

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA JANUARY 6, 1998

Time                      Description  
**9:08 a.m.** Meeting Called to Order  
Pledge of Allegiance

Selection of Chairman for 1998

**BOARD ACTION:** (M)Pickard, (S)Parker, Supervisor Reilly was selected as Chair/Ayes: Unanimous.

Presentation of Gavel Plaque to Supervisor Stewart for Serving as Chairman for 1997

**BOARD ACTION:** Chair Reilly presented the gavel plaque to Supervisor Stewart. Supervisor Stewart thanked the Board members, County staff, and his wife, Grace Stewart, for their cooperation and support.

Selection of Vice-Chairman for 1998

**BOARD ACTION:** (M)Stewart, (S)Balmain, Supervisor Pickard was selected as Vice-Chairman/Ayes: Unanimous.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Supervisor Parker was wished a very happy birthday.
- Supervisor Stewart presented department heads and elected officials with a name badge in the shape of the County and with the Courthouse logo. He also responded to a question relative to the status of the County flag project and advised that the project is still being worked on and the County does have a flag on display at the State Rotunda.
- Chair Reilly commented on opportunities and challenges facing the County in the coming year.

**9:24 a.m.** Recess

**9:41 a.m.** Approval of Minutes of Regular Meetings of 12/9/97 and 12/16/97

**BOARD ACTION:** Minutes were approved with a change in the minutes for the 16th to reflect Supervisor Reilly's concern over her lack of information for the Merced River watershed in District I and that she expressed a desire to not delay the application for the Stockton Creek and Chowchilla River watersheds.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Reilly amended item 11 to delete the name of Susan Clark from list of appointments. Supervisor Balmain pulled items 9 and 10. Supervisor Parker pulled item 3 for discussion with Public Works Director later this date. Supervisor Stewart pulled item 2 for discussion with Public Works Director later this date.

(M)Parker, (S)Pickard, balance of items were approved/Ayes: Unanimous.

Item 9 - Discussion was held with relative to this item and why it was being handled as a separate contract from the countywide contract currently in effect and at a different rate. (M)Pickard, (S)Stewart, item 9 was approved, with direction given for a letter to be sent to Minolta Leasing Services expressing dissatisfaction that the agreement for this photocopier does not contain the same rates as the County's umbrella agreement. Further discussion was held, and Steve Hayes, Visitors Bureau Director, provided input relative to the agreement and the use of the photocopier. Motion was amended, agreeable with maker and second, to direct County Counsel to try to re-negotiate the agreement to contain the same terms and rates as the County's umbrella agreement. Following further

discussion, motion was restated to approve item 9, with direction to be given to department heads that all contracts require approval of the Board in advance of purchase, and with direction that a letter be sent to Minolta Leasing Services expressing dissatisfaction that the agreement for this photocopier does not contain the same rates as the County's umbrella agreement/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker. Janet Hogan, County Administrative Officer, advised that a memorandum has been distributed to departments relative to the approval process for agreements.

Item 10 - Discussion was held relative to the appointment process for the Tourism Advisory Council members - Board members will schedule their individual appointments and Visitors Bureau Director will schedule the other appointments. (M)Balmain, (S)Pickard, item 10 was approved/Ayes: Unanimous. Steve Hayes, Visitors Bureau Director, provided input.

Ed Johnson, Planning and Building Director;  
Community Development Block Grant (CDBG) for Business Development Implementation Strategy (\$35,000): Direct Commencement of Mining Museum Tasks; Approve and Authorize Execution of Consultant Contracts; Establish New Budget Fund, and Approve Budget Action Form; Formally Accept \$5,000 Donation from Gloor Family; and Advertise for Other Donations (4/5ths Vote Required)

**BOARD ACTION:** Discussion was held with Ed Johnson. Ed clarified that the request for advertising for other donations is an advertisement for other interested property owners who have sites that may be available. Jeff Green, County Counsel, advised that the term "donation" should not be used for the contribution from the Gloor family as a contract will need to be drawn up between the Gloor's and the County for this project. Supervisor Parker expressed concern with a previous contract with a consultant, where following consultant services, the consultant was then in a position to be involved with the actual project, and he requested that this situation not occur with this project or in the future. Ed Johnson advised that the formal contracts with the State, ADE for consulting, and the Gloor family will be scheduled on the agenda for January 20, 1998. (M)Parker, (S)Balmain, Res. 98-9 adopted approving the CDBG as requested, directing commencement of the Mining Museum tasks, approving budget actions as discussed, and directing staff to advertise for other sites that may be available as discussed/Ayes: Unanimous.

Resolution Amending Employee Allocation Schedule in the Board of Supervisors Office to Delete One Full-Time Office Assistant I/II and Add One 80% Permanent Part-Time Office Assistant I/II (County Counsel)

**BOARD ACTION:** Jeff Green, County Counsel, presented staff report. (M)Parker, (S)Balmain, Res. 98-10 adopted/Ayes: Unanimous.

Discussion and Possible Action Relative to Amending the Agreement with Mercy Medical Transportation, Inc. which Expires December 31, 1998 (County Counsel)

**BOARD ACTION:** Following discussion with Jeff Green, County Counsel, (M)Pickard, (S)Stewart, Res. 98-11 adopted/Ayes: Unanimous.

**10:24 a.m.** Recess

**10:34 a.m.** Jerry Progner, Resource Conservation District;  
Resolution Considering Application for Proposition 204 Funding for Improvements in the Stockton Creek and Chowchilla River Watersheds (Continued from December 16, 1997)

**BOARD ACTION:** Discussion was held. Pat Michael provided input relative to CDF and MPUD's involvement and roles in this type of project and advised of the formation of a countywide council for these types of projects. Mike Edwards, Public Works Director, responded to questions relative to the application process and competition and relative to alternatives for administering these types of programs. (M)Stewart, (S)Parker.

Res. 98-2 adopted declining to apply as the County for Proposition 204 funds for this project, and directing that this action be forwarded to Resource Conservation District. Supervisor Parker requested that future applications of this nature be coordinated with Public Works. Motion was amended, agreeable with maker and second, to include direction for the County to provide a letter of support for this application/Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

**11:07 a.m.** Mike Edwards, Public Works Director;  
Workshop and Board Direction Regarding Possible County Actions Concerning Electric Utility Deregulation

**BOARD ACTION:** Mike Edwards introduced Len Viejo with Astrum Energy Services. Len Viejo gave a presentation on the changes with the electric utility deregulation and advised of the services they could provide. Mark Luz, P. G. & E. Area Manager, introduced Larry Salinas, P. G. & E., and provided input relative to the presentation and the changes and P. G. & E.'s role. Larry Salinas provided input and advised that P. G. & E. is neutral in terms of who customers use for their power source. Supervisor Parker suggested that staff gather information on the electric usage for County facilities, and he advised that he has been working with Supervisor Stewart on this matter. Jim Houtz, Houtz Family Restaurant, asked how much the County spends on electric bills in a month. Supervisor Parker requested that Public Works be prepared to come back to the Board with a proposal and cost estimate breakdown for going with a service provider such as Astrum or another provider - Board concurred with this request. Supervisor Stewart requested that staff also gather information for electric usage countywide. Supervisor Parker also requested that consideration be given to the affects this will have on franchise and Rule 20A funding issues. Darla Headley provided input. Jim Houtz further stated that he felt utility rates have been too high.

Consent Agenda item 2 - Following discussion with Mike Edwards, Public Works Director, item 2 was approved/Ayes: Unanimous.

Consent Agenda item 3 - Discussion was held with Mike Edwards, Public Works Director. Supervisor Parker suggested that other options be explored and that more information be obtained relative to the current well. Supervisor Balmain requested itemized cost information for the project. Clif Price, PWD-Facilities Maintenance Manager, provided input on the existing water systems. (M)Stewart, (S)Parker, item 3 was approved, with direction for Public Works to bring back information on the cost breakdown of the project. Mike Edwards advised that they will bring back the contract for award. Ayes: Unanimous.

**12:17 p.m.** CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Pickard, closed session was held/Ayes: Unanimous.

**12:21 p.m.** Board reconvened in open session with no action taken as a result of closed session.

Board Information and Announcements - none

**INFORMATION** No action was necessary on the following:

- A) Treasurer's Monthly Report of Investment Transactions Per Government Code 53607 (Treasurer)
- B) Board Hearing Schedule (Clerk of the Board)

## **CONSENT AGENDA**

- CA-1 Resolution Authorizing the Award of Patch, A.B. Class II and 3/4" Clean Crush Rock Bids for the 1998 Road Division Inventory to the Lowest Responsible Bidders (Public Works); Res. 98-3
- CA-2 Resolution Approving Change Order 4 to American Geological Services of Sonora to Provide Geological Consulting for Installation of Groundwater Monitoring Well at the Sheriff's Office Underground Fuel Tank Site, Public Works Project Number PW 91-55 (Public Works); Res. 98-12
- CA-3 Resolution Adopting Plans and Specifications for Woodland Park Water Well No. 3 Authorizing Advertisement for Formal Bids; Set Bid Opening Date for January 29, 1998; and Authorize Public Works Director to Award and Execute a Contract with the Lowest Responsible Bidder, Public Works Project Number PW 97-10 (Public Works); Res. 98-13, with direction given to staff
- CA-4 Resolution Authorizing Chairman to Sign Software Purchase and License Agreement with AIS Elections Management Software Group (County Clerk); Res. 98-4
- CA-5 Resolution Recognizing Les H. Cohen for His Years of Service to Rural Counties, to be Presented on January 15, 1998 (Supervisor Pickard); Res. 98-1
- CA-6 Resolution Authorizing Public Works to Enter Into a Lease Agreement for Vehicles Appropriated During the Budget Process with the Lowest Responsible Bidder, Tom DuBose Chevrolet of Chowchilla (Public Works); Res. 98-5
- CA-7 Resolution Authorizing the Auditor to Pay for Fixed Assets Approved by the Board During Budget Deliberations (Public Works); Res. 98-6
- CA-8 Rescind Housing Authority Resolution Number 97-7 and Adopt a Resolution Authorizing the Director of Human Services to Execute a Professional Services Agreement with the Amador Tuolumne Community Action Agency in the Amount of \$3,716 for Weatherization Activities (Administration); Hous. Auth. Res. 98-1 and Board Res. 98-7
- CA-9 Resolution Authorizing the Visitors Bureau Director to Enter Into Agreements for Copier Lease and Maintenance through the County's Existing Provider of Copy Machines (Visitors Bureau); Res. 98-8, with direction given to staff
- CA-10 Appoint the Nominee from the Mariposa County Chamber of Commerce, Jan C. Mennig to the Mariposa County Tourism Advisory Council (Visitors Bureau)

CA-11

Appoint Michael Ross, Don Evans, Marty Acree, Martha Lee, Susan Clark, Michaelyn Knowles, Marianne Hunter, Terri Nishimura, and Carl Brownless to the El Portal Town Planning Advisory Committee; and

Reappoint Sam Hayes, Jim Taggart, Alan Bragg, and Ron Skelton (Supervisor Reilly); Supervisor Reilly deleted Susan Clark from list of appointments

**12:22 p.m.** Adjournment in memory of Errol Hodgson, George Markota, Dorothy Cash Rice, Wendell Haris Otter, Gloria Mason, Maxine Story, Eileen Berrey, Joe Morales, Elma Brooks, and Bill Melton.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA JANUARY 13, 1998

<u>Time</u>	<u>Description</u>
<b>9:05 a.m.</b>	Meeting called to order with Supervisors Balmain and Parker excused to tour co-composting facilities.

Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda - None.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** (M)Stewart, (S)Pickard, all items were approved/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Dave Tucker, PWD/Civil Engineer, appeared on behalf of Mike Edwards, Public Works Director;

Information Regarding Construction Progress for the County Government Center

**BOARD ACTION:** Dave Tucker provided status report and advised that the first floor concrete slab was poured.

Adopt Resolution Modifying Resolution 97-397 which Adopted the 1997/98 Fiscal Year Budget (Administration)

**BOARD ACTION:** (M)Stewart, (S)Pickard, Res. 98-16 adopted/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Board Information and Announcements

- Supervisor Pickard advised that he attended the Committee meeting on Monday for AB 585, relative to the vehicle weight fee distribution to counties and cities and the legislation did not move from the Committee.

- Supervisor Reilly advised that she attended the National Park Service Transportation workshop held in Merced. On Monday, she attended the YARTS Management Board meeting and they were presented with three working papers prepared by Nelson/Nygaard and she will forward the information to each Board member. She advised of the workshops scheduled in communities on the VIP for Yosemite -- the workshop for Mariposa will be held on January 22, 1998. She also advised that they will have another series of YARTS workshops with the first one scheduled for February 4, 1998, in Mariposa. This afternoon, she and Supervisor Stewart will meet with CHP, Sheriff, Caltrans, County Administrative Officer, and the Fire Chief relative to Highway 140 safety issues.

- Janet Hogan, County Administrative Officer, advised that she will be out of the office Thursday afternoon and Friday to attend meetings with Administrative Officers from rural counties and with the County Administrative Officers Association. During this time, the Northern California Budget Preparers scheduled a meeting, and she will have Mary Hodson attend on her behalf.

- Supervisor Pickard advised that he will attend the RCRC dinner scheduled for Thursday and that Les Cohen will be recognized upon his retirement from RCRC.

**INFORMATION** No action was necessary on the following:

- A) Yosemite Valley Implementation Plan (VIP) Workshop Has Been Scheduled for 1/22/98 at the Senior Citizen Center (Administration)
- B) Continued Public Hearing on the Industrial/Commercial Zoning Text Amendments Rescheduled for 1/28/98 at the Best Western Conference Room (Planning)

**CONSENT AGENDA**

- CA-1 Resolution Authorizing the Director of Human Services to Execute Contract 98B-1021 with the Department of Community Services and Development (\$30,396) (Human Services); Res. 98-14
- CA-2 Resolution Approving the Overhire of One Senior Office Assistant in the Department of Public Works for the Period from December 8, 1997 Through December 31, 1997 (Personnel); Res. 98-15

**9:22 a.m.** Adjournment in memory of Steven Williams, Ada Kylis and Grace Van Someren.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

**CONFORMED**  
**JANUARY 20, 1998**

<u>Time</u>	<u>Description</u>
<b>9:05 a.m.</b>	Meeting Called to Order, with Supervisors Balmain and Parker excused due to illness.

Pledge of Allegiance

Chair Reilly reviewed the following changes to the agenda:

- Approval of Minutes of 1/06/98 Regular Meeting

**BOARD ACTION:** Continued to January 27, 1998, at Supervisor Balmain's request.

- Wain Johnson, Farm Advisor;

Resolution Adopting Guidelines for Voluntary Rangeland/Watershed Water Quality Management

**BOARD ACTION:** Matter was continued to February 10, 1998, at the Farm Advisor's request.

- Waive First Reading and Introduce Ordinance Assigning the State Fire Marshal Duties to the County Fire Chief; Adopt Resolution Repealing Resolution No. 88-502 which Appointed the State Fire Marshal as the County Fire Marshal; and Adopt Resolution Approving Amended Class Specification for Fire Chief (County Counsel)

**BOARD ACTION:** Matter was continued to be rescheduled at County Counsel's request.

- Review and Direction Relative to Selection of Board Member Liaison to Policy Areas (Clerk of the Board)

**BOARD ACTION:** Matter was continued to January 27, 1998, for the full Board to be present.

- Selection of Chairman and Vice-Chairman for the Following:

- Mariposa County Water Agency and
- Local Transportation Commission (Clerk of the Board)

**BOARD ACTION:** Matter was continued to January 27, 1998, for the full Board to be present.

- Selection of Board Member Representation on Agencies (Clerk of the Board)

**BOARD ACTION:** Matter was continued to January 27, 1998, for the full Board to be present.

- Consent agenda item 3 - Resolution Accepting Funds from the California Department of Mental Health for a Three Year Children's System of Care Program in Mariposa County and Approve Budget Action (4/5ths Vote Required) (Human Services)

**BOARD ACTION:** Matter was continued to January 27, 1998, as a 4/ths vote is required.

- The Community Development Block Grant items were moved from this afternoon's agenda to this morning.

- B) Appointment of Two Board Members to Serve as Commissioners and One Board Member to Serve as an Alternate Member on the Mariposa County Local Agency Formation Commission (LAFCo)

**BOARD ACTION:** Matter was continued to January 27, 1998, for the full Board to be present.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Bob Brown announced that he is a candidate for the District Attorney's position in the upcoming election and that he would be willing to meet with each of the Board members.

Jeff Green, County Counsel, advised of an off-agenda request relative to the proposed new library facility. He advised that the condition for occupancy of the Bondshu property purchased by the County and subsequently designated as the site for the new library is unacceptable to the State for releasing the grant funding for this project -- the funding conditions require free unencumbered title. He contacted the State Library Office to find out if there are any options to this condition. The State advised that it may be possible for the County to enter into an agreement whereby the County would be legally responsible for funding the project and the State would hold the grant funds until the condition for occupying the property is lifted, providing there is no problem from the federal standpoint. The State requested that the County submit a written proposal to this affect and meet with the State Librarian prior to February 20, 1998. In addition, the deadline for applying for additional grant funding is February 20th, and the State has expressed concern with the proposed size of 7,200 square feet for the project and feels that the size needs to be increased and has urged the County to apply for additional funding.

(M)Pickard, (S)Stewart, rules were waived requiring 72 hours agenda noticing to consider this matter, finding it was not known about at the time the agenda was prepared and action is required in a timely matter to meet the application deadlines and the condition for the grant funding/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Discussion was held concerning this matter. Jeff Green advised that the purchase of the Gimblin property will also need to be finalized for the project to be completed.

(M)Pickard, (S)Stewart, Res. 98-17 adopted authorizing the Librarian to apply for additional grant funding to increase the size of the facility; and direction was given to staff to draft a contract proposal with the State which would allow the grant funding to be protected and to meet with the State Librarian. Mike Edwards, Public Works Director, provided input relative to the timeframes for this project. Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Item 3 was continued earlier this date to January 27, 1998.

Supervisor Stewart pulled item 5. Supervisor Pickard pulled item 6. (M)Stewart, (S)Pickard, balance of items were approved/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker. Discussion was held with Blaine Shultz, Fire Chief, relative to item 5. Further discussion was continued for the following hearing to be opened.

**9:30 a.m.** Public Hearing on the Final Drafts of the Source Reduction and Recycling Element, the Household Hazardous Waste Element, the Siting Element and the Summary Plan and the Proposed Negative Declaration Pursuant to an Environmental Initial Study was opened and continued to after the following matters.

Further discussion was held with Blaine Shultz relative to consent agenda item 5 and item 6. (M)Stewart, (S)Pickard, items 5 and 6 were approved/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

**9:41 a.m.** Mike Edwards, Public Works Director;

A) PUBLIC HEARING on the Final Drafts of the Source Reduction and Recycling Element, the Household Hazardous Waste Element, the Siting Element and the Summary Plan and the Proposed Negative Declaration Pursuant to an Environmental Initial Study; and

B) Resolution Certifying the Negative Declaration Regarding Environmental Impacts and Adopting the Final Source Reduction and Recycling Element, the Final Household Hazardous Waste Element, the Final Countywide Siting Element and the Final Summary Plan for the County of Mariposa

**BOARD ACTION:** Mike Edwards advised that a staff presentation was given when the draft documents were scheduled for the Board's consideration, and he introduced Jim Greco, California Waste Associates, and advised that he was present to answer questions. Public portion of the hearing was opened. There was no public input. Public portion of the hearing was closed. Board commenced with deliberations. (M)Stewart, (S)Pickard, Res. 98-23 adopted certifying the Negative Declaration and adopting the documents as requested. Staff responded to question from the Board relative to meeting the mandates and flow control requirements for solid waste disposal. Jeff Green, County Counsel, advised of correction in the Siting Element to reflect Yosemite National Park versus Yosemite National Forest, and he suggested clarification in the resolution for the negative declaration relative to the diminishing landfill capacity in the State -- staff advised that the wording relative to the diminishing landfill is clear to the State. Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

C) Request for Direction from the Board Regarding the Sign for the County Government Center

**BOARD ACTION:** Discussion was held with Mike Edwards. Dave Tucker/PWD-Civil Engineer, provided input relative to the signs and their locations. Board concurred with using "Mariposa County Government Center" on the signs.

Mike Edwards, Public Works Director, provided a status report on the Regional Transportation Improvement Plan (RTIP) process, and advised that a public hearing will be scheduled to review the Plan on February 17, 1998.

