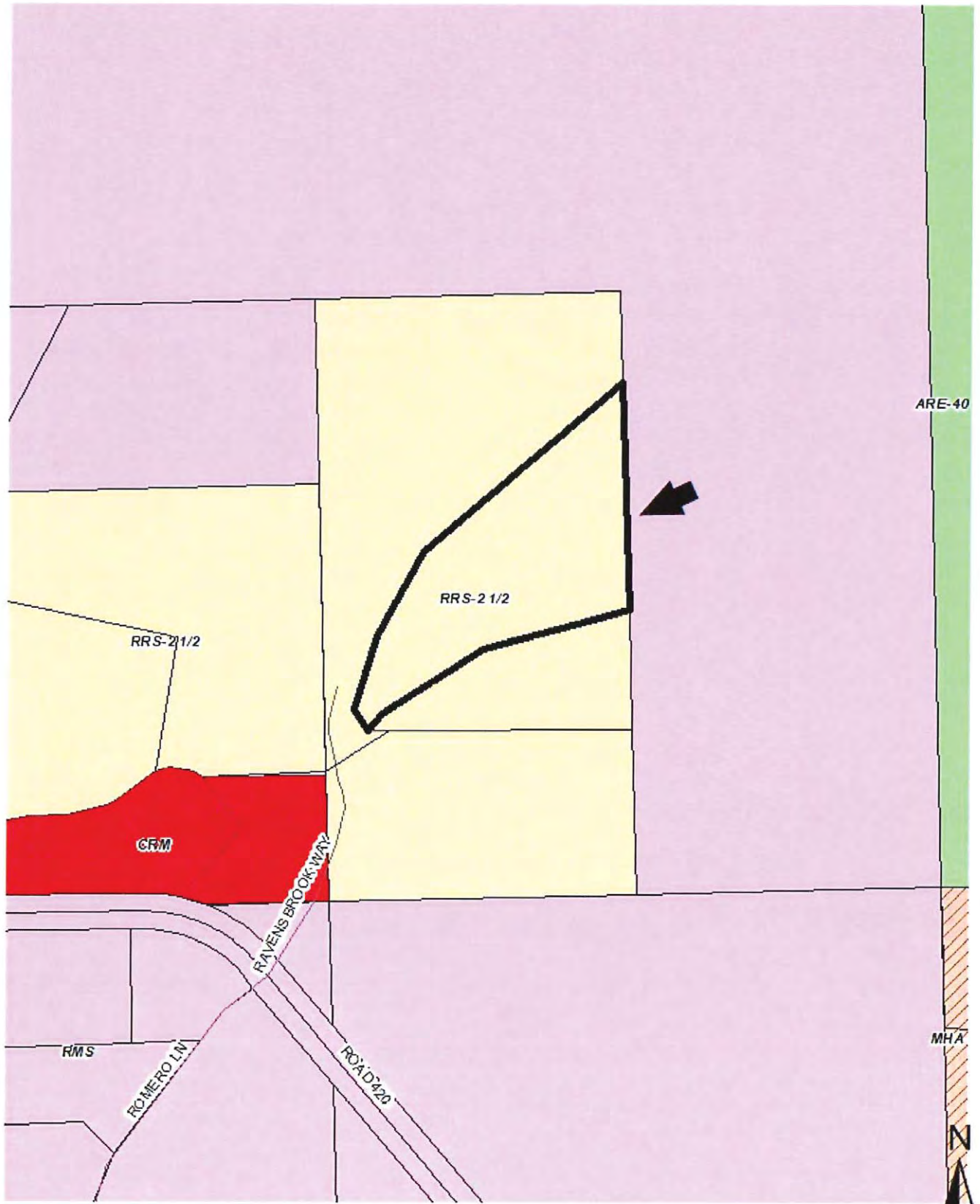


GENERAL PLAN MAP



COARSEGOLD AREA PLAN

EXHIBIT B



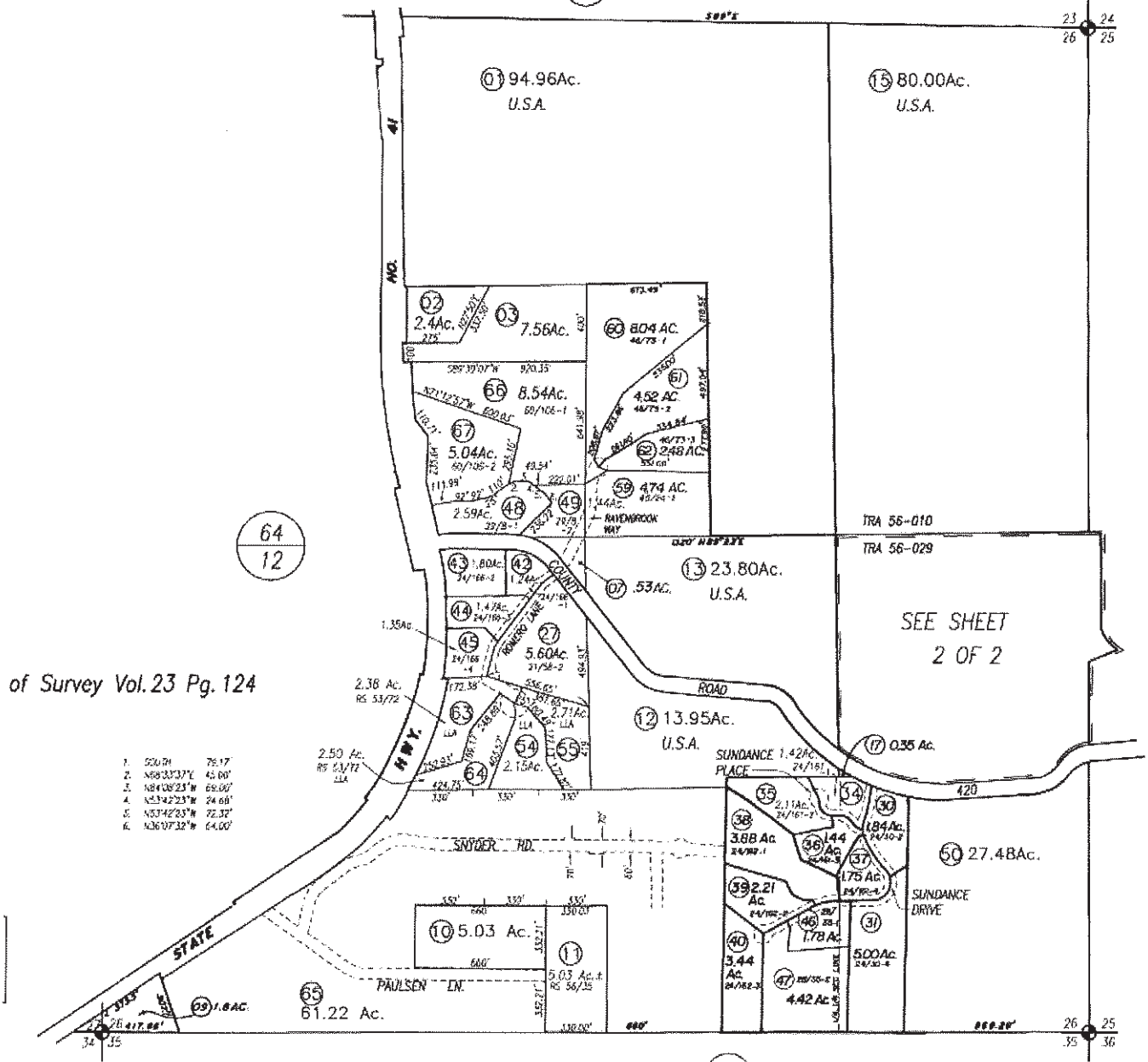
ZONING MAP

POR. SEC. 26 T.7S. R.21E. M.D.B.&M.

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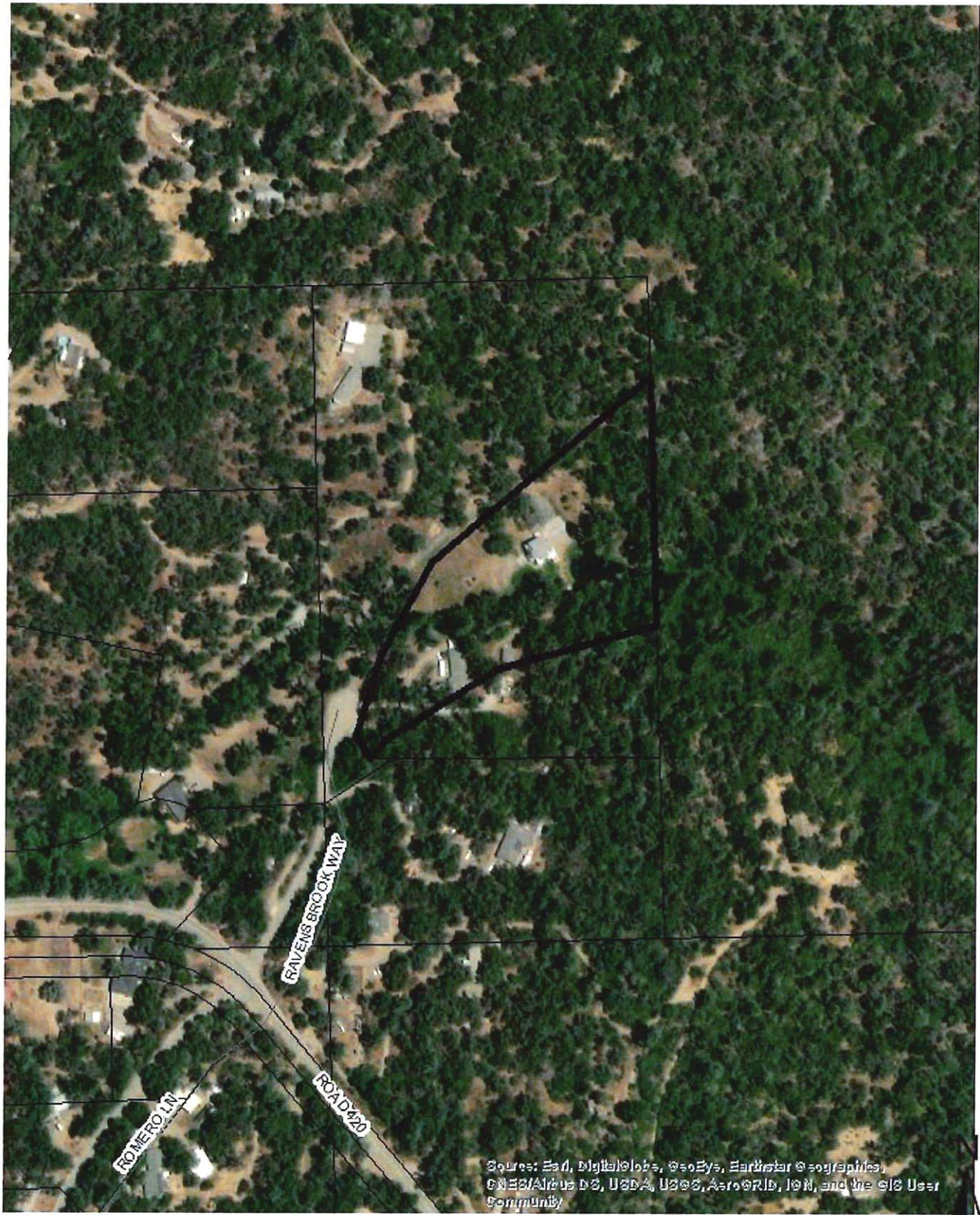
of Survey Vol. 23 Pg. 124