Supervisor Reilly advised of the response received from the Board's letter to the California Transportation Commission relative to the high emphasis route issue for Yosemite National Park and advised that she will follow-up on this response.

**10:08 a.m.** Recess

**10:17 a.m.** Dennis Patrick, Data Processing Technical Services Director; Resolution Authorizing Purchase of Additional Disk Storage for the AS/400 from Logical Design, Inc. in an Amount not to Exceed \$27,000; and Waive the Formal Bid Process Due to the Single Source Nature of the Purchase

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Stewart, Res. 98-24 adopted/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Ed Johnson, Planning Director;

C) Community Development Block Grant (CDBG) for Business Development Implementation Strategy (\$35,000); Resolution Authorizing Chair to Sign the Following Agreements:

- Mariposa County and the State Department of Housing and Community Development
- Mariposa County and Applied Development Economics (ADE)
- Mariposa County and the Gloor Family

- Mariposa County and Other Interested Parties as May Wish to Have Their Property Studied (Similar to the Gloor's)

**BOARD ACTION:** Discussion was held with Ed Johnson. Jeff Green, County Counsel, provided input relative to corrections to the documents. Janet Hogan, County Administrative Officer, commended the Planning Director and staff for their efforts on this project. (M)Pickard, (S)Stewart, Res. 98-25 adopted/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

Provide Direction Regarding Competitive Process for the County's Legal Advertising (Administration)

**BOARD ACTION:** Following discussion, Board concurred with proceeding with a competitive bid process.

Board Information and Announcements

- Supervisor Pickard advised that he attended the RCRC dinner and presented Les Cohen with the Resolution and Courthouse book wishing him the best on his retirement from RCRC on behalf of the Board.

- Janet Hogan, County Administrative Officer, advised of her meetings in Sacramento last week with Administrative Officers from other small counties and with the Administrative Officers Association relative to the Governor's budget for the State.

- Supervisor Reilly advised that she plans to attend the Forest Service information sharing meeting in Yosemite on Wednesday; the retirement dinner for Jerry Erwin from CalTrans on Saturday; and that the VIP workshop and open house is scheduled for January 22, 1998.

**10:37 a.m.** CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** (M)Pickard, (S)Stewart, closed session was held/Ayes: Reilly, Stewart, Pickard; Excused: Balmain, Parker.

**11:10 a.m.** Board reconvened in open session with direction given to staff as a result of closed session.

**11:11 a.m.** Lunch

**1:36 p.m.** Ed Johnson, Planning Director;

A) Discussion and Direction Regarding General Plan/Zoning Amendment No. 97-2; an Amendment to the Bed and Breakfast/Transient Rental Standards of County Code

**BOARD ACTION:** Supervisor Reilly reviewed the direction previously given to Planning staff relative to Yosemite West development issues, and she advised that following a survey of the property owners in Yosemite West, this matter is being brought back as a result of that direction. Ed Johnson presented staff report and explained that bed and breakfast (B&B) operations are where the owner lives on the site and transient rental operations are where the owner lives off-site.

Public input was provided by the following:

Kay Pitts, owner of Yosemite Peregrine Bed and Breakfast with her husband, advised of a meeting held on Monday evening with a majority of the lodging operators relative to B&B and transient rental facilities, and thanked Planning staff for their good report. She advised that the general feeling of the individuals present at the meeting was as follows with regards to the alternative actions proposed by Planning staff:

1) a consensus was not reached relative to limiting the size of rental facilities -- some individuals want to be able to build a very large private home and it is a

different issue when a residence becomes a quadri-plex; and no one knew how to enforce a restriction and be fair;

2) with regards to limiting the number of persons who can occupy a facility, a problem occurs with transient rentals because the owner is not on-site to know how many people actually use the facility, and the owners do not want to be penalized when renters are untruthful about the number in their party;

3) they do not feel any new rules are needed if the existing Zoning Code is enforced; they questioned whether parking rules are being enforced and whether duplexes are being inspected for compliance with the plans submitted for review;

4) they were not sure of the meaning of prohibiting expansions for those facilities which become non-conforming by the Code amendments and did not address this alternative;

5) requiring that all transient rentals be a residence of the owner does not limit density, and they feel that the density issue is the problem in Yosemite West; and no one wanted financing documents to be investigated to determine whether a structure is a secondary residence;

6) with regards to limiting the number of transient occupancy tax (TOT) certificates, it does not matter who is running the business, it is a matter of density;

7) most of the people agreed with having two-year inspections for renewal of permits; however, they felt this could be getting into a bureaucracy and questioned who will pay for the inspectors -- most businesses are trying to operate within existing rules and a suggestion was made that perhaps the TOT could be used;

8) there may be a problem with giving authority to the Planning Department to conduct unannounced inspections for transient rentals as the tenants have a right to privacy; for a B&B, there would not be a problem as the owner would be on-site; they agree with having some type of inspection; and if a violation is found, the severity of the penalty should depend on the type of violation;

9) they asked what the process is currently for dealing with persons in violation of County Code; if there is no teeth, it is useless; and if someone receives a citation and corrects the violation, it should not be an issue;

10) with regards to the alternative of adopting an overlay district or specific plan for Yosemite West, everyone at the meeting was interested in doing something with a town plan;

11) they questioned the reason for amending the TOT Ordinance to require reporting of TOT income per unit; however, they will report as requested by the County;

12) they do not feel it would work to prohibit future facilities;

13) with regards to establishing some Neighborhood Commercially zoned property in the community -- some of the people are interested in some development, but not resort development; and they agreed that people should not have to drive through the residential area to reach this type of development;

14) they are opposed to establishing Resort Commercially zoned property in the community;

15) with regards to rezoning the entire community to Resort Commercial, they are opposed and want to retain the residential character of the area; and

16) they agree to having a trailer for temporary housing while constructing a permanent residence; however, it should be promptly removed when the work is done.

Kay Pitts further stated that they feel some of the alternatives need to be studied and they are not ready to reach agreement or make final recommendations -- she feels the town plan might be the best idea to involve everyone in resolving the issues.

Ray Doblick, contractor and property owner of a transient rental, stated he felt some of the problems are created when there are different accesses to a rental and perhaps the duplex should be rented versus individual units. He noted that a duplex with three bedrooms on each side could become a six-bedroom hotel. He stated he felt the

rules for employees needed to be addressed with regards to whether they could be on the property site being rented. He noted that parking is an issue when the use is expanded, and that many driveways will not accommodate additional vehicles and access to multiple buildings and this could become a problem with emergency access. He further questioned whether the signs advertising a rental facility needed to be on the property or on an easement and whether the location changes the size requirements -- he would like to see everyone get together and work on a directional sign.

Bob Borchard, former Planning Director for the County, noted that he drafted the original B&B Ordinance for the County. Today he is representing the Yosemite West Property Owners Association partners which own property that surrounds the development. They have no comment with regards to B&B businesses. He noted that they do have an application for rezoning of a parcel, but do not have a development proposal at this stage. The open space requirements would restrict commercial development density. They have been working with the Park Service with regards to the VIP and issues for employee housing. He noted that water and waste water facilities are an issue for development in the area and expansion will allow for improvement of the facilities.

Walt Rowland advised that they purchased their property in Yosemite West in 1976 and built a house -- first they were part-time residents and then became full-time. He has been a member of the Yosemite West Maintenance Advisory Board. He further noted that when they moved to the community, B&B and transient rental operations were prohibited. Subsequently these operations were allowed and problems have resulted. The central area was identified as a commercial site on maps when they purchased their property, so he does not feel he can object to development in that area. However, from a utility standpoint, there is a limited water supply for the area. From his professional background, he does not feel the water supply will allow full commercial or residential development of Yosemite West. He also noted that there is no legal mandate for developers to access the Yosemite West water supply. He stated he does not feel the commercial operators are paying their fair share of utilities and road maintenance and he feels there should be a higher charge for commercial use versus residential use for the water and sewer. He stated he does not feel the operators are adhering to existing conditions -- he feels continual inspections are needed to make sure the code standards are being adhered to. He stated that he hopes the area intended for residential use will not be commercialized. He responded to question from the Board relative to the location of the sewer and water facilities.

Dave Deto, resident of Yosemite West for twenty years, advised that he holds a TOT permit. He pointed out that in this County people are trying to make home businesses self-sufficient and be compatible with neighboring residents. There will need to be enough latitude in the goals for a business to operate. He further stated he does not feel the opinions expressed as a result of the group that met should have any more credence than an individual's input. He stated he feels the penalty for violations is too harsh and he does not know how enforcement will be paid for. He suggested that the TOT revenue could be reinvested in the community, and he noted the revenue that is received by the County is a result of the B&Bs and transient rental operations. He stated he does not feel there is enough volume to support small businesses. He further stated that he feels the water costs the same regardless of who uses it. He noted that jobs are leaving the Park and businesses should be regulated so they are good for the area. He feels the Board should take a leadership role and do what is best for the County and neighborhoods and not individual factions. He noted that some units in the area are developed without any consideration for neighboring property owners.

Larry Calvi stated he enjoys the area and would not want a hotel next to his property. He does not find it objectionable to see rentals in the area, and he wants to consider that as an option for himself in the future. He does not feel the size of a home should be limited to 2,000 square feet. He stated he feels the penalty for violations is too

harsh. He agrees with modest and reasonable controls that do not change the residential nature of the area in appearance. These facilities should not impact neighbors.

**2:51 p.m.** Recess

**3:04 p.m.** Richard Long stated he has several properties in the community. When they purchased their first property fifteen years ago, they knew there would be commercial development; however they wanted to use this home as a second home and had no intention of renting it out, and they were welcomed into the community. At that time Yosemite West Cottages had a few homes and some were rented -- they began following that concept, and in this coming year they will be paying approximately \$150,000 in taxes. When the community learned that they were going to rent, problems started and they had a lot of vandalism to their property. They support commercialization -- due to financial benefits the community is going to have rentals, and it provides for a future for their family and children. He referred to a map that showed the location of about 100 rental facilities in the area and noted the operators with several facilities. He advised that they have eleven structures and other complexes are being formed. There is no other way to make a living in the area unless you work for the government or the Park concessionaire. He advised that he also owns a 31 acre parcel and has had to deal with numerous complaints, many of which are untrue. He asked that the Board recognize what is happening in the community. He agrees with rentals paying their fair way -- a special assessment is okay. If there is a water shortage, the use of rentals could be canceled to protect the residents.

Harry Hagan stated he agrees with Mr. Long -- this is a community being formed and it is changing. He stated he appreciates the opportunity to be able to provide input -- he feels the survey allows an opportunity for residents to provide input. He feels the square footage restriction alternative would be the easiest to implement. He noted that commercial stores will draw people into the community -- he does not want that to occur near residential development. He feels more information is needed with regards to the status of the water supply for the area before decisions can be made.

Donald Pitts, President of the Bed and Breakfast Association, advised that the Association wants to be separated from the rules for the transient rentals. He does not want to see Yosemite West become commercial by default -- something needs to be done to enforce the regulations. He noted that decisions made by Yosemite National Park will affect them with regards to employee housing. He feels something needs to be done with regards to centralized booking for the rental facilities in the area; and suggested that perhaps a centralized check-in system would be better. On behalf of the Association, they received the staff report from Planning late and did not have time to comment on all of the issues; however, the general feeling is that they do not want more regulations.

Gail Spilos, Real Estate Agent with Coldwell Banker, advised that she has sold property in the area, and she previously worked for the Park Service, and from these experiences she can see both sides of the issues. She noted that the larger developments are necessary to make a financially feasible project. She suggested a Resort Commercial section to allow for expansion of these uses, and leave an area for quiet residential use. Perhaps the use could be planned through zoning and still keep the integrity of the area, but she knows that what is there cannot be changed. She responded to question from the Board as to whether these types of uses exist in other areas of the County.

Debra Kroon, President of Yosemite West Property and Homeowners Association, asked that the survey results be reviewed. She noted that enforcement of the code for violations seems to be a big issue, and if the rules are followed, it would solve a lot of the problems. When the B&B Ordinance was adopted, it was only for B&B operations. The transient rental operations were dealt with separately, and the result was one ordinance for both operations. She feels the definition for a transient rental is a single family home being occupied by a single family. The problems arise with tri-plexes and quadri-plexes and groups of people and intensity of use. She commented on the well

tests for the newer well at the bottom of the community which tested at 130 gpm, and noted that was the capacity of the pump; and she feels it should be retested to see what it can actually produce. She referred to a hydrologist report released in the late 1960's or early 1970's which indicated that there is more than an adequate water supply for the area. However, the sewer system capacity may be a different issue. They were not the initial developers of transient rentals -- they existed in 1970 - 72 when they began their operations. With regards to the alternative presented by Planning to limit the TOT certificates, if homes are rented through a person in the area, there is better communication and service and on-site supervision of guests. For out-of-area owners, everything is handled through the mail and the neighbors may be disturbed with questions and problems by the guests. They strictly enforce the number of guests who occupy their facilities. If the size of a home is limited, she questioned what would happen when a person purchased an over-sized home and then wanted to have a transient rental use. With regards to the TOT reporting requirements, the alternative does not tell how many guests (occupancy rate), only the number of units rented. She feels the CC&R's should be adhered to and density should be enforced as currently regulated. She responded to questions from the Board relative to the definition of a "single family residence" and the hydrologist report that she previously referred to.

Ken LeBlanc, Yosemite Scenic Wonders, advised that he agrees with comments provided by Debra Kroon and Richard Long. When he purchased property in 1990 from the Kroons, Debra Kroon advised him that there was commercially zoned property surrounding Yosemite West that could be developed. With that information, he feels people should expect development to happen. He noted that an operator can hardly break even with a three-bedroom home rental operation; with a three-bedroom duplex, there is a little profit, and so forth. He noted that there are several six-bedroom homes and duplexes. He does not feel the number of rooms and set-up should be restricted as long as there is adequate parking and the structure fits on the lot properly.

Walt Rowland noted that Yosemite West Unit 1 has no legal access to water from the lower area.

Ray Doblick clarified that no area is commercially zoned in Yosemite West.

Discussion was held with staff relative to the input provided and possible options for action and whether to consider action on a countywide basis or just for Yosemite West. Janet Hogan, County Administrative Officer, noted that if the inspections alternative is pursued, that issue should be coordinated with the Health Officer. Direction was given to Planning staff to review the input provided, including the survey results, and bring recommendations back to the Board. Supervisor Stewart requested that clear definitions be included in the recommendation. Ed Johnson advised that they will propose a phased approach to address the issues heard for Yosemite West; and in the long-range, the capacity of the water and sewer systems will need to be addressed. They will review the following options: enforcement of existing ordinances; creation of a new ordinance to retain the residential character; and long-range infrastructure. Supervisor Reilly requested that consideration of a specific plan for the area be included in the long-range review.

Supervisor Pickard advised that the Chamber of Commerce has scheduled a performance by The Diamonds for February 28, 1998, at the Fairgrounds.

**INFORMATION** No action was necessary on the following:  
Continued Public Hearing on the Industrial/Commercial Zoning Text Amendments  
Rescheduled for 1/28/98 at the Best Western Conference Room (Planning)

## **CONSENT AGENDA**

- CA-1         Appoint Dwight Mueller to Fill a Vacancy on Lake Don Pedro Services Area 1-M Advisory Board (Supervisor Balmain)
- CA-2         Reappoint Lawrence Williams and Joyce Koller to the Wawona Town Planning Advisory Committee (Supervisor Pickard)
- CA-3         Resolution Accepting Funds from the California Department of Mental Health for a Three Year Children's System of Care Program in Mariposa County and Approve Budget Action (4/5ths Vote Required) (Human Services); Matter was continued to January 27, 1998, as a 4/5ths vote is required
- CA-4         Resolution Authorizing Public Works to Submit a Local Government Household Hazardous Waste Grant Application and Authorizing the Public Works Director to Execute Said Application (Public Works); Res. 98-18
- CA-5         Resolution Authorizing Fire Chief to Submit Grant Application to the State of California Office of Traffic Safety to Fund Radio Repeaters for the Recently Acquired Sheriff's Frequency and the Purchase of Satellite Cellular Phones for Departments of Fire and Sheriff (Fire); Res. 98-21
- CA-6         Resolution Authorizing Fire Chief to Submit Grant Application to the State of California Office of Emergency Services to Fund the Burns Creek Improvement and the Mariposa and Bear Creek Maintenance Projects (Fire); Res. 98-22
- CA-7         Resolution Authorizing Fire Chief to Submit Grant Application to the State of California Department of Forestry and Fire Protection to Fund the Purchase of Radio Pagers (Fire); Res. 98-19
- CA-8         Appoint Parker McCarthy to the Mariposa County Alcohol and Drug Advisory Board and Accept Resignation of Carl Sumrow (Human Services)
- CA-9         Reappoint Arthur M. Mimler to the Sequoia Area VIII Board for the Developmentally Disabled (Human Services)
- CA-10        Recommendation of District II Supervisor to Appoint Frank Shannon to the Tourism Advisory Council (TAC) to Represent the Board of Supervisors (Supervisor Balmain)
- CA-11        Resolution Authorizing Chair to Sign the Mariposa County Arts Council's 1998-99 State-Local Partnership Program Grant Application (Mariposa County Arts Council); Res. 98-20

**4:48 p.m.** Adjournment in memory of Gumesinda Flores and Hilario Villanueva.

Respectfully submitted,

MARGIE WILLIAMS

Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA JANUARY 27, 1998

<u>Time</u>	<u>Description</u>
<b>9:03 a.m.</b>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Jeff Green, County Counsel, requested a closed session as an off-agenda item for a matter with potential litigation pursuant to Subdivision (b) of Government Code Section 54956.9. He advised that Public Works received notice to appear in Sacramento this Thursday before the Integrated Waste Management Board relative to the timeframes for filing the waste diversion plan. He advised that he and Supervisor Parker and Mike Edwards, Public Works Director, met with staff of the Integrated Waste Management Board in Sacramento on Monday relative to the hearing and the State's staff report they received last Thursday. The plan for the County has been filed; however, the State is still proposing a fine against the County. (M)Pickard, (S)Parker, Board waived rules requiring 72 hours agenda noticing to consider this matter in closed session finding it was not known about at the time the agenda was prepared and it is a matter of timeliness because the hearing before the Waste Management Board is scheduled prior to the next Board meeting/Ayes: Unanimous. (M)Pickard, (S)Parker, Board approved holding a closed session later this date relative to a matter with potential litigation, as discussed/Ayes: Unanimous.

Robert C. Stewart, Supervisor District III;  
Presentation of Certificate of Commendation to the Following Individuals for Assisting with a Hazardous Spill Involving a Gasoline Tanker on Highway 140 on November 20, 1997: Gordon Dulcich, Jon Haag, Gene Lee, Russ Marks, Harold "Hal" Nolen, Dick Odgers/Odgers Petroleum, Teddy Russell, Kelly Woten, and Jim Wilson  
**BOARD ACTION:** Supervisor Stewart commented on the incident and commended all of the individuals and agencies that participated. (M)Stewart, (S)Parker, certificates were approved and presented/Ayes: Unanimous. Gordon Dulcich and Kelly Woten were unable to be present.

Approval of Minutes of 12/3/97, 12/4/97 (Meetings Continued from 12/2/97); 1/6/98 (Approval Continued from 1/20/98); and 1/13/98 Regular Meeting  
**BOARD ACTION:** Supervisor Balmain requested clarification in the minutes for January 6, 1998, relative to Supervisor Reilly's concern on the Proposition 204 item -- Supervisor Reilly to work with the Clerk of the Board to amend the minutes in this regard. All minutes were approved.

Approval of Consent Agenda (See End of Minutes)  
**BOARD ACTION:** Supervisor Parker pulled items 6 and 7. Supervisor Stewart pulled items 4 and 5. Chair Reilly advised of correction to the agenda wording for the hours for the temporary winter schedule for the El Portal Library. (M)Pickard, (S)Parker, balance of items were approved/Ayes: Unanimous. Discussion was held with Dr. Mosher, Health Officer, relative to item 4. Dr. Mosher advised that it is their intent to obtain three informal bids. (M)Stewart, (S)Parker, item 4 was approved/Ayes: Unanimous. Following discussion with Tom Archer, Human Services Director, (M)Stewart, (S)Pickard, item 5 was approved/Ayes: Unanimous. Discussion was held with Blaine Shultz, Fire Chief, relative to items 6 and 7, and Blaine advised of the revisions to the

grant application for item 6. (M)Stewart, (S)Balmain, items 6 and 7 were approved, with revisions as presented/Ayes: Unanimous.