1. 520.71 76.17
2. N88°33'37"E 45.00'
3. N84°08'23"W 66.00'
4. N53°42'23"W 24.60'
5. N53°42'23"W 22.32'
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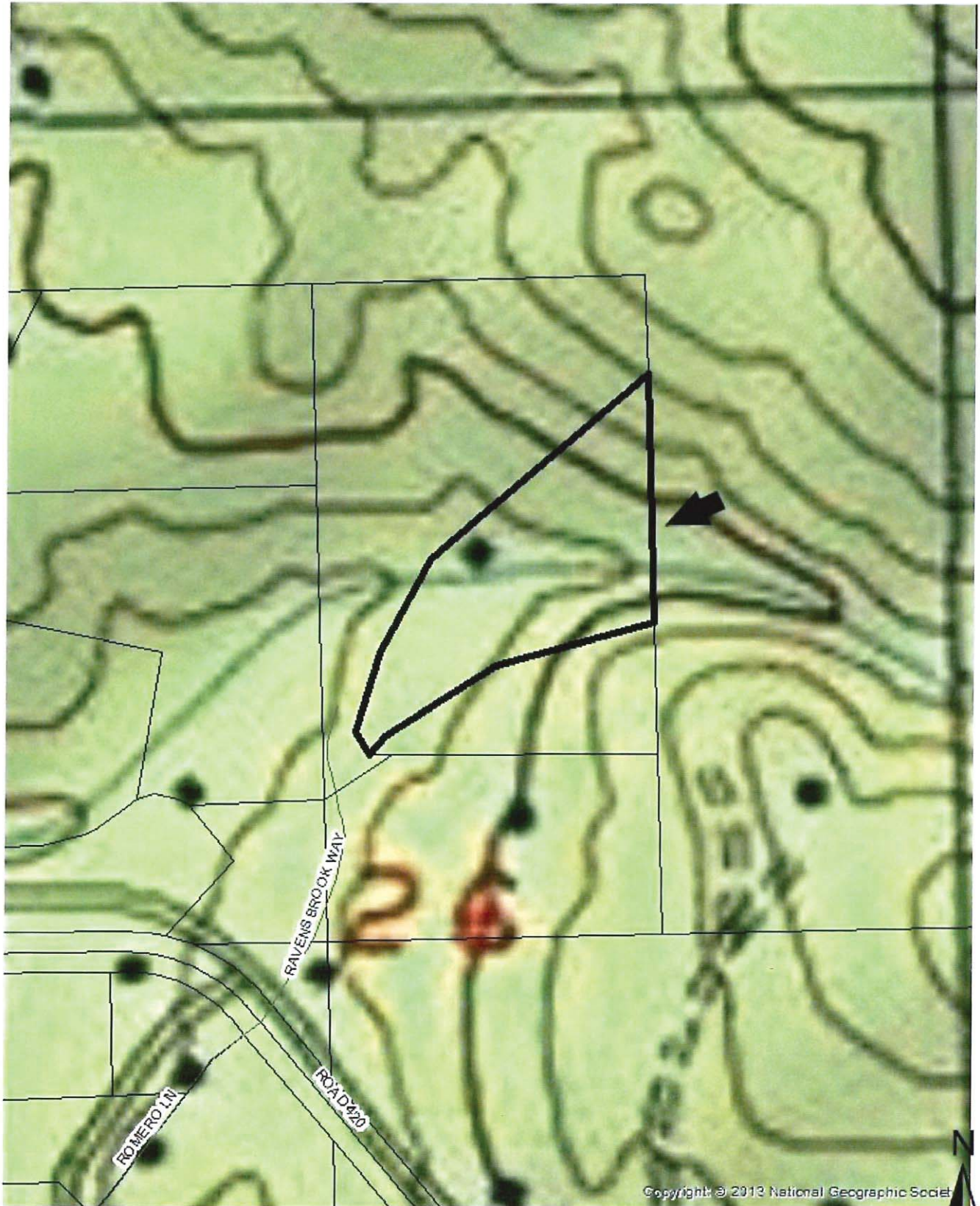
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ASSESSOR'S MAP

EXHIBIT D



AERIAL MAP



TOPOGRAPHICAL MAP



1. **FREDDY W. AND ANNA THERESE MORRIS - CONDITIONAL USE PERMIT - COARSEGOLD**

Minute Order #4051. On motion by Commissioner Todd, seconded by Commissioner Bompreszi, and unanimously carried, it was ordered to approve the application of Freddy W. and Anna Therese Morris for a conditional use permit to establish a two room bed and breakfast establishment in an existing 3,000 square foot single family dwelling. The property is located on the northern end of Ravensbrook Way (37621 Ravensbrook Way), approximately 600 feet north of its intersection with Road 420, Coarsegold. The zone is RRS-2½ (Residential, Rural, Single Family-2½ Acre) District. A draft Mitigated Negative Declaration (ND #98-80) has been prepared concerning the proposed changes in compliance with provisions of the California Environmental Quality Act (CEQA). The conditional use permit was approved subject to the following conditions:

Environmental Committee

- 1. Comply with the mitigation measures as outlined in Mitigated Negative Declaration #98-80.

Road Department

- 1. Prior to any construction within the right-of-way, the applicant will apply for an encroachment permit at the Road Department.

Fire Department

- 1. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
- 2. In areas without water serving utilities, the fire protection water system shall be based on National Fire Protection Act (NFPA) 1231 and be operational prior to framing. Fire department review and approval required. Size to be 2,500 gallons. Storage tanks to be installed per attached specification. Fire department connection to be located at the entry point of the project.
- 3. The street address shall be posted with a minimum of three (3) inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code (UFC 901). Where building setbacks exceed one hundred (100) feet from the roadway, additional contrasting three (3) inch numbers shall be displayed at the property access.

4. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester, visible from the ground and identified in the Uniform Fire Code (UFC 1109.7).
5. Fire extinguishers are required in accordance with Uniform Fire Code Standard 10-1.
6. A manual fire alarm is required.
7. The bed and breakfast establishment shall comply with the National Fire Protection Act life safety code 101. Contact the County Fire Department for details.

Environmental Health Department

1. The sewage disposal system (for the bed and breakfast establishment) must be designed for maximum commercial use.

Planning Department

1. The applicant shall submit a parking and circulation plan to the Planning Department for approval prior to issuance of the conditional use permit. This plan shall indicate parking spaces (1 space for each room and 2 spaces for the single family residence), driveway location(s), and internal circulation patterns.
2. Any night lighting shall be hooded and directed away from surrounding properties and roadways.
3. All parking areas within the project site which are in addition to those spaces provided for in the attached and detached garages shall be surfaced with gravel, crushed rock, or other material as approved by the Madera County Planning Department and maintained in a dust free condition.
4. The owner(s) shall reside on site in the existing single family residence.
5. A maximum of two rooms shall be available for guest lodging as allowed by this permit in addition to a room for the owner/operator.
6. All signs shall comply with the regulations of the Madera County Zoning Ordinance and shall be approved by the Planning Department prior to placement.
7. A business license shall be issued by the County prior to operation.

DATE: October 6, 1998, REF: CUP 98-39, FILE: 066-090-061

PLANNING COMMISSION FINDINGS

RE: Planning Commission Minute Order #4051

PURPOSE:

This hearing was to consider the application of Freddy W. and Anna Therese Morris for a conditional use permit to establish a two room bed and breakfast establishment in an existing 3,000 square foot single family dwelling. The property is located on the northern end of Ravensbrook Way (37621 Ravensbrook Way), approximately 600 feet north of its intersection with Road 420, Coarsegold. The zone is RRS-2½ (Residential, Rural, Single Family-2½ Acre) District. A draft Mitigated Negative Declaration (ND #98-80) has been prepared concerning the proposed changes in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 4.52 acres. APN: 066-090-061.

The Planning Commission found that:

1. Notice of this public hearing was given as required by Section 18.92.010 of the Madera County Code and Section 65091 of the Government Code. Certified proof of such notice is in Planning Commission File No. CUP 98-39.
2. The findings set forth herein are based upon the record in this matter. The record consists of the report of the planning staff, testimony at the public hearing, and materials contained in the project file (CUP 98-39).
3. Staff recommended that this conditional use permit be approved subject to conditions (see staff report in project file for recommended conditions of approval).
4. Anna Therese Morris was present to represent this matter. She said they agreed to all the conditions and would answer any questions.
5. No one in the audience commented on this item.
6. The granting of this conditional use permit will be consistent with the General Plan because it is compatible with the objectives, policies, general land uses, and programs specified in the General Plan and will not inhibit or obstruct the attainment of those articulated policies.

The General Plan designates this parcel The General Plan designates the area for RR (Rural Residential) land uses and the Coarsegold Area Plan designates the area for RMS (Residential, Mountain, Single Family) land uses. A bed and breakfast facility is consistent with the goals of the plan.

7. The proposed use will not violate the spirit or intent of the Madera County Zoning Ordinance.

The zoning for this parcel is RRS-2½ (Residential, Rural, Single Family-2½ Acre), and allows a commercial bed and breakfast as a compatible use in the RR (Rural Residential) and RMS (Residential, Mountain, Single Family) areas subject to approval of a conditional use permit.

8. The proposed use will not be contrary to the public health, safety, or general welfare of the citizens of Madera County.

The Commission found that the project is located near a major roadway, is located within close proximity to local and regional tourist attractions, and has some on-site amenities.

9. The proposed use will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, glare, or other similar factors.

The Commission found that the bed and breakfast establishment, as described in the project's operational/environmental statement, will be a relatively low impact use of the residential property which will change very little of the existing property's characteristics.

10. The proposed use will not for any other reason cause a substantial effect upon the property values and general desirability of the neighborhood or of the County.

The Commission found that the 4.52 acre site is bordered by similar-sized rural residentially-zoned property to the north, south, and west, and a large parcel under federal ownership and zoned for rural residential land uses to the east. The location of existing buildings on the property and the overall parcel size provides buffering between the proposal and adjacent properties.

11. On the basis of the initial study and those comments received during the public review process, there is not substantial evidence that the project will have a significant effect on the environment. The proposed mitigated negative declaration was approved.
12. Based upon the findings set forth above, the application of Freddy W. and Anna Therese Morris for a conditional use permit (CUP 98-39) was approved subject to conditions (see Minute Order #4051 for conditions of approval).