Jeff Green, County Counsel;

Resolution Amending the Employee Allocation Schedule for the Probation Department by Eliminating One Senior Office Assistant Position Salary Range of 84 (\$1,437 - \$1,746 Per Month) and Adding One Account Clerk III, Range 102 (\$1,571 - \$1,910 Per Month)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Stewart, Res. 98-35 adopted/Ayes: Unanimous.

Consideration of a Request from John and Barber Garber to Increase the 6th Street Parking Lot Lease Payment (County Counsel)

**BOARD ACTION:** Matter was continued to February 3, 1998.

Discussion was held relative scheduling the response to the VIP -- Board concurred with holding discussion later this date and scheduling the matter for further consideration on February 3, 1998.

Review and Direction Relative to Selection of Board Member Liaison to Policy Areas (Clerk of the Board) (Continued from 1/20/98)

**BOARD ACTION:** General discussion was held. Supervisor Stewart noted that there are areas in a policy area where the Board members for that policy area may be different than the Board member representation for a specific item such as with the airport. Further discussion of this matter was continued to later this date.

**9:50 a.m.** Recess

**10:02 a.m.** Ed Johnson, Planning and Building Director;

A) PUBLIC HEARING to Consider:

- Appeal No. 97-7 (Ronald and Elizabeth Skelton, Appellant), an Appeal of the Planning Commission's Approval of a Portion of Conditional Use Permit No. 253, Yosemite Motels, Applicant;

- Appeal No. 97-8 (Yosemite Motels, Appellant), an Appeal of the Planning Commission's Denial of Variance No. 97-2 and the Planning Commission's Conditions of Approval on Conditional Use Permit No. 253, Yosemite Motels, Applicant

**BOARD ACTION:** Ed Johnson introduced the two appeals and recommended that public input and deliberation be held on each appeal separately -- Board concurred.

- **Appeal No. 97-7:** Jay Pawlek, Senior Planner, presented staff report. Staff responded to questions from the Board relative to the status of the restaurant as a non-conforming use; appeal of the Use Permit for a bar and whether there are any conditions for exterior use; and current use of the space proposed for the bar. Chair Reilly explained the hearing procedures.

Input from the public was provided by the following:

Appellants presentation:

Ron and Liz Skelton, appellants, were present. Ron advised that they are appealing the granting of the operation of a bar. They expressed concern with the noise this operation may generate. He noted that the applicant owns all of the property surrounding their lot. They have lived in El Portal for 26 years and purchased the neighboring property about 20 years ago. He referred to his experience with responding to situations at Cedar Lodge as a result of the bar operation and problems with accidents on the River road (Highway 140), with a large portion being alcohol related. He feels many of the employees drive while drinking, and they feel the bar in the area will increase the driving and drinking problem. The bar at Cedar Lodge has become a hang-out and there is no regular law enforcement presence in the late evening and the locals are aware of this and feel they can drink and drive. From his discussion with local law enforcement

personnel, they are not happy with another bar in the area. They feel it is not in the public's best interest to allow this bar operation because of existing conditions with the Highway -- curves and ice creating a public safety issue. Liz advised that they are planning to build a small bed and breakfast (B&B) for their retirement on the neighboring lot to this project. She noted that she has been teaching at Mariposa County High School for approximately 25 years. She also expressed concern with noise impacts from a bar operation. She asked about the number of parking spaces for expansion if this is to only serve guests -- she feels it will attract patrons other than just guests of the hotel. She stated she is concerned with impacts from the bar with regards to their planned B&B operation. She advised that she has received comments from local law enforcement officials that they are happy with not having had to deal with the bar operation in this interim period since the flooding a year ago. In 1994, Students Against Drunk Driving (SADD) at the High School started a petition against the expansion of alcoholic beverages selling business on California Highway 140 between Midpines and Yosemite National Park, and that petition will be presented later in the hearing process by a student. Law enforcement personnel will need to deal with the usual types of problems with the presence of a bar -- drinking and problems with minors employed by the restaurant having access to liquor. It concerns her that the bar would be open until 2:00 a.m. with hard liquor being served and no meals. She does not object to having beer and wine with meals and a patio area open until 10:00 p.m. She feels the bar operation would be injurious to their property value. She referred to the tract record of the bar at Cedar Lodge with regards to the loud parties and disturbances and noted that it has become a "hang out" place, and is concerned that the proposed bar operation will be the same. She feels this proposed bar operation will attract local employees driving home from the Park after work. She responded to questions from the Board relative to the location of their property in relation to the proposed bar operation and the history of the creation of the parcel. Liz presented a drawing of their proposed plans for their B&B operation. Ron advised that they are working on obtaining a loan to construct their B&B; and responded to questions from the Board relative to the setbacks for their facility. Liz asked whether the bar could be confined to a small area and whether drinks would be allowed on the verandah. Liz responded to question from the Board clarifying their appeal issues. Ron noted that when he responds to incidents at Cedar Lodge, people are out of the bar area drinking and they are concerned that will happen with this operation.

Speakers in support of the appellants:

Elijah Butler, member of SADD, presented the petitions against the expansion of alcoholic beverages selling business on California Highway 140 between Midpines and Yosemite National Park. He noted that they feel the road is dangerous enough without adding the opportunity for people to stop at the bar and drink and drive.

Applicants presentation:

Art Baggett, representing Yosemite Motels, advised that they do not condone drinking and driving, and he feels it is a separate issue as to whether bars should exist in the County. He noted that there was a bar on this site since at least 1963. He presented a blue print drawing of plans of the existing building and noted the bar area is 620 square feet with no exterior windows or entrances. The bar will only be open when the restaurant is open and patrons will pass by the cashier. Their remodel of the building is designed to preserve the existing log cabin structure. They propose eleven seats versus bar stools and two-person tables. The design is to mitigate the noise impacts, there is no place for music and they do not have television, so it will not be a "sports bar." He referred to the previous bar operations beginning with the Red Vest Bar of 1800 square feet and then the area was converted to a hotel. During the flood last year, the building was severely damaged and removed. He presented documents from the State Department of Alcoholic Beverage Control reflecting Jette's use of the facility from 1975-89 for serving beer and wine. In 1990, the Houtz's owned the liquor license, and the license is with the site until after the results of today's hearing. With regards to the bar operation at Cedar Lodge, Yosemite Motels is just the landlord, and the operators (Houtz) have

responsibility. Art also referred to his review of the Assessor's records. He stated he agrees with the concerns relative to drinking and driving; however, this bar operation is proposed to serve as an amenity for guests at the restaurant and the drinking and driving laws should be enforced. With changes in the law, new liquor licenses cannot be obtained -- only existing licenses can be transferred. The current parking meets conditions required for the restaurant, etc. When they rebuilt the facility, they assumed the bar went with the restaurant approval. They would agree to a condition to approval of the Use Permit that the bar is only to be open when the restaurant is open, and to no television. He noted that the Cedar Lodge facilities were in operation before Yosemite Motels became involved. He would also agree to conditions that there be no exterior windows or doors (none exist now), as access is through the restaurant. In terms of outside operation, he would agree to closing the bar at 11:00 p.m. as a condition of approval. He responded to questions from the Board relative to the location of the Merced River in relation to the project. He also noted that there would be no pool tables or recreation equipment in the bar and no smoking. He responded to additional questions from the Board relative to clarification of the hours for the bar and whether meal service would be available; location of the outside areas for meal service; clarification of the permitting for the restaurant and status of the bar; as to who the operators of the facility will be and who will hold the liquor license; whether off-site sale of alcohol will be allowed; and with regards to existing licenses held by Yosemite Motels for off-site sale of alcohol and on-site sale. Barry Brouillette, representing Yosemite Motels, provided additional response to question relative to the liquor licenses held by Yosemite Motels. Art Baggett presented photographs of the project.

Speakers in opposition to the appellants:

Kevin Shelton stated he has lived at Cedar Lodge for two years and has been present at many of the incidences when Ron Skelton provided assistance -- he does not feel that most of these incidences were related to alcohol consumed from the bar, many were health related. He said people are not allowed to take alcohol outside of the bar.

Rebuttal by appellants:

Liz Skelton thanked Art Baggett for agreeing to time limits for the open hours of the bar and restaurant. She requested clarification as to manager for Cedar Lodge as she thought she understood that Barry Brouillette was the manager following the Planning Commission's hearing, and today it was stated the Houtz' manage this facility. She stated they are concerned about management for the bar and the conditions and how it will be controlled. She further stated they are opposing the hard liquor license -- the beer and wine license is there, and she asked who will have title to the liquor license. For about 26 years, there was not a bar on these premises. The one at Parkline caused problems and she reiterated her previous comments that it has been a relief to law enforcement to not have to deal with problems in the interim. She feels the employee environment at Cedar Lodge causes the call-outs for emergency assistance, and she expressed concern with the type of people who are hired, and stated she does not want to see that proliferated. She feels the drinking outside of the bar area at Cedar Lodge occurs due to limited law enforcement resources. She requested that the restaurant be open for full-service during the hours the bar is open.

Rosemary MacCallum stated she lives in El Portal and works in the Park in a dining room. The employees stopped at the bar (old Parkline) and would drink on their way back to Midpines and Mariposa. She agrees with the need to control the drinking, and she referred to a murder incident at Cedar Lodge that was bar related. She responded to question from the Board as to where employees stop for a drink currently.

Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to questions from the Board relative to the conditional use of a bar versus expansion -- conversion of a portion of the existing restaurant use to a bar; offer from the applicant to use permit conditions during this hearing process; and requirements for posting and notification of transfer of a liquor license and whether there

is an appeal process. Barry Brouillette responded to question from the Board relative to the purpose of posting the notice of transfer of a license. Staff responded to additional questions from the Board relative to conditions for outdoor use and whether there was discussion during the Planning Commission hearing on this issue. Ed Johnson advised that this project is in Resort Commercial area and he feels it is reasonable to expect that there will be ancillary uses such as this, and he recommended that the Board impose the conditions offered by the applicant and uphold the Planning Commission's determination. Supervisor Stewart stated he felt that if there is a problem with lack of law enforcement in the area, there should be a request to provide more service. (M)Parker, (S)Balmain, Res. 98-36 adopted denying appeal No. 97-7 based on the Planning Commission's findings and directing that the following conditions be imposed as discussed today: restrict the use of the bar/lounge to hours when the restaurant is open for full-service; hours of operation are not to exceed 12:00 a.m.; consumption of alcoholic beverages is not allowed outside of the established restaurant serving area and the bar/lounge area; and outside use is not to exceed 11:00 p.m./Ayes: Unanimous.

**11:37 a.m.** Recess

**11:45 a.m.** • **Appeal No. 97-8:** Ed Johnson advised that this appeal involves the footprint of the structure and the setbacks. Jay Pawlek provided detailed staff report. Staff responded to questions from the Board relative to the Planning Commission's actions to grant the variances; setback requirements for this parcel and for the neighboring parcel owned by the Skeltons; setback requirements if the applicant had not merged two of their parcels; whether utility easements are addressed within the proposed setbacks; existing setback for the restaurant area; and whether there are provisions to handle drainage from neighboring roof lines.

Public portion of the hearing was opened.

Appellants presentation:

Barry Brouillette and Art Baggett presented their appeal. Barry referred to the historic pattern of variances being allowed in El Portal, and advised that Yosemite Motels merged the two parcels for finance reasons for this project. Art advised that the slabs for the patio and walkways within the setback areas were poured with the rest of the cement work because they thought they had agreement to acquire the neighboring parcel. He stated if there was an adopted Specific Plan for El Portal, the setbacks would be five feet. Art further advised that they have dropped the request for a front yard setback along Highway 140. They want the setback variance on the wall along the restaurant to enclose the area where they will have their trash bins and mechanical units for heating and air. They are willing to agree to having no windows on the wall proposed for the side yard variance that will be used to square off the building and provide for internal circulation to the restaurant. For the setback variance along the River edge of the property, they want to be able to extend out for views from the restaurant -- such as previously existed with the former structure, and he noted that the neighbors may want to do the same. He noted that it needs to be clarified whether the slab can be covered and not enclosed within the setback area. On the side opposite from the Skelton's lot, he requested clarification of their ability to expand their use. He cited the findings needed to support a variance and stated he feels they meet those requirements. He feels they are being penalized for merging the two lots over what other individual parcels can do. He noted that three sides of the project are under the same ownership. He referred to the Planning Commission's findings to deny the variance:

Finding No. 1/provisions of County Code -- other parcels have enjoyed this benefit and special circumstances exist with preserving the log structure.

Finding No. 2/exceptional circumstances applicable to the property -- he advised that if the parcels were not merged and if prior interpretations of using existing corners of previous structures for building were used, their proposal would be allowed. Because of the historical nature of the log building, the current structure was

designed to preserve the log building at great expense to meet earthquake standards, etc. The corridor is necessary to make this project functional. If they were designing a new structure, it would be different.

Finding No. 3/affect on neighboring property -- he stated the project has increased public health and safety as they have installed a fire hydrant, etc. He feels the property values have increased due to the development. The side yard and front yard setbacks will decrease noise impacts and grant more benefit to the public and neighbors by providing an additional buffer with a structure that will contain no windows or openings. He also feels the neighboring lot will need to request the same variance.

Finding No. 4/consistency with the General Plan -- he feels the object is to generate commercial use in a Town Planning Area.

Finding No. 5/special circumstances applicable to the property -- the parcels in the area are convoluted as the neighboring parcel can build to a five foot setback; and with their parcel merger, they have a wider setback requirement.

Barry Brouillette commented on their variance request and advised that it will make the building more attractive for the neighbors and mitigate the noise impacts. He advised that they are willing to share the setback by the River with the neighbor.

Art Baggett advised that there are two issues in the appeal: the variance and the Use Permit. They want to be able to expand without having to go through another process.

Chair Reilly asked about continuing the hearing until after lunch.

Rosemary MacCallum requested an opportunity to speak in opposition to the variance request prior to the lunch recess. The applicant/appellants agreed with her request.

Rosemary MacCallum entered her letter and a letter from her son into the record. She stated she does not agree that Yosemite Motels has preserved historic structures in the area, with the exception of this one building. She expressed concern with the light pollution from the development. She liked the old Parkline structure and feels this project will be at the expense of the Skelton's view. She feels Yosemite Motels should not have poured the cement slabs prior acquiring the neighboring property or obtaining permission. She feels the Skeltons are in the middle of a large empire.

Hearing was recessed and continued to 1:30 p.m.

### **12:36 p.m.** Lunch

**1:35 p.m.** Art Baggett added additional input for the appellant's presentation. He advised that they are willing to drop the request for a variance on the back yard setback along the River. Any construction along the five foot side yard setback would be limited to one-story with the same quality of construction as the rest of the structure. He also requested that they be allowed 2,500 square foot expansion which would need staff level design review.

Speakers in opposition to the applicants/appellants:

Ron and Liz Skelton responded to question from the Board relative to the new proposal from Yosemite Motels and whether that would be agreeable. Ron expressed concern with the view up River from their lot through the Parkline slab -- he would be okay with an agreement that their view not be obstructed. Liz stated she feels like they are in a "David and Goliath" struggle. She feels the variance requirements should be maintained -- they are there for a reason, to protect the privacy and views of the neighboring property. She does not feel the new wall will be as attractive as what presently exists and does not understand the need for it. With appropriate landscaping, she would not object as much, but it would close them in a little more. She expressed concern that the applicant may come back and ask for another variance and leave them in a hole with the River at the back of their lot being their only view. She expressed concern with whether there is adequate space for emergency access in the area. She wants all of their proposed B&B bedrooms to have a view to and up the River and she does not want the roof line raised on this project. She also requested that the large structural beams be

removed now that the applicant has withdrawn the variance request along the River. Ron advised that, since there is no assurance that the applicant will not want to build out on the River in the future, presented his testimony as to why the variance should be denied. He stated he feels the setbacks are necessary to allow people to have space, and they have a small lot. They have sewer and utility easement rights through their twelve foot dedicated access. He reviewed the Planning Commission's findings to deny the variance, agreeing with them and adding that he feels the granting of the variance would be detrimental to their property especially if development occurs on both sides of them; and that he plans to comply with the zoning ordinance regulations for his project. Ron further commented that the air ducts already protrude into the existing setback area; the applicant used his property to access the project site for pouring the slabs without permission; and he noted the structure was built before the plans were approved.

Rebuttal by the applicant/appellant:

Art Baggett reiterated their agreement to drop the variance request for setback along the River and with deleting the request for along the Highway. He advised that they cannot reach a civil compromise, a variance is required for this type of matter. He requested clarification of the Planning Commission's action relative to the variance request. He reiterated his previous testimony that the variance on the side yard setback is necessary for the function of the building and that if the lots were not merged or if a Specific Plan was adopted, they would have had a five foot setback requirement. He feels there will be less noise with their proposal and it will be safer and provide a greater buffer. He feels the General Plan promotes development within Town Planning Areas, and special circumstances exist with regards to the log structure. He requested that the variance to the setbacks for the side yard and front corner of the building be granted. He reiterated his willingness to agree to one-story construction and design to be consistent with the other construction on the site subject to design review by staff. He stated they need to expand the Use Permit. He responded to questions from the Board relative to changes in proposed construction with deletion of portions of the setback requests along the River; whether the steel structural beams would be removed; and the proposed use of the area between the building and the River.

Public portion of the hearing was closed and Board commenced with deliberations. Ed Johnson advised that staff is representing the action taken by the Planning Commission. Staff responded to questions from the Board relative to original proposal for expansion of the restaurant versus testimony today that the area is used for storage of garbage and the mechanical equipment; size of overall expansion request and approval process; Planning Commission's determination for overall size of the project; and changes between the Planning Commission's hearing and the testimony presented today.

Since new issues were raised, Chair Reilly reopened the public portion for comments related only to the new issues.

Public input was provided by the following:

Barry Brouillette advised that at the Planning Commission's hearing there was not a deliberation relative to the reduction in size of the project, action was taken to be consistent with changes in the variance request for setbacks.

Ron Skelton noted that granting of the variance will allow for those areas to be built on; granting of the side setback will allow building out toward the River on the one edge -- or the applicant could merge his lot with the parcel across the River and then build to the River without any setback requirements; and he requested that the side yard setbacks be required. He responded to a question from the Board relative to construction being allowed if the lot across the River is merged with the parcel for the project. Ron further stated he felt the issue is whether the Board can make the required findings to grant the variance for the setbacks.

**2:47 p.m.** Recess

**2:54 p.m.** Board continued with deliberations. (M)Parker, (S)Pickard, Res. 98-37 adopted approving the appeal with amendment to conditions and with direction that based on the request to change the first portion of the side setback use to garbage storage and for mechanical equipment with the heating/air conditioning system from restaurant expansion and that the second portion is necessary for internal circulation, that the variance be granted for the side yard setback; the setback request for along the Highway and along the River was withdrawn; approval was conditioned with the restriction that no construction occur in the setback area at the corner of the side yard and the River; and allowing expansion of square footage to include what is proposed, with the condition that no further construction occur along the River side of the existing structure. Motion was amended, agreeable with maker and second, to include direction that construction be restricted to one-story within the side yard setback, and that appropriate measures be taken to handle snow and water drainage. Staff clarified that the action includes adding back in conditions 6 through 10 as outlined in the staff report. Barry Brouillette advised that space is needed in the setback area along the River side of the structure to roof over the existing log building. Ron Skelton reiterated his previous request that the existing beams be removed and stated he is agreeable to encroachment in the setback area for the roof as long as their view is not obstructed for up the River. Staff responded to question from the Board as to whether this would create a greater restriction on the subject property versus for the neighboring parcel. Ron Skelton advised that they plan to build a deck along the River side. Findings were made as recommended by staff including the following:

the intent of the applicant changed for use of the first portion of the side yard setback from restaurant expansion and the request will enhance the adjoining property by screening the garbage storage and mechanical unit area;

for the second portion of the side yard setback, expansion is for one-story with no windows and with landscaping which will address the issue to not being a detriment to the adjacent property and allow for squaring-off the exterior of the structure which is contained on an unusual lot size;

for the River corner of the side yard setback, variance is approved for a support structure given the nature of trying to maintain the integrity of the original log structure;

no building is to occur between the structure and the River side of the parcel to protect the views for the neighboring parcel; and

2500 square foot expansion is allowed consistent with building requirements and staff design review, with that amount to include the portions allowed in the approved variances.

Ayes: Balmain, Parker, Pickard; Noes: Reilly, Stewart. Hearings were closed.