**MADERA COUNTY
PLANNING DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION DATE: October 6, 1998

AGENDA ITEM: #1

CUP	#98-39	Conditional Use Permit to Allow a Bed and Breakfast Establishment in an Existing Single Family Dwelling
APN	#066-090-061	Applicant/Owner: Freddy W. and Anna Therese Morris
CEQA	ND #98-80	Mitigated Negative Declaration

REQUEST:

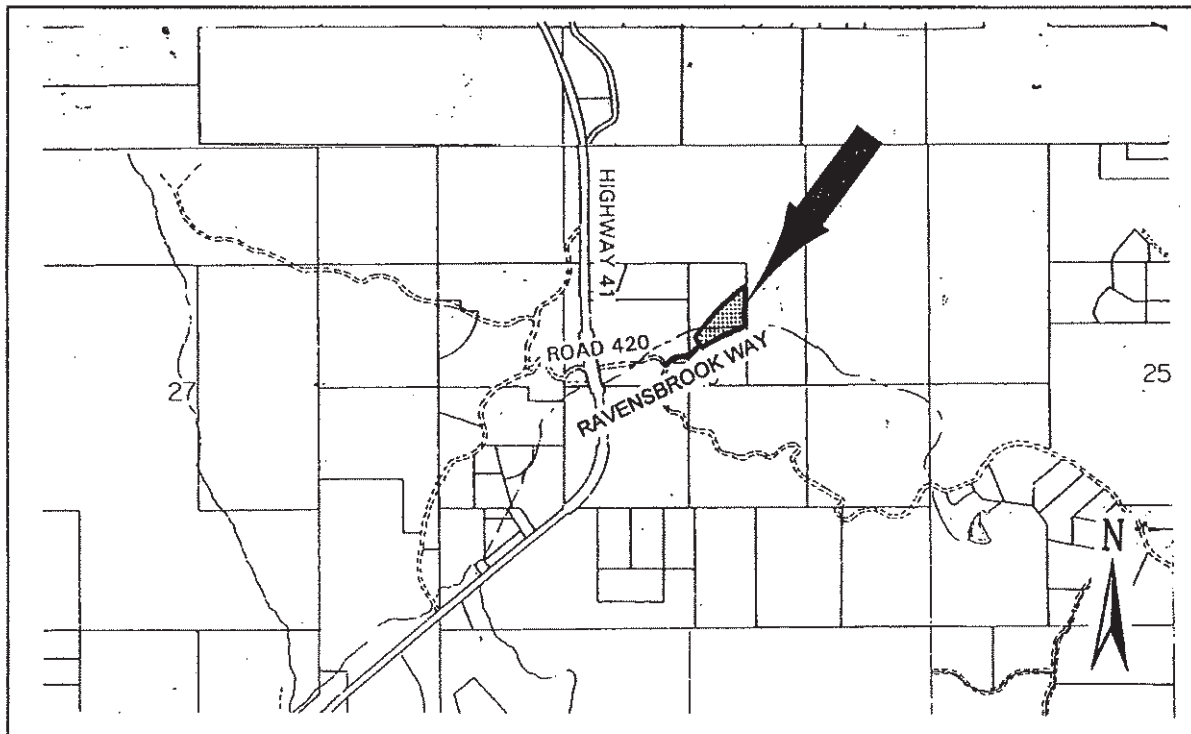
Conditional use permit to allow a two room bed and breakfast establishment, serving a maximum of four guests, in a residential zoning district.

LOCATION:

At the northerly terminus of Ravensbrook Way (37621 Ravensbrook Way), Coarsegold.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration (ND #98-80) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: APPROVAL with conditions.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: 1995 General Plan - RR (Rural Residential)

Coarsegold Area Plan - RMS (Residential, Mountain, Single Family)

SURROUNDING: 1995 General Plan - RR (Rural Residential), NC (Neighborhood Commercial), and OS (Open Space)

Coarsegold Area Plan - RMS (Residential, Mountain, Single Family), OS (Open Space and Public Open Space), and SF-2 (Residential, Single Family, One Dwelling Unit Per 2 Acres)

ZONING (Exhibit B):

SITE: RRS-2½ (Residential, Rural, Single Family-2½ Acre)

SURROUNDING: RRS-2½ (Residential, Rural, Single Family-2½ Acre), RMS (Residential, Mountain, Single Family), and CRM (Commercial, Rural, Median)

LAND USE:

SITE: Single family residence

SURROUNDING: Single family residences, vacant residentially-zoned parcels, and federally owned land

SIZE OF PROPERTY (Exhibit C): 4.52 acres

ACCESS (Exhibit D):

Ravensbrook Way to the south

BACKGROUND AND PRIOR ACTIONS:

In July of 1996 a parcel map (PM #3180) was recorded which subdivided a 15 acre parcel designated as Assessor's Parcel Number 066-090-014. Parcel #2 of this parcel map was redivided in December of 1997 creating the current project parcel (Assessor's Parcel Number 066-090-061). The existing 4.52 acre project site contains one single family dwelling with an attached garage, a second detached garage and an on-site pond.

PROJECT DESCRIPTION (Exhibits E,F,G and H):

This project requires the approval of a conditional use permit for the establishment of a two room bed and breakfast in an existing 3,000 square foot, three story, single family dwelling in the RRS-2½ (Residential, Rural, Single Family-2½ Acre) zoning district. Exhibits E, F, G, and H describe the applicants proposal. The facility will be open year round, 365 days a year. A total of four covered parking spaces will be provided, two in the attached garage and two in an on-site detached garage.

ORDINANCES/POLICIES:

Section 18.16.010.C.4 of the Zoning Ordinance requires a conditional use permit in the RRS-2½ (Residential, Rural, Single Family-2½ Acre) zoning district for a bed and breakfast facility.

Section 18.04.083 of the Zoning Ordinance defines a bed and breakfast in a single family residential zoning district as not having more than three sleeping rooms, excluding sleeping rooms solely for occupancy by the owner.

Section 18.92 of the Zoning Ordinance identifies the findings required to grant a conditional use permit.

On April 5, 1994, the Planning Commission adopted a policy for the establishment of bed and breakfast operations. That policy is outlined in the analysis section of this report.

ANALYSIS:

The 4.52 acre parcel is located in a rural residential area approximately 0.3 miles east of Highway 41 and approximately 0.2 miles north of Road 420, at the end of Ravensbrook Way. Parcels in the area range in size from approximately 1.2 acres to approximately 95 acres, with the majority of the parcels in the vicinity greater than 4.7 acres in size.

The General Plan designates the area for RR (Rural Residential) land uses and the Coarsegold Area Plan designates the area for RMS (Residential, Mountain, Single Family) land uses. The zoning for this parcel is RRS-2½ (Residential, Rural, Single Family-2½ Acre), and allows a commercial bed and breakfast as a compatible use in the RR (Rural Residential) and RMS (Residential, Mountain, Single Family) areas subject to approval of a conditional use permit.

The applicant's floor plan shows three suites in the existing single family residence, two of which will be available for guests. Since the owner/operator is required to reside in the residence, the existing home is suitable for only two guest rooms with the third suite to be occupied by the owners. Should rooms be added onto the main house in the future, one additional guest room could be added. This would require the approval of an amended conditional use permit, so long as no more than three rooms are provided for guests. This restriction is placed on all bed and breakfast uses in a residential zoning district.

The Madera County Environmental Health Department has expressed concern regarding the existing septic system, and has requested that an adequate system be provided which can handle the proposed change in use. To enhance fire protection on the project site, the Madera County Fire Department is requiring the applicant to comply with several fire prevention and Uniform Fire Code conditions, including the on-site installation of a manual fire alarm and a 2,500 gallon water storage tank.

The provisions allowing bed and breakfast establishments in residential zoning districts were added to the zoning ordinance in 1992. It was noted, at that time, that these operations may not be appropriate in all residential areas and that it would be appropriate to establish some general location criteria to serve as guidelines in processing applications for bed and breakfast establishments in residential areas. On April 5, 1994, the Planning Commission adopted a policy regarding bed and breakfast operations. The policy states:

"Bed and breakfast operations should be located on or near major roadways or should be located in a building or area of historical significance, or should be in close proximity to a major tourist attraction or public facility or should be located on a parcel large enough to provide on-site amenities (i.e., horseback riding, hiking, etc.)."

Based on review of the proposed project in conjunction with these policy recommendations, staff finds the proposed bed and breakfast establishment to be an appropriate use at this location. The site is located near Highway 41, a major roadway, and has nearby access to both Coarsegold and Oakhurst, as well as regional access to Yosemite National Park. The site also contains on-site hiking trails, a spa, and a pond available for fishing. Based on this analysis this project appears to be consistent with the general plan, related policies and ordinances.

FINDINGS:

The following findings of fact must be made by the Planning Commission to grant approval of this conditional use permit request. Staff recommends that the Planning Commission concur with the following:

1. The proposed project does not violate the spirit or intent of the zoning ordinance in that the RRS-2½ (Residential, Rural, Single Family-2½ Acre) zone district allows a bed and breakfast establishment with approval of a conditional use permit.
2. The proposed project is not contrary to the public health, safety or general welfare in that the proposed location complies with Planning Commission policy. The project is located near a major roadway, is located within close proximity to local and regional tourist attractions, and has some on-site amenities.
3. The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The bed and breakfast establishment, as described in the project's operational/environmental statement, will be a relatively low impact use of the residential property which will change very little of the existing property's characteristics.
4. The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County in that the 4.52 acre site is bordered by similar-sized rural residentially-zoned property to the north, south, and west, and a large parcel under federal ownership and zoned for rural residential land uses to the east. The location of existing buildings on the property and the overall parcel size provides buffering between the proposal and adjacent properties.

RECOMMENDATION:

Approval of Mitigated Negative Declaration (ND #98-80, Exhibit I) and Conditional Use Permit #98-39 to allow a bed and breakfast establishment in the RRS-2½ (Residential, Rural, Single Family-2½ Acre) zoning district subject to the following conditions:

CONDITIONS:

Environmental Committee - (Exhibit I)

1. Comply with the mitigation measures as outlined in Mitigated Negative Declaration #98-80 (Exhibit I).

Road Department - (Exhibit J)

1. Prior to any construction within the right-of-way, the applicant will apply for an encroachment permit at the Road Department.

Fire Department - (Exhibit K)

1. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
2. In areas without water serving utilities, the fire protection water system shall be based on National Fire Protection Act (NFPA) 1231 and be operational prior to framing. Fire department review and approval required. Size to be 2,500 gallons. Storage tanks to be installed per attached specification. Fire department connection to be located at the entry point of the project.
3. The street address shall be posted with a minimum of three (3) inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code (UFC 901). Where building setbacks exceed one hundred (100) feet from the roadway, additional contrasting three (3) inch numbers shall be displayed at the property access.
4. Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester, visible from the ground and identified in the Uniform Fire Code (UFC 1109.7).
5. Fire extinguishers are required in accordance with Uniform Fire Code Standard 10-1.
6. A manual fire alarm is required.
7. The bed and breakfast establishment shall comply with the National Fire Protection Act life safety code 101. Contact the County Fire Department for details.

Environmental Health Department - (Exhibit L)

1. The sewage disposal system (for the bed and breakfast establishment) must be designed for maximum commercial use.

Planning Department

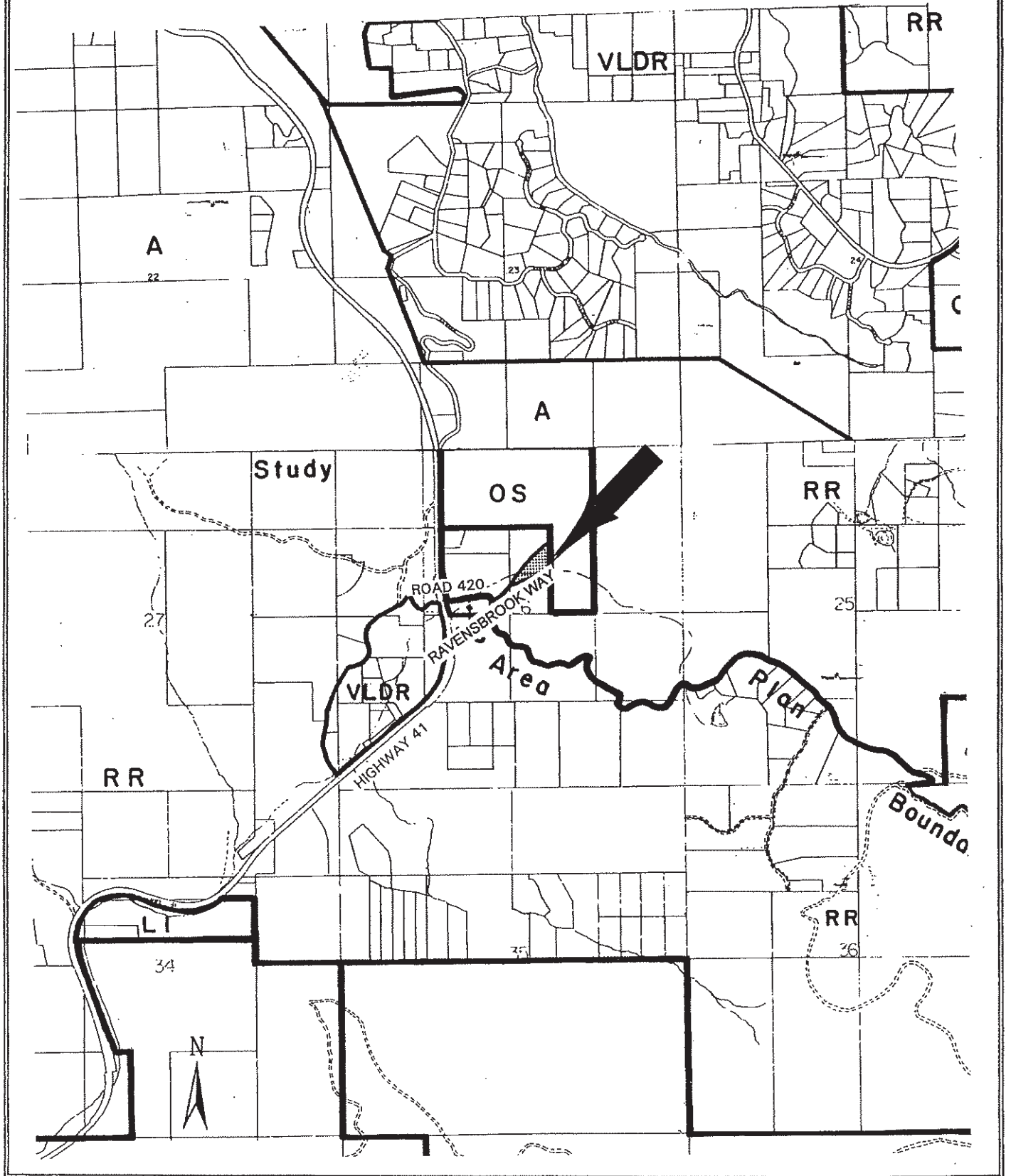
1. The applicant shall submit a parking and circulation plan to the Planning Department for approval prior to issuance of the conditional use permit. This plan shall indicate parking spaces (1 space for each room and 2 spaces for the single family residence), driveway location(s), and internal circulation patterns.
2. Any night lighting shall be hooded and directed away from surrounding properties and roadways.

3. All parking areas within the project site which are in addition to those spaces provided for in the attached and detached garages shall be surfaced with gravel, crushed rock, or other material as approved by the Madera County Planning Department and maintained in a dust free condition.
4. The owner(s) shall reside on site in the existing single family residence.
5. A maximum of two rooms shall be available for guest lodging as allowed by this permit in addition to a room for the owner/operator.
6. All signs shall comply with the regulations of the Madera County Zoning Ordinance and shall be approved by the Planning Department prior to placement.
7. A business license shall be issued by the County prior to operation.

ATTACHMENTS:

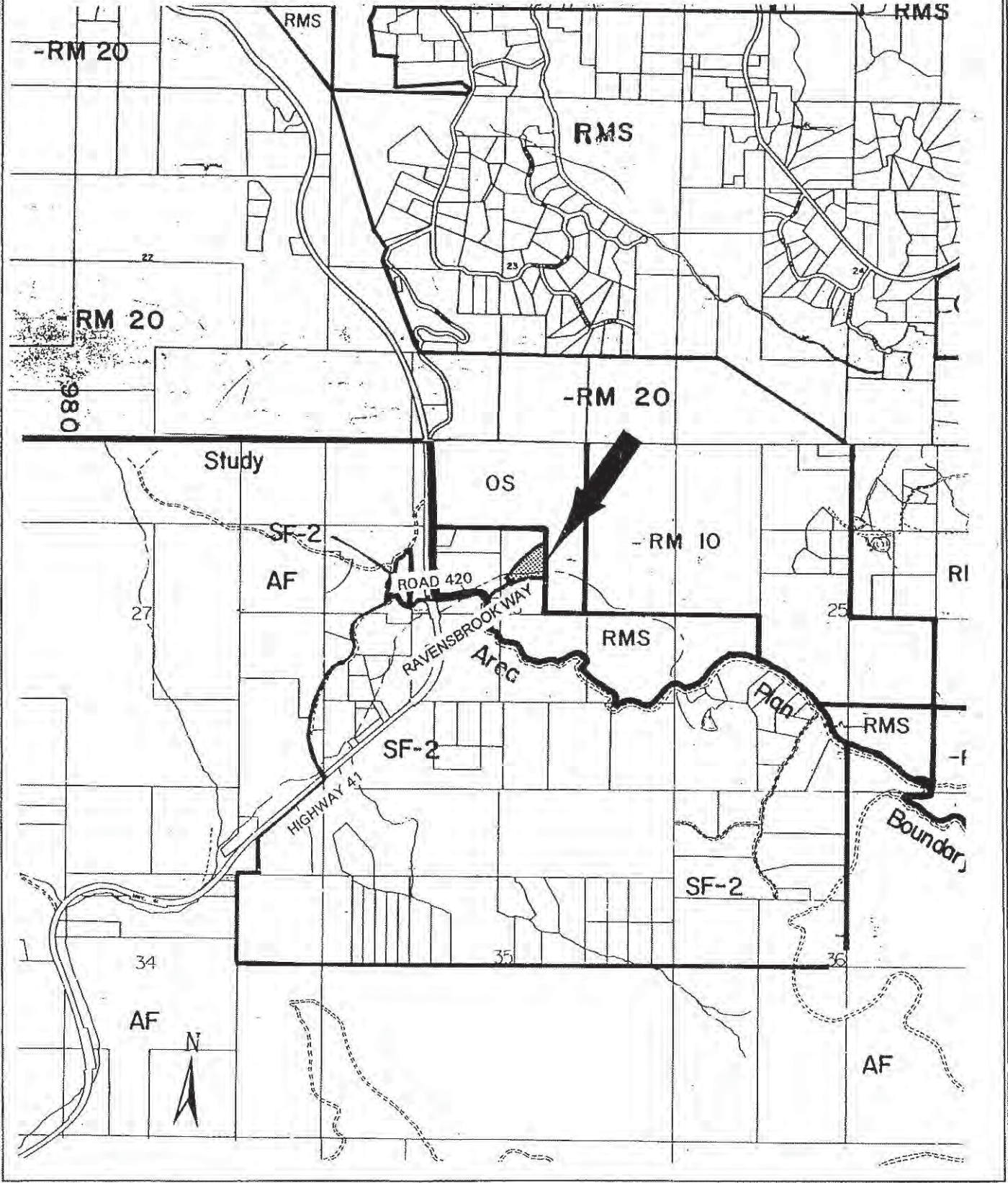
1. Exhibit A, General Plan Map/Coarsegold Area Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D, Site Plan
5. Exhibit E, Floor Plans
6. Exhibit F, Operational/Environmental Statement
7. Exhibit G, Applicant's Findings of Fact and Location Justification
8. Exhibit H, Site Photographs
9. Exhibit I, Mitigated Negative Declaration #98-80
10. Exhibit J, Road Department Comments
11. Exhibit K, Fire Department Comments
12. Exhibit L, Environmental Health Department Comments

EXHIBIT A-1



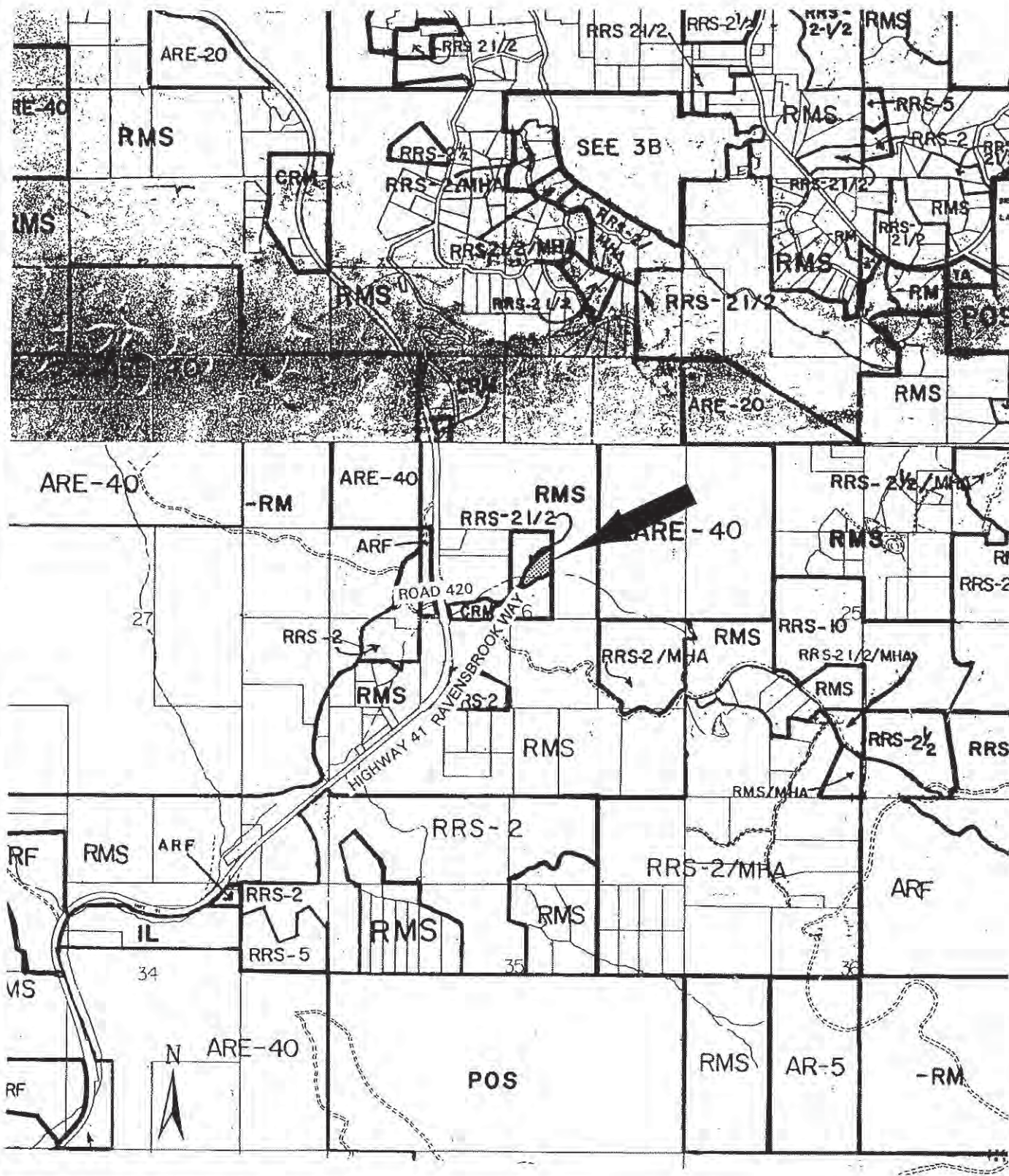
1995 GENERAL PLAN MAP

EXHIBIT A-2



COARSEGOLD AREA PLAN

EXHIBIT B



ZONING MAP

EXHIBIT C

TAX AREA NO.
56-00 56-029
SHEET 1 OF 2

POR. SEC. 26
T7R21



ASSESSOR'S MAP NO. 66-09
BASS LAKE SCHOOL DIST.
COUNTY OF MADERA CALIF.
1966

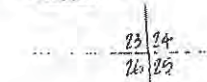
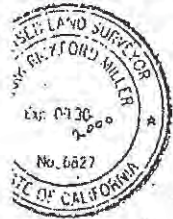


COUNTY SURVEYOR'S STATEMENT

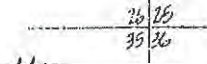
MARK RICHARD MILLER, ACTING COUNTY SURVEYOR, Madera County, hereby certify that I have examined this map, that the subdivision shown hereon is substantially the same as it appears on the approved tentative map, that the map complies with the provisions of the Subdivision Map Act State of California Statutes of 1927 and all county ordinances and that I am satisfied that the map is technically correct.
 Dated: 17 DEC 97