**3:25 p.m.** Closed Session was held for the off-agenda matter raised by County Counsel earlier this date.

**3:40 p.m.** Board reconvened in open session with direction given to staff as a result of closed session.

**3:41 p.m.** Recess

**3:46 p.m.** Board discussed the following appointments:

Selection of Board Member Representation on Agencies (Clerk of the Board)  
(Continued from 1/20/98) - Board concurred with the representation as follows:

Area Agency on Aging/PSA12 - Supervisor Pickard as representative and Supervisor Stewart as alternate;

California State Association of Counties (CSAC) - Supervisor Stewart as Director and the other Board members as alternates;

CSAC Advisory Committee on Court Facilities - Supervisor Stewart as member and the other Board members as alternates;

CSAC Excess Insurance Authority/(EIA) Liability Insurance - County Counsel as representative and Board Chair as alternate;  
 California State Mining and Mineral Exhibit Liaison - Supervisors Parker and Pickard as representatives;  
 Calaveras-Mariposa Community Action Agency - Supervisors Balmain and Pickard as representatives;  
 County Medical Services Program (CMSP) - Supervisor Pickard as representative and Supervisor Reilly as alternate;  
 Foreign Trade Zone Advisory - Supervisor Stewart as a member;  
 Mariposa Economic Development Corporation - no selection made for Board liaison;  
 Mother Lode Job Training Governing Board - Supervisor Stewart as representative and Supervisor Pickard as alternate;  
 Mountain Counties Air Basin - Supervisor Pickard as representative and Supervisor Parker as alternate;  
 Mountain Counties Water Resources Association - Supervisor Parker as representative and Supervisor Stewart as alternate;  
 Mountain Valley Emergency Medical Services Agency and Regional Advisory Board - Supervisor Parker as representative and Supervisor Pickard as elected alternate and Chair of the EMCC as alternate;  
 Regional Council of Rural Counties (RCRC) - Supervisor Pickard as representative and the other Board members as alternates;  
 RCRC: Energy Commission and RCRC Contact Person Regarding Energy Issues - Supervisors Stewart and Parker as contacts;  
 RCRC JPA's for Solid Waste, Rural Housing and Finance - Supervisors Parker and Pickard as representatives and Public Works Director and Solid Waste Coordinator as alternates;  
 San Joaquin Air Basin Study Committee - Supervisor Reilly will review the status of the County's membership and no selection will be made unless the matter is brought back to the Board;  
 San Joaquin Valley Supervisors Association (SJVSA) - Supervisor Stewart as representative and Supervisor Balmain as alternate;  
 San Joaquin Valley Supervisors Association/Regional Leadership (Biodiversity) - Supervisor Balmain as representative;  
 San Joaquin Valley Supervisors Association/Legislative Committee - Supervisor Balmain as representative;  
 Yosemite Area Travelers Information System (YATI) and Yosemite Area Regional Transportation Information System (YARTIS) - Supervisor Reilly as representative and Supervisors Pickard and Stewart as alternates; and  
 Yosemite Area Traveler Information Services, Inc. (YATIS, Inc.) - Visitors Bureau Director as representative.

Selection of Chairman and Vice-Chairman for the Following:

- Mariposa County Water Agency and
- Local Transportation Commission (Clerk of the Board) (Continued from 1/20/98) - Board concurred with keeping the same chairmanships - Mariposa County Water Agency - Director Parker as Chairman and Director Stewart as Vice-Chairman; and  
 Local Transportation Commission - Commissioner Reilly as Chair and Commissioner Balmain as Vice-Chairman.

Review and Direction Relative to Selection of Board Member Liaison to Policy Areas (Clerk of the Board) (Continued from 1/20/98) - Board concurred with the following:  
 General Government - Supervisors Parker and Stewart;  
 Fiscal and Educational Services - Supervisors Reilly and Pickard;

Developmental Services - Supervisors Balmain and Parker;  
Justice System Services - Supervisors Balmain and Pickard; and  
Health and Human Services - Supervisors Reilly and Stewart.

**BOARD ACTION:** (M)Parker, (S)Stewart, Board approved the above selections as concurred with/Ayes: Unanimous.

B) Appointment of Two Board Members to Serve as Commissioners and One Board Member to Serve as an Alternate Member on the Mariposa County Local Agency Formation Commission (LAFCo) (Continued from 1/20/98)

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Supervisors Parker, Balmain and Stewart were reappointed. Motion was amended, agreeable with maker and second, to include appointment of Supervisor Pickard to replace Supervisor Reilly for the remainder of the present term and for the term commencing May 1998/Ayes: Unanimous.

C) Discussion of Response to Valley Implementation Plan (VIP)

**BOARD ACTION:** Discussion was held. Supervisor Reilly reported on the open house and workshop held in Mariposa on January 22, 1998, and advised that it was well attended and there was good dialogue and positive comments were received. Board discussed issues relative to removal of infrastructure, protecting the existing cultural resources, the bear issues; use reservation system issues; and transportation issues. Board members to forward individual comments to the Planning Director for preparation of staff report to be brought back to the Board for further consideration relative to responding to the VIP.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** Closed session was not held.

Board Information and Announcements

- Supervisor Parker advised that they will report on the co-composting field trip next week and will have photographs available.
- Supervisor Balmain advised of receipt of notification of the Local Governance Commission meeting in Yosemite Valley for next week.

### **CONSENT AGENDA**

- CA-1 Resolution Authorizing Chair to Sign the 1997-98 Fiscal Year Performance Contract Between the State of California, Department of Mental Health and the County of Mariposa (Human Services); Res. 98-26
- CA-2 Resolution Approving a Temporary Winter Schedule of Hours at the El Portal Library: Tuesdays from 12:30 p.m. to 3:30 p.m., Thursdays from 9:30 a.m. to 2:00 p.m., and Fridays from 4:00 p.m. to 7:00 p.m. (Library); Res. 98-27
- CA-3 Resolution Authorizing the County Librarian to Submit FCC Form 470, Schools and Libraries Universal Service Description of Services

Requested and Certification Form, in Order to Apply for  
Telecommunications Discounts (Library); Res. 98-28

- CA-4 Resolution Authorizing Chair to Sign the Vital Records Improvement Program (VRIP) Standard Agreement for Equipment to Enhance Health Officer's Electronic Communication Capability and Waive Formal Bid Process for the Purchase of the Laptop Computer for the County Health Officer (Public Health); Res. 98-31
- CA-5 Resolution Authorizing the Chair to Sign a Personal Services Agreement with Kathleen Lozares to Provide Fiscal and Other Support Services for Housing and Community Development Programs (Human Services); Res. 98-32
- CA-6 Resolution Authorizing Chair to Sign Office of Traffic Safety Grant Application to Fund Radio Repeaters for the Recently Acquired Sheriff's Frequency and the Purchase of Satellite Cellular Phones for the Departments of Fire and Sheriff (Fire); Res. 98-33
- CA-7 Resolution Authorizing Chair to Sign Rural Community Fire Protection Grant Application to Fund Radio Pager Purchases (Fire); Res. 98-34
- CA-8 Resolution Authorizing Chair to Sign FEMA/OES Hazard Mitigation Grant Program Application to Provide Additional Opportunity to Recover Funding for Flood Mitigation (Fire); Res. 98-29
- CA-9 Resolution Accepting Funds from the California Department of Mental Health for a Three Year Children's System of Care Program in Mariposa County and Approve Budget Action (4/5ths Vote Required) (Human Services) (Continued from 1/20/98); Res. 98-30

**4:42 p.m.** Board recessed in memory of Irene Morton, Bradley Jay Allen, Harvard Seaman and Barbara Hogan, and continued the meeting to January 28, 1998, at 9:00 a.m. at the Best Western Conference Room for the continued Public Hearing on the Industrial/Commercial Zoning Test Amendments.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

January 28, 1998 (Continued Meeting From January 27, 1998)

**9:15 a.m.** Board convened in continued meeting from January 27, 1998, at the Best Western Conference Room.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from December 4, 1997)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Associate Planner, were present to provide staff report and respond to questions. Chair Reilly advised that lunch is scheduled from 12:00 p.m. to 1:00 p.m. and the Board will adjourn around 3:00 p.m. Discussion was held relative to the hearing process for this date -- Board concurred with reviewing each section of the development standards. Jim Eskra asked when general input from the public would be received and was advised that public comment would be accepted following the staff report. Ed Johnson provided staff report, reviewing the sections of the text amendment that the Board covered thus far, and he presented an outline of sections left to be reviewed. Chair Reilly called for general comments from the public relative to the development standards and the following persons provided input:

Jim Eskra, member of the business community, requested that commercial zoning and standards that everyone can live with and meet the conditions of, be developed now -- the standards need to be affordable and within reason. He presented photographs of various County projects which have not been completed and advised that not everyone can afford the standards being proposed. He referred to his letter and advised that it provides more detail relative to his concerns, and he noted that he served for ten years on the Planning Commission.

Don Starchman stated he was involved in the processes which started over ten years ago with Title 17 amendments and referred to the reluctance to identify rural areas for industrial development. He referred to the open window period application process and advised that he represents Dennis Seastrom -- his permitted use would become non-conforming with the way the process is going. He stated he does not feel the County is meeting the standards being set and cited the County yard (Road Division maintenance yard) as an example, along with other projects. He stated we need realistic standards and to identify areas for development.

Jan Mennig, Executive Director and past President of the Chamber of Commerce and former member of the Countywide Economic Development Committee, stated he agrees with the previous comments -- standards need to be adopted that can be met, and we need to support the economy of the community.

Steve Fortner, Catheys Valley, stated he is trying to vision, "imagineering" (as used by Disney) how to make the County better -- trying to find an environment and promote things that are economically feasible and in the best interests of the County. He stated they are trying to coordinate everything and get the best value for their tax dollars.

Ed Johnson advised that the Planning Commission tried to reach a balance. Currently, we have general development standards and they are not very clear. The more specific the standards, the

easier it will be for the reviewing authority by the Planning Commission and the staff. He advised that the Commission did not get into the Rural Home Industry and Rural Home Enterprise issues, and bed and breakfast or transient rental issues.