[Signature]

MARK RICHARD MILLER, ACTING COUNTY SURVEYOR, L.S. 6827, Exp. 9/30/00



THIS MAP
 PREPARED BY



MAP

INCLUDED IN ANY
 PLAT AREA FORMED

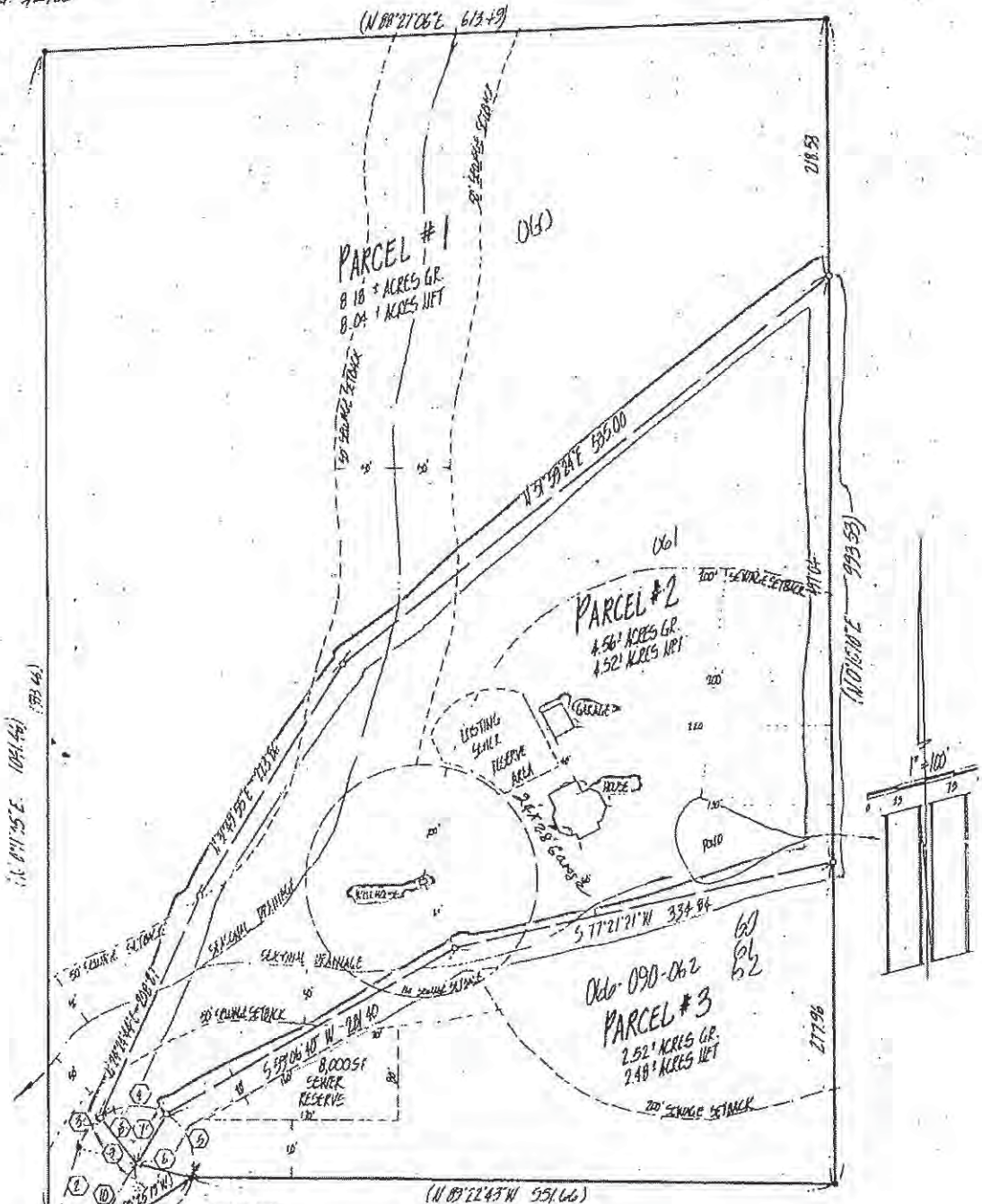
RECORDER'S CERTIFICATE

3:26

Filed this 31st day of DEC. 1997 in Book 46 of Maps at Madera County Records at Madera, California. Fee: \$ 8.00

EXHIBIT D-1

REBECCA MARTINEZ
 County Clerk Recorder
 By *[Signature]*
 Deputy



ROAD DATA

①	S 65°58'50" W	31.96
②	N 18°51'41" E	67.93
③	S 44°17'25" W	R=50.00 L=36.48
④	S 68°45'24" W	R=50.00 L=60.00
⑤	S 68°15'24" W	R=50.00 L=10.00
⑥	S 70°45'34" E	50.00 RADIAL
⑦	N 00°25'02" E	50.00 RADIAL
⑧	N 29°25'25" W	50.00 RADIAL
⑨	N 71°08'15" W	50.00 RADIAL
⑩	S 17°30'01" W	R=100.00 L=71.74

A 40.00 FOOT WIDE ROAD RIGHT OF WAY PREVIOUSLY OFFERED FOR DEDICATION TO THE COUNTY OF MADERA AS INSTRUMENT NO. 36-199374, M.C.R.

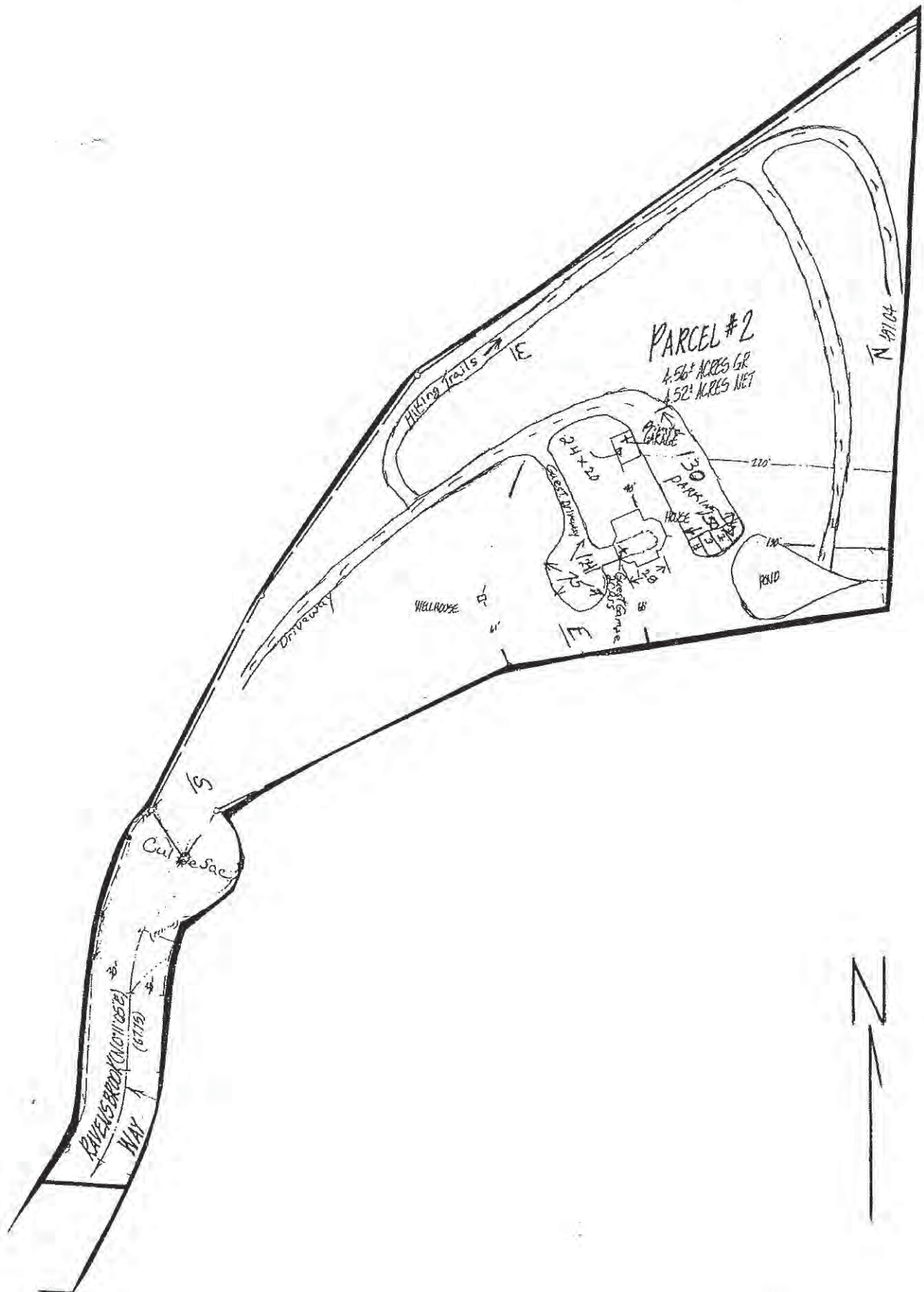
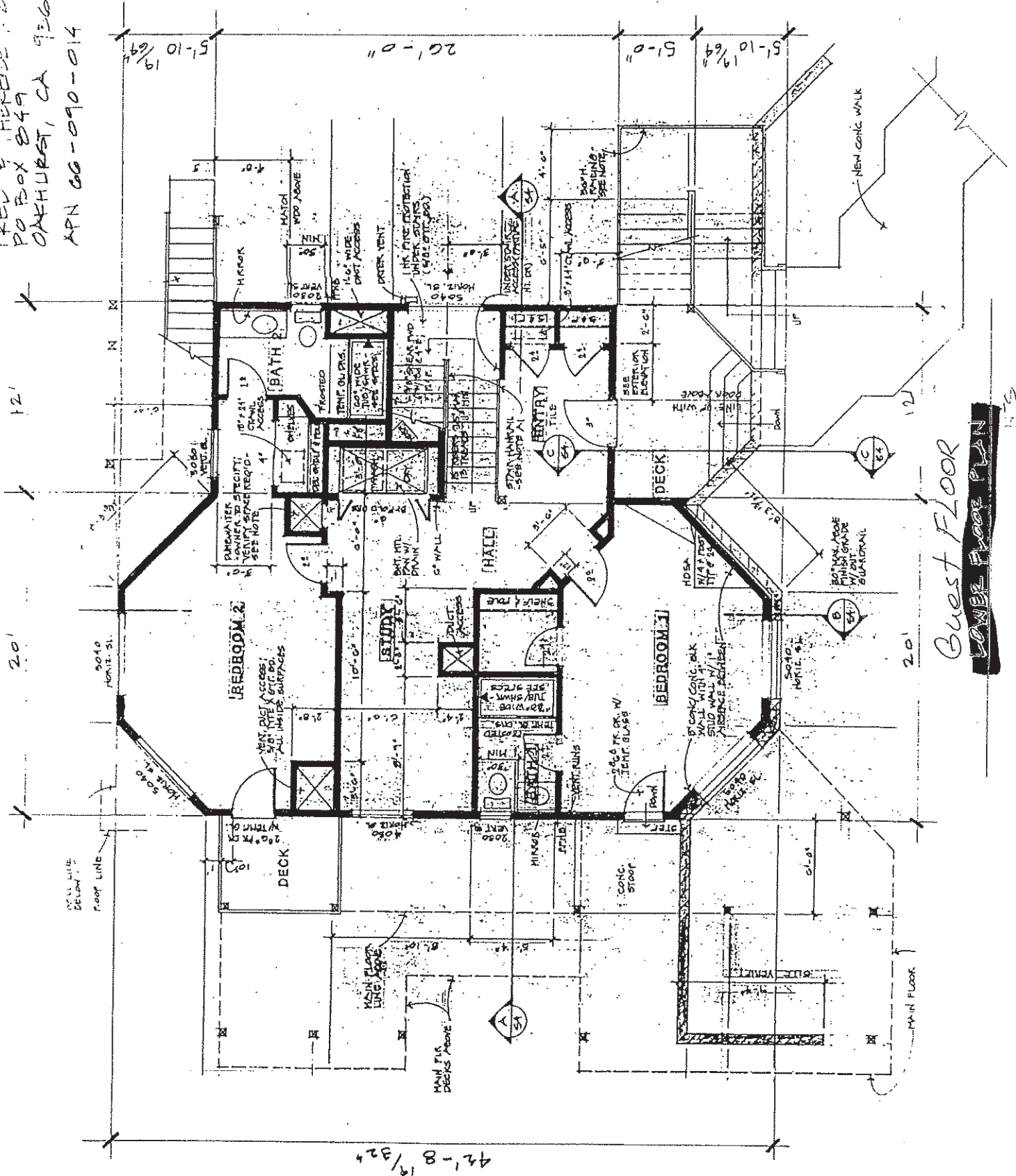


EXHIBIT E

FRED & THERESA ...
 PO BOX 849
 OAKHURST, CA 94644
 APN 00-090-014



RESPONSE TO OPERATIONAL/ENVIRONMENTAL STATEMENT

1. **Assessor's Parcel No.:** 066-090-061-000.
Applicant's Name: FREDDY W. MORRIS and ANNA THERESE MORRIS.
Address: 37621 Ravensbrook Way, Coarsegold, CA 93614
Phone Number: (209) 683-4792
2. **Describe the nature of your proposal/operation:**

Proposed Bed & Breakfast.
3. **What is the existing use of the property?**

Family residence is present use.
4. **What products will be produced by the operation? Will they be produced on-site or at some other location? Are these products to be sold on-site? Explain.**

No products will be produced.
5. **What are the proposed operational time limits?**

Year-round use with peak seasons.
6. **Will there e any special activities or events?**

No activities or events planned.
7. **How many customers or visitors are expected?**

Two rooms, two people per room, one bed per room. Checkout 11 a.m., check in time 3 p.m.
8. **How many employees will there be?**

Owners-only operation.
9. **What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.**

Television and VCR per room; linens, 2 sets per room.
10. **Will there be any service an delivery vehicles?**

No service or delivery vehicles.

11. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

Upper parking paved, four vehicles; lower parking paved, 2 vehicles; 24 x 28 garage.

12. How will access be provided to the property/project? (Street name).

Private paved driveway from Ravensbrook Way.

13. Estimate the number and type (i.e., cars, trucks) of vehicular trips per day that will be generated by the proposed development.

Maximum number of cars, 4.

14. Describe any proposed advertising including size, appearance and placement.

Sierra Telephone Book, 1" x 3" advertisement.

15. Will existing building be used or will new buildings be constructed? Indicate which building(s) or portion(s) of it will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if appropriate.

Existing home will be used, 3 stories. Top floor: Private bedroom and bathroom.

Middle floor: Kitchen, half bathroom, livingroom and dining room. Lower floor: Two bedrooms with private bathrooms, sitting room and utility closet. The house, private garage, and pump house are blue with white trim. Horizontal composite siding.

16. Is there any landscaping or fencing proposed? Described type and location.

No fencing needed and landscape existing.

17. What are the surrounding land uses to the North, South, East and West boundaries of the property?

Federal land to North and East, South and West borders (two parcels). Our property, unused land.

18. Will this operation or equipment used generate noise above existing parcels in the area?

No noise will be generated from use.

19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water supplied to the proposed development? (Please be specific).

Water comes for private 25 GPM well.

20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

Estimated use of family of 6.

21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

Solid waste produced by family of 6 will be taken to Madera County Dump in North Fork.

22. Will there be any grading? Tree removal? (Please state the purpose (i.e., for roads, building pads, drainage, etc.).

No grading or tree removal necessary.

23. Are there any archeological or historically significant sites located on this property? If so, describe and show locations on site plan.

No historical or archeological sites.

24. Locate and show all bodies of water on application plot plan or attached map.

Bodies of water shown on maps.

25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

See attached map.

26. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped and disposed of?

No hazardous materials or waste will be produced.

27. *Will your proposal require use of any public services or facilities (i.e., schools, parks, fire and police protection or special districts)?*

No public services or facilities needed. We have lived on this property for 22 years, raised 3 children to adulthood.

28. *How do you see this development impacting the surrounding area?*

It will be quite, beautiful, restful, and will have little (if any) impact on the surrounding area.

29. *How do you see this development impacting schools, parks, fire and police protection or special districts?*

There will be no impact on schools, little, if any, on parks, fire, police or special districts.

30. *Commercial or industrial development.*

Bed & Breakfast; 3,000 square foot home; owner operated; 3-story home.

31. *Land division.*

Not applicable.

Findings of Fact

1. **The proposed project (request) does not violate the spirit or intent of the Zoning Ordinance.**

Our proposed Bed & Breakfast does not violate the spirit or intent of the Zoning Ordinance. We will be offering a mountain home-like setting for a maximum of four (4) guests. Their activities will include the same ones we have enjoyed with our friends and family.

2. **The proposed project (request) is not contrary to the public health, safety or general welfare.**

Our home is three (3) miles from emergency health services and the Fire Department in Oakhurst. We have used both services within the past five (5) years. We were pleased with their response time and service.

3. **The proposed project (request) is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors.**

Our paved road provides quiet accessibility. There will be no activity offered that will raise the level of noise and there will be no lights visible to our neighbors.

4. **The proposed project (request) will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the neighborhood or of the County.**

We will be offering beautiful rooms in a convenient, secluded mountain setting. Since our home and all activities that we will be offering (hiking, fishing, exercise equipment, spa and more) is so secluded, I cannot imagine any aspect of our project causing adverse effects.

Description of Bed & Breakfast:

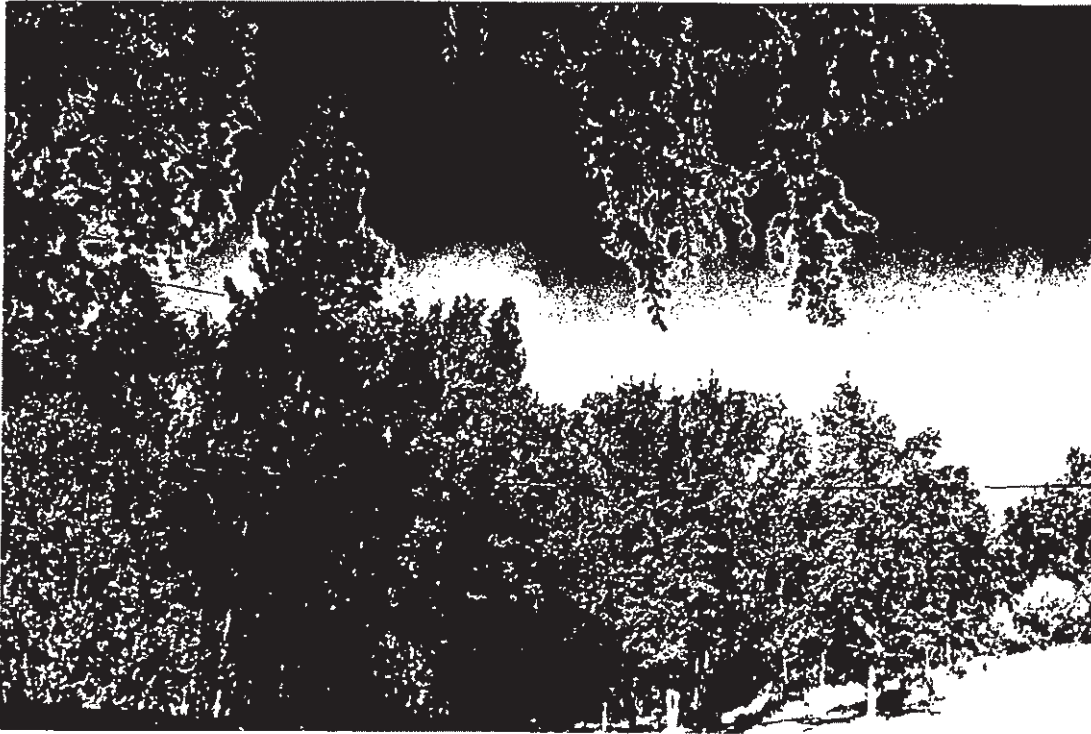
Ravenbrook Inn is beautiful and conveniently secluded. Luxurious rooms nestled on acres of mountain scenery at its loveliest. Two (2) bedrooms with King size beds and private bathrooms. Refrigerators, washer and dryer; spa on deck over looking great fishing pond; fitness equipment, fishing poles, hiking trails with view; free Continental breakfast; and enclosed garage parking.



North view of house showing the guest garage.



Guest garage prior to completion



View of site facing west.



View of site facing south
showing house.



North view of on site pond.



North view of on site pond.



Looking southwest down
Ravensbrook Way.



Site entrance

EXHIBIT H



Entrance to Ravensbrook Way
from Road 420, looking
northeast.



Entrance to Ravensbrook Way
from Road 420, looking
northeast.

MITIGATED NEGATIVE DECLARATION

ND-98-80

RE: Freddy and Anna Morris - CUP 98-39 - Oakhurst

LOCATION AND DESCRIPTION OF PROJECT:

Conditional use permit to establish a bed and breakfast in an existing single family dwelling. The project site is located at the northerly terminus of Romero Lane (37621 Ravensbrook Way) Coarsegold.

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

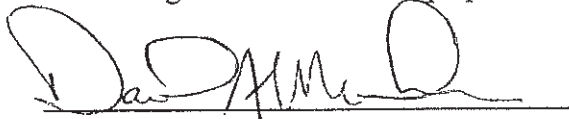
BASIS FOR NEGATIVE DECLARATION:

The following conditions and mitigation measures are specifically included as a part of the negative declaration:

1. The applicant shall contact the Fire Department for verification of current fire protection standards prior to any construction or commencement of operations. The following conditions will be applied to the project:
 - a. A 2,500 gallon water storage tank shall be installed on the project site. The location of the tank, and the outlet/connections shall be approved by the Fire Department.
 - b. The street address shall be posted with a minimum of three inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code. Where building setbacks exceed 100 feet from the roadway, additional contrasting 3 inch numbers shall be displayed at the property access.
 - c. Every chimney used in conjunction with any fireplace or an heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrester, visible from the ground and identified in the Uniform Fire Code.
 - d. Fire extinguishers are required in accordance with Uniform Fire Code.
 - e. Manual fire alarm is required.

- f. Bed and breakfast establishment shall comply with NFPA life safety code 101. Contact fire department fore details.
 - g. Additional requirements may be applied due to a lack of information to review.
2. The applicant shall have the proposed and/or existing septic system and water supply inspected and approved by the Madera County Environmental Health Department prior to issuance of the conditional use permit. These systems must be adequate to serve the bed and breakfast at full capacity.
 3. The applicant shall obtain a driveway encroachment permit from the Madera County Road Department prior to issuance of the conditional use permit.
 4. The applicant shall submit a parking and circulation plan to the Planning Department for approval prior to issuance of the conditional use permit. This plan shall indicate parking spaces (1 space for each room and 2 spaces for the single family residence), driveway location(s), and internal circulation patterns.
 5. Any night lighting shall be hooded and directed away from surrounding properties and roadways.

On the basis that no significant amounts of traffic, noise, dust, light, or glare will result from this development, that no biological or cultural resources will be degraded, and that no significant increase in the demand for public services or utilities will be generated by this proposal, the Madera County Environmental Committee has directed that this mitigated negative declaration be prepared.



David J. Merchen, Senior Planner
Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 135 West Yosemite Avenue, Madera, California.

DATED: September 8, 1998

FILED:

PROJECT APPROVED:

MEMORANDUM

TO: DAVID MERCHEN, SENIOR PLANNER

FROM: LEONARD VALENZUELA, ENGINEERING TECHNICIAN, RD. DEPT.

DATE: AUGUST 11, 1998

RE: CUP 98-39, FREDDY AND ANNA MORRIS

We have reviewed the proposal. This project will not have a significant environmental impact. The General Plan designates Ravensbrook Way as local, requiring 60 foot wide right-of-way. Existing right-of-way is 60 foot wide. This road is built to a Class III road standard. This project is not within any maintenance district of service area.

The Road Department recommends this condition of approval:

1. Prior to any construction within the right-of-way, the applicant will apply for an Encroachment Permit at the Road Department.

MADERA COUNTY FIRE DEPARTMENT

IN COOPERATION WITH
CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

14225 ROAD 28
MADERA CALIFORNIA 93638
(209) 675-7799

CANDACE GREGORY
MADERA COUNTY FIRE CHIEF

DATE: 14 AUG 98

TO: Planning

RE: Fire Protection Requirements

REFERENCE NO.: FD _____ PLANNING NO. 98-39 PERMIT NO.: _____

APPLICANT: MORRIS

LOCATION: Ravenbrook way

APN NO.: 66-090-061

The following circled or underlined conditions apply to the referenced project:

- F1** The above referenced project is protected by the Madera County Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances, or standards of the fire department.
- F2** Water systems designed to meet the required fire flow of this development shall be approved by the fire department. The developer shall furnish the fire department with two (2) copies of the water system improvement plan for approval. Water system shall be operational and approved by the fire department prior to any framing construction occurring. Required fire flow is _____ gallons per minute at 20 psi for _____ hours duration per Appendix IIIA, and 901.3, UFC.
- F3** Prior to building permit, approved fire hydrants and fire hydrant pavement markers shall be installed. Fire hydrants shall be six (6) inch in diameter with a minimum of one (1) four and one half (4 1/2) inch and one (1) two and one half (2 1/2) inch connection as specified by the fire department. The design of the fire hydrant and fire hydrant pavement marker shall be approved by the fire department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post three feet from the hydrant. Hydrants required are _____, spaced at _____ foot intervals per Appendix IIIB, UFC. Hydrants are to be no closer than 50 feet nor further than 150 feet from the building(s).
- F4** In areas without water serving utilities, the fire protection water system shall be based on NFPA 1231 and be operational prior to framing. Fire department review and approval required. Size to be 2500 gallons. Storage tanks to be installed per attached specification. Fire department connection to be located at the entry point of the project.

- F5 Prior to any framing construction occurring, all flammable vegetation shall be removed from each building site a minimum distance of thirty (30) feet from any flammable building material, including a finished structure.
- F6 Private road maintenance, including but not limited to grading and snow removal, shall be provided. Written documentation shall be submitted to the fire department. Private fire access roads shall provide an all weather surface with a minimum paving width of twenty (20) feet. (902 UFC)
- F7 A _____ foot fuel modification zone in compliance with county standards is required.
- F8 An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. (UFC 902.2.2.4) Cul-de-sacs shall be no longer than allowed by Madera County Ordinance 542.
- F9 The development and each phase thereof shall have two (2) points of vehicular access for fire and other emergency equipment, and for routes of escape which will safely handle evacuations as required by emergency services personnel. (UFC 902)
- F10 The street address shall be posted with a minimum of three (3) inch numbers. Posted numbers shall contrast with their background and shall be legible from the street in accordance with the Uniform Fire Code. (UFC 901) Where building setbacks exceed one hundred (100) feet from the roadway, additional contrasting three (3) inch numbers shall be displayed at the property access.
- F11 Every chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel is used shall be maintained with an approved spark arrestor, visible from the ground and as identified in the Uniform Fire Code. (UFC 1109.7)
- F12 Fire extinguishers are required in accordance with Uniform Fire Code Standard 10-1.
- F13 Any gated access shall be approved by the fire department and emergency access arrangements made prior to occupancy. (UFC 902)
- F14 Additional requirements may be applied due to lack of sufficient information to review. Please submit building and plot plans for proper application of codes.
- F15 All flammable liquid storage and dispensing shall be in accordance with the applicable sections of the Uniform Fire Code Article 79. Plans review required.
- F16 All commercial Liquefied Petroleum Gas (LPG) storage and dispensing shall be in compliance with Uniform Fire Code Article 82.

F17 An automatic fire extinguishing system is required as follows:

- A Commercial-type food heating or processing equipment (UFC 1003)
- B Spray paint booths or rooms (UFC 4502)
- C Entire building. (UFC 1003)

All fire extinguishing systems, including automatic sprinkler systems, Classes I, II, and III combined standpipes, Halon systems, and other special automatic extinguishing systems, and basement pipe inlets shall be approved by both the fire department and the Office of Building and Safety prior to installation. Said systems shall meet the appropriate standard whether NFPA or UBC. The Fire Department shall witness all systems tests. Systems shall be operational prior to occupancy.

F18 The applicant shall agree to participate in a Mello-Roos or special improvement zone funding for expansion of local fire protection services.

Additional non-standard requirements shall be required as noted:

F19 * Manual fire alarm required

F20 * B&B establishment shall comply with NFPA life safety code 101. Contact fire dept for details

CANDACE GREGORY
MADERA COUNTY FIRE CHIEF

By:

PW Clee
Fire Protection Planning Officer

EXHIBIT L

NOTE: PLEASE WRITE LEGIBLY OR TYPE.

Application(s) CUP 98-39

Return to: David Merchen, Planning Department

Freddy and Anna Morris

Responding Agency: Madena Environmental Health Date: 8/17/98

Respondent's Signature: Cal Hayenga

1. Does your Agency or Department have a recommendation regarding the approval or denial of this project?

X Approve _____ Deny

If your Agency or Department recommends denial of this project, please list the reasons below.

2. If the project is approved, what conditions of approval are recommended?

The sewage disposal system must be
be designed for maximum use commercial use.

3. Please identify any existing regulations, standards, or routine processing procedures which would mitigate the potential impacts.

Madena County Code

4. General Comments - Please attach on additional sheet.

The applicant applicant proposes to rebuild a barn and
down structure. The septic system may not be sized for
commercial use.

EXHIBIT L

NOTE: PLEASE WRITE LEGIBLY OR TYPE.

Application(s) CUP 98-39

Return to: **David Merchen, Planning Department**

Freddy and Anna Morris

ENVIRONMENTAL / PROJECT REVIEW QUESTIONNAIRE

Responding Agency: Madera Environmental Health Dept.

Contact Person: Cal Hayenga Signature: Cal Hayenga

Telephone No: (209) 675-7823 Date: 8/17/98

ENVIRONMENTAL REVIEW

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project?

Yes

No, the following information is needed: _____

2. What potential impacts will the project result in (e.g. change in traffic volumes, water quality, land use, soils, air quality, etc.)? Be as precise as possible and answer only for your area of expertise.

None expected

3. Are the potential impacts identified in Question 2, significant enough to warrant the preparation of an EIR?

Yes No

FILED
MADERA SUPERIOR COURT

AUG 16 2019

ADRIENNE Y. CALIP CLERK

DEPUTY

1 Gregory M. Chappel, #112907
2 Nanette M. Beaumont, #210898
3 JAMISON CHAPPEL & BEAUMONT
4 49430 Road 426, Suite F
5 P.O. Box 517
6 Oakhurst, California 93644
7 Telephone: (559) 683-2950
8 Facsimile: (559) 683-2975
9 Email: legal@oakhurstlaw.com

10 Attorneys for Defendants/Cross-Complainants
11 John Dunbar, Russell Dunbar, and Nikki Lewis

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF MADERA
14 CIVIL UNLIMITED

15 * * * * *

16 FERMENT DESIGN, INC., a California)
17 corporation,)
18)
19 Plaintiff,)
20)
21 vs.)
22)
23 JOHN DUNBAR, an individual; NIKKI)
24 LEWIS, an individual; and DOES 1 through)
25 25, inclusive,)
26)
27 Defendants.)

Case No. MCV080121

PRELIMINARY INJUNCTION

Date: June 25, 2019
Time: 1:30 p.m.
Dept.: 45

28 AND RELATED CROSS-ACTION

The Order to Show Cause re Preliminary Injunction came on for hearing on June 25, 2019 in Department 45 of the above entitled court, the Honorable Judge James E. Oakley presiding. Nanette M. Beaumont of Jamison Chappel & Beaumont appeared on behalf Defendants/Cross-Complainants John Dunbar, Russell Dunbar, and Nikki Lewis. Amy Lovegren-Tipton of the Law Office of Amy Lovegren-Tipton, APLC appeared on behalf of Plaintiff/Cross-Defendants, Ferment Design, Inc. and Yvonne Abdelmeseeh.

On reading the verified Cross-Complaint of Defendants/Cross-Complainants John Dunbar, Russell Dunbar, and Nikki Lewis (hereinafter referred to as "Cross-Complainants") on file in the above-entitled action , the declarations, the memorandum of points and authorities

1 submitted herewith, including Opposition and Reply, and oral testimony, it appears to the satisfaction
2 of the court that this is a proper case for granting a Preliminary Injunction.

3 **IT IS ORDERED** that Cross-Defendants are enjoined from operating the
4 Ravensbrook Bed & Breakfast in a manner which does not maintain appropriate signage, security
5 lighting, water supply, and registration procedures to avoid adverse impacts to surrounding
6 properties as required by *California Health & Safety Code* § 114192 and *Madera County Code* §
7 18.04.083.

8 **IT IS FURTHER ORDERED** that the above-named Cross-Defendants, and their
9 agents, employees, representatives and all persons acting in concert or participating with them, are
10 restrained and enjoined from engaging in or performing, directly or indirectly, actions obstructing
11 or interfering with the use and enjoyment of the Dunbar Property commonly known as 37569
12 Ravensbrook Way, Coarsegold, Madera County, California 93614 (APN 066-090-062) (hereinafter
13 referred to as “Dunbar Property”), access to the Dunbar Property Shared Well and water flowing
14 from the Shared Well, Easements to the Dunbar front yard and the shared pond, the Dunbar trees,
15 and the Dunbar Property survey markers, which are the subject of this action. Cross-Defendants are
16 further Ordered to refrain from operating the Ravensbrook Bed & Breakfast in a manner which does
17 not maintain appropriate signage, security lighting, water supply, and registration procedures to
18 avoid adverse impacts to surrounding properties as required by *California Health & Safety Code* §
19 114192 and *Madera County Code* § 18.04.083.

20 **IT IS FURTHER ORDERED** that in accordance with *Code of Civil Procedure*
21 Section 529, Cross-Complainants must post a bond or undertaking in the sum of \$25,000.00 within
22 ten (10) days of execution of the Preliminary Injunction with respect to claims which may arise as
23 a result of the Preliminary Injunction for purposes of reimbursing Plaintiff for any damages that may
24 be sustained by reason of this Preliminary Injunction if the court finally decides that Cross-
25 Complainants are not entitled to it.

26 **IT IS SO ORDERED**

27 Dated: AUG 16 2019 , 2019

JAMES E. OAKLEY

Honorable Judge of the Madera County
Superior Court

ParcelQuest
EXHIBIT D

Property Detail

Madera, CA GARY SVANDA, ASSESSOR

Parcel # (APN): **066-090-061-000**

Use Description: **RESID. HOTEL/MOTEL/RESORTS**

Parcel Status: **ACTIVE**

Owner Name: **FERMENT DESIGN INC**

Mailing Address: **21856 THIMBLEBERRY CT CORONA CA 92886**

Situs Address: **37621 RAVENSBROOK WAY COARSE GOLD CA 93614-9453 H067**

Legal

Description: **SEC 26 T7S R21E PM 3717 46/73-2**

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here <i>Ravensbrook</i>
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	Postage \$
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Total Postage and Fees \$	
Sent To <i>Ferment Design Inc</i>	
Street and Apt. No., or PO Box No. <i>21856 Thimbleberry Ct</i>	
City, State, ZIP+4® <i>Corona CA 92886</i>	

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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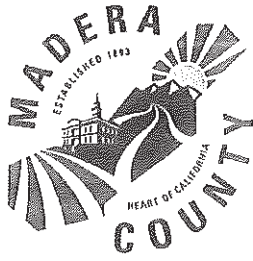
For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$	Postmark Here AF
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	Postage \$
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Total Postage and Fees \$	
Sent To <i>Ravensbrook Inn Yosemite</i>	
Street and Apt. No., or PO Box No. <i>37621 Ravensbrook</i>	
City, State, ZIP+4® <i>Coarsegold CA 93614</i>	

PS Form 3800, April 2015 PSN 7530-02-000-0047 See Reverse for Instructions

*** The information provided here is deemed reliable, but is not guaranteed.



COPY

**PERMIT SUSPENSION
NOTICE AND ORDER FOR CLOSURE**

September 18, 2019

Yvette Abdelmesheeh
37621 Ravensbrook
Coarsegold CA 93614

Certified Mail/ US 1st Class Mail

Ferment Design Inc
21856 Thimbleberry Ct
Corona Ca 92886

Subject: Ravensbrook Inn Yosemite located at 37621 Ravensbrook Way, Coarsegold, CA 93614

This letter is to inform you that Madera County Environmental Health Division (MCEHD) is suspending the Permit to Operate **immediately** for the aforementioned facility pursuant to the California Retail Food Code, section 114405 (a), "*A Permit may be suspended...by a local enforcement officer for a violation... Any food facility for which the permit has been suspended shall be closed and remain closed until the permit has been reinstated.*"

The following laws and regulations are currently in violation at your facility:

1. California Retail Food Code (CalCode), Section 114192, states that "an adequate, protected, pressurized, potable supply of hot water and cold water shall be provided," and CalCode, Section 113869 states that "Potable water means water that complies with the standards for transient non-community water systems pursuant to the California Safe Drinking Water Act, Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law.

In order to assure safe potable water for your food facility, your health permit is conditioned to conduct bacteriological samples in its distribution system and nitrate and nitrite samples at each well. MCEHD has not received any water quality testing results this calendar year for Ravensbrook Inn Yosemite.





The Operating Permit for the aforementioned facility will be reinstated upon completion of the requirements set forth by the local enforcement agency as outlined in the August 12, 2019 letter.

You have a right to appeal this Notice for the closure of your facility. You are hereby informed of your right to an appeal to show cause why the facility should not be closed pursuant to the California Health and Safety Code, Sections 114405 and 114409. You shall make a written request for an office hearing within 15 calendar days after receipt of this notice. Failure to request an office hearing within 15 calendar days after receipt of this notice shall be deemed a waiver to the right of a hearing.

Should you have any questions, or need to discuss this matter further, please contact our office at (559) 675-7823. Thank you for your immediate attention and cooperation in this matter.

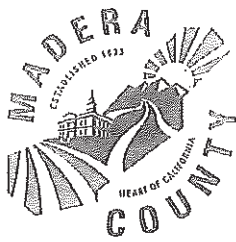
Sincerely

Dexter Marr
Deputy Director Environmental Health
Madera County Environmental Health

Attachment: Notice/ Condition to Health Permit dated August 12, 2019

Cc: Matt Treber, Director of Community and Economic Department





Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

• 200 W. 4th Street, Suite 3100
• Madera, CA 93637
• (559) 675-7823
• FAX (559) 675-7919
• envhealth@madera-county.com

August 12, 2019

Yvette Abdelmesheeh
37621 Ravensbrook
Coarsegold, CA 93614

COPY

NOTICE

CONDITION TO HEALTH PERMIT

Re: Water sampling requirements for Ravensbrook Inn Yosemite located at 37621 Ravensbrook, Coarsegold, CA 93614

California Retail Food Code (CalCode), Section 114192, states that "an adequate, protected, pressurized, potable supply of hot water and cold water shall be provided," and CalCode, Section 113869 states that "Potable water means water that complies with the standards for transient non-community water systems pursuant to the California Safe Drinking Water Act, Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law.

In order to assure safe potable water for your food facility, your food permit is conditioned to conduct bacteriological samples in its distribution system and nitrate and nitrite samples at each well. Compliance includes:

Bacteriological

1. The frequency of bacteriological sampling is quarterly (every 3 months) that the food facility is open for business and shall be analyzed by a state certified lab. Due to the fact that your business is only open from May 1st through August 31st your bacteriological collection sample should be performed twice a year and submitted to Environmental Health as outlined in this letter (Item #3).
2. All bacteriological sample results shall be submitted to Madera County Environmental Health Division (MCEHD) by no later than the 10th day of the month following collection as shown below.

3.	<u>Collection Period:</u>	<u>Submit by:</u>
	April	May 10th
	July	August 10th

If the water delivered to your food facility is provided with a disinfection treatment, the chlorine residual shall be measured and reported at the same time and location(s) that the bacteriological sample(s) are collected. This residual must be provided to the Division on the laboratory analysis report at this time. The January 1, 2004 EPA Disinfectant/Disinfection By-Product (D/DBP) Rule requires reporting this to the Environmental Health Division.

You may request the laboratory to provide the results to MCEHD; however, the food facility is ultimately responsible to ensure that the sample results were received.

4. Should a bacteriological analysis indicate the presence of coliform organisms, the food facility shall require the laboratory to notify the owner within 24 hours if any sample is coliform-positive. The food facility must collect a repeat sample set within 24 hours of notification of the coliform-positive sample. **If the sample is fecal coliform or *E. Coli* positive, the food facility should contact the Environmental Health Department immediately.**

Repeat Sampling

*For a food facility collecting **only one (1) sample per month or quarter**, a repeat sample set shall consist of four (4) samples as follows: one (1) from the routine sample site at which the positive occurred, one (1) upstream from the routine sample site, one (1) downstream from the routine sample site and one (1) from the operating well(s) or another location within the system that would best help to identify the source or area of contamination.*

*For a food facility collecting **more than one (1) sample per month**, a repeat sample set shall consist of three (3) samples as follows: one from the routine sample site at which the positive occurred, one upstream, and one downstream of the routine sample site.*

The upstream and downstream sample sites shall be located within five service connections of the routine sample site. At least one repeat sample shall be collected from upstream and one from downstream unless there is no upstream or downstream service connection. Contact the Environmental Health Division as soon as the results of the repeat samples are obtained.

The following criteria should be considered when determining where to collect the fourth repeat sample:

- For food facilities with only one active well that does not provide continuous chlorination, the sample may be collected at the wellhead.
- For food facilities with more than one active well, each well serving the area where the positive routine sample site was collected must be sampled to determine where the source of contamination is coming from. Additionally, the storage tank or another point in the distribution can be sampled if needed.
- For food facilities providing continuous chlorination, the system should already be conducting raw-water bacteriological monitoring at a point ahead of chlorination on at least a quarterly basis. These samples should be used to determine if the source of bacteriological contamination is from the well itself. For these systems, the fourth repeat sample should be collected at a storage tank or another point in the distribution system.
- Contact the Environmental Health Division for assistance.

Any additional samples collected from the well(s) for investigative purposes (*not part of the repeat sample set*) should be labeled as "special" samples (or "other" samples), and will not be counted towards compliance with the monthly total coliform water quality standards.

Sampling the Month Following a Coliform-Positive Sample

A food facility for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. These samples can be collected on the same day from five different routine sites or from the same routine sites at 15 minute intervals (if fewer than five sites are available), or as deemed necessary by MCEHD. If all five samples are negative for total coliform, the food facility may return to the normal sampling frequency during the next sampling period.

Determining Compliance with the Coliform Standard

A food facility will fail the coliform maximum contaminant level (MCL) if: For a food facility which collects fewer than 40 samples per month, at least two samples collected in the same month are coliform-positive. When this occurs, the food facility representative shall contact the MCEHD immediately (within 24-hours or the next business day if the office is closed). The food facility will be required to conduct public notification and will be provided by MCEHD with an approved notification to be used. Public notification shall be conducted by direct mail, hand delivery or posting (where approved)

5. **Your bacteriological sample result shall be submitted per schedule, see item #3.**

Nitrate

1. Nitrate samples shall be taken **annually** and analyzed by a state certified lab. Sampling results shall be submitted to MCEHD no later than 60 days following collection
2. Should a single nitrate sample exceed the Maximum Contaminant Level (MCL) of 10 mg/L you shall collect and analyze another sample within 24 hours of notification by the lab. If the average of the two nitrate sample results exceeds the MCL, report the results to MCEHD at (559) 675-7823 within 24 hours. If the average does not exceed the MCL, provide results within seven days from receipt of the original analysis.
3. For any single sample in which the concentration is greater than or equal to 50% of the MCL (5 mg/L) the monitoring frequency shall be increased to quarterly. If four consecutive quarterly samples are less than the MCL, you may request the frequency be reduced to annual sampling.
4. **Your nitrate sample result shall be submitted to MCEHD annually.**

Nitrite

1. Nitrite samples shall be taken every **three** years and analyzed by a state certified lab. Sampling results shall be submitted to MCEHD no later than 60 days following collection.
2. Should a single nitrite sample exceed the MCL of 1 mg/L within 24 hours of notification, you shall collect and analyze another sample. If the average of the two nitrite sample results exceeds the MCL, report the results to MCEHD at (559) 675-7823 within 24 hours. If the average does not exceed the MCL, provide results within seven days from the receipt of the original analysis.
3. Any one sample in which the concentration is greater than or equal to 50% of the MCL must increase the repeat monitoring frequency to quarterly. After four consecutive quarterly samples are less than the MCL, you may request the quarterly frequency be reduced to every three years sampling.
4. **Your nitrite sample result shall be submitted to MCEHD every three years.**

Sincerely,



Dexter Marr

Environmental Health Division

P: 559-675-7823

F: 559-675-7919

E: EHFOOD-REC@maderacounty.com



Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

200 West 4th St., Suite 3100
Madera, CA 93637
559-675-7823
FAX 559-675-7919
envhealth@maderacounty.com

August 8, 2019

Invoice #: IN0069813

ABDELMESEEH, YVETTE

MONITORING SCHEDULE

RE : WA0005292

LEA Water System #:

Water System Name: RAVENSBROOK INN YOSEMITE

Below is a list of your water quality sampling deadline dates . If the samples are past due you shall immediately come into compliance with the system's sampling requirements . All samples must be analyzed by a State approved laboratory and results mailed to the above address or faxed to (559)675-7919.

Well Source-	P - Permanent
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<u>SAMPLE TYPE</u>	<u>DEADLINE DATE</u>	<u>FREQUENCY</u>	<u>COMMENT</u>
NITRATE NITROGEN (NO3-N)	12/31/2019	1 Y	Due this year
NITRITE (N)	12/31/2021	3 Y	Current

Routine1-	P - Permanent
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<u>SAMPLE TYPE</u>	<u>DEADLINE DATE</u>	<u>FREQUENCY</u>	<u>COMMENT</u>
BACTERIOLOGICAL	12/31/2018	3 M	Past Due

Please contact Madera County Environmental Health at 559-675-7823 if you have any questions regarding this matter. We can also assist you in determining when you last conducted required analyses .