Ed Johnson provided staff report on the parking standards and supplementary standards. Staff responded to questions from the Board relative to how staff will know if there is a change of occupancy and deal with changes that may be required in parking standards; application of these standards to each of the zones; parking stall size standards; whether experiences in applying the standards for the Mariposa Town Planning Area (TPA) were taken into consideration in developing these proposed standards; standards for off-street parking -- staff will clarify that this refers to residential parking; and differences in the standards between commercial and residential parking stall sizes and whether the sizes will accommodate the size of vehicles allowed by the Vehicle Code. Input from the public was provided by the following:

Bart Brown advised that with regards to the supplementary standards, he has a concern that as a neighbor to a project, he would not have an opportunity to voice his views on decisions being made by the Planning Director; and he commented on similar use determinations. He noted that the Master Plan used in another area of the text amendments allows for no minimum parcel size and he asked if that is a conflict; and he asked if Planned Residential Development decisions would be made by the Planning Commission versus the Board.

Ed Johnson provided staff report on setback and height standards. He responded to questions from the Board relative to 500 foot setback requirements for mineral processing projects, and he noted that item No. 3 relative to height standards needs to be clarified. He responded to additional questions from the Board as to whether these standards would generate a lot of requests for variances of the setbacks; relative to the maximum height of a structure that would be allowed; different requirements for areas around the Airport; and relative to the Planning Commission's consideration of this issue. Board agreed to further review the height standards later in the hearing process. Input from the public was provided by the following:

Jim Eskra stated he feels it is hard to follow these proceedings and suggested that the Board consider one zone at a time, starting with residential. With this format, he feels more input would be received from the community if they knew which zones were going to be discussed.

Steve Fortner expressed concern with the height standard restrictions and noted that they would not allow for projects such as an IMAX theater and a cell site.

Bart Brown asked if communities without a Specific Plan would want a 50 foot structure, and whether the Fire Department would have the ability to deal with that size of a structure. He asked for clarification of industrial zoning outside of a TPA. Ed Johnson clarified the setback standards for TPA's without a Specific Plan and noted that they will clarify this issue in the amendment. With regards to cell towers, Ed Johnson advised that there are overriding regulations for these items, and the variance procedure could be used to cover things like an IMAX theater.

**10:44 a.m.** Recess

**10:58 a.m.** Ed Johnson provided staff report on the sign standards. He responded to questions from the Board relative to exterior lighting of signs and discouraging them, and noted they will try to encourage the use of materials that resemble the rural nature of the County. He responded to additional questions from the Board relative to signing for business centers and whether that includes existing developments; differences in standards between residential and commercial; relative to allowing for signs for directional purposes; and relative to monument signs and off-site signs.

Ed Johnson presented staff report on lighting standards. He responded to question from the Board relative to clarification of the proposed standards for lighting parking lots versus structures.

Public input relative to the signs and lighting standards was provided by the following:

Bart Brown stated he feels section 17.110.100 B should also be included in the residential zone to protect neighbors from light pollution.

Steve Fortner stated he is trying to figure out how these standards will apply to his 100 acre development with various uses -- he is planning two access points from Highway 140 and is concerned as to whether he would have adequate signage with these standards. He stated he feels the 25 foot height limit for lighting should be for parking lots. He stated he does not feel that the size of signs being allowed is large enough for his type of development.

Shirley Schmelzer asked why facilities such as CalTrans need the lights that they use.

Supervisor Reilly requested that further consideration be given to the height standards for exterior lighting, and Supervisor Parker requested that further consideration be given to addressing exterior lighting in residential areas.

**11:45 a.m.** Lunch

**1:14 p.m.** Ed Johnson presented staff report on site improvement standards, tree preservation and landscaping. He responded to questions from the Board relative to requirement to underground utility lines over a certain wattage, and relative to utility lines that are not electric; requirement for immediately replacing trees that die and whether that is practical; relative to adding language requiring developers to comply with current regulations when a project is phased and takes several years to complete as an incentive to complete the project timely (this was further addressed under the next section of the standards being reviewed); whether the tree preservation standards strive to have a healthy stand of trees and takes into consideration the type of terrain; the flexibility for selecting types of replacement trees; ability to enforce replacement tree standards; dealing with cutting of trees prior to approval of a project on a site; and it was noted that adoption of the Oak Woodland Plan was voluntary and now standards are being set for certain zones. Public input was provided by the following:

Steve Fortner stated they have an approved parcel map which will require grading and they need to finish the map requirements before it expires. He expressed concern that not allowing grading or tree cutting prior to approval of a project is too restrictive -- in order to have adequate fire clearance, you need to be able to remove trees. He stated he feels General Commercial zoning should be removed from these requirements if a landscaping plan is

submitted. He stated that in some areas he feels it will be difficult to comply with these standards. He feels the tree standards encourage planting of trees that are not native to the area, but are fast growing, and those types of trees tend to fall and break limbs more than the slower growing varieties. He stated he also feels that the availability of water should be taken into consideration with setting the standards. He stated he feels that if a "park and ride" project is developed, the tree planting requirements will result in a lot of maintenance.

Larry Mack noted that the Soil Conservation Service is now called the National Resource Conservation District.

Bart Brown questioned whether the protection of the riparian habitat standards will be in conflict with the Corps of Engineers standards. He asked whether the trees that were planted at Archie's Mini Storage were from an approved list of trees by the County. Ed Johnson advised that the County did not require the trees to be planted for this project -- they were planted at the applicant's initiative.

Staff responded to questions from the Board relative to requirements for protection of stream bed sites -- measurement from the high water mark versus the middle of the stream, and how to determine the high water mark; and allowance for flexibility depending on the riparian habitat in the area.

Additional input from the public was provided by the following:

Shirley Schmelzer noted that the terrain for each side of a stream bed may be different with one side having a cliff and the other a flood plain. She further questioned how phasing for installation of underground utilities would occur for a large acreage that is developed slowly with regards to having to tear up the roads for the utilities.

Steve Fortner commented on review by the Corps of Engineers and Fish and Game when a stream is located near a project.

Staff responded to additional questions from the Board relative to allowing for grading to be done prior to approval of a project.

Ed Johnson provided staff report on the standards for phasing of developments and campgrounds and recreational vehicle parks. He responded to questions from the Board relative to requiring that future phases of a development adhere to future standards; and who will make the determination of which standards apply to a development. Board concurred with further considering the phasing standards later in the hearing. Public input was provided by the following:

Bart Brown expressed concern with some of the definitions in the campground area -- he feels it leaves an opportunity for inconsistency; asked about the definition of short-term occupancy; he feels five to ten acres is small for these activities; asked about the definition of adequate improvement standards; and asked about the restroom and facilities requirements to be in compliance with State codes.

Staff responded to questions from the Board relative to the Planning Commission's consideration of these issues and their intent to review each of these projects on a case-by-case basis, relative to

whether five acres is adequate in a TPA; and as to the definition of short-term for recreational parks.

Discussion was held relative to the schedule for continuing the hearing. Board concurred with continuing with the hearing to Monday, February 9, 1998, and Tuesday afternoon, February 10, 1998.

Hearing was continued to Monday, February 9, 1998, at 9:00 a.m. at the Boardroom in the Courthouse.

**2:47 p.m.** Adjournment

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA FEBRUARY 3, 1998

<u>Time</u>	<u>Description</u>
<b>9:03 a.m.</b>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Mike Edwards, Public Works Director, and Tom Starling/PWD-Solid Waste Coordinator, advised the Board of the status of the hearing before the Integrated Waste Management Board on January 29, 1998, and presented the Board with a copy of the press release issued by the Waste Management Board as a result of the hearing on the waste diversion plan. Mike Edwards advised that the press release does not address the issue that the County performed in good faith by working on co-composting issues and submitting the Plan prior to the hearing. The fine of \$21,000 proposed by State staff was reduced to \$2,500 by the Waste Management Board. Discussion was held relative to Public Resources Code section 41813 relating to the administrative process. Mike Edwards advised of the testimony presented by County staff and Supervisor Parker on the County's behalf.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** (M)Parker, (S)Pickard, all items were approved. Supervisor Balmain advised of corrections in item 2 -- County Counsel will work with Planning staff to make the necessary corrections. Supervisor Pickard noted that Walter Reeves is new to the Fish Camp community and he will introduce him when he has an opportunity to attend a Board meeting. Ayes: Unanimous.

Dennis Patrick, Data Processing Technical Services Director and  
Gary Estep, Assessor/Recorder;

Resolution Authorizing Purchase and Installation of Recording/Indexing-Imaging Automation System from Exigent Computer Group of San Ramon, California, in the Amount of Approximately \$130,000 and Waiver of Formal Bid Process Due to Sole Source Nature of the Software and the Proprietary Nature of the AS/400

**BOARD ACTION:** Discussion was held with Dennis Patrick and Gary Estep, and they presented additional information from other counties which are using this program. Board concurred with continuing this matter for further consideration with the mid-year budget report. Supervisor Parker requested that alternatives to the five-year lease also be presented.

Dr. Mosher, Health Officer;

A) Discussion and Possible Direction to Staff Regarding County Applying to the State for Certified Unified Program Agency (CUPA) Status

**BOARD ACTION:** Discussion was held with Dr. Mosher relative to this matter. Supervisor Pickard advised of an upcoming meeting at RCRC with an agenda item on this matter and requested that Dr. Mosher or a representative attend. Board concurred with bringing this matter back following the RCRC meeting for further discussion and direction.

B) Discussion and Direction to Staff Regarding Modification of Health Department

Fee Schedule with Regard to Temporary Food Facilities

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Board approved recommendation to direct staff to prepare the necessary documents to pursue the fee modification/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard.

**10:15 a.m.** Recess

**10:26 a.m.** Resolution Authorizing Chair to Execute the Family Law Facilitator Agreement with Dana Walton (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Pickard, res. 98-42 adopted. Supervisor Parker requested that this matter be scheduled on the Consent Agenda in the future. Ayes: Reilly, Stewart, Parker, Pickard; Noes: Balmain.

**10:30 a.m.** Ed Johnson, Planning and Building Director;

Discussion of Response to Valley Implementation Plan (VIP) (Continued from 1/27/98)

**BOARD ACTION:** Discussion was held with Ed Johnson. Supervisor Balmain expressed concern that flood relief dollars may be used to implement projects versus damage repair; stated he feels existing infrastructure should not be removed as it is not known if the proposed plan will work; mass transit should be tried during the peak season first and private industry should be relied on to provide transit service. Supervisor Stewart suggested that more parking lots should be available throughout the Valley and have a transit system that covers the whole Valley; once the transit system is successful, perhaps there will be infrastructure that may not be needed; he sees a problem during the off-season with trying to maintain buses that are not being used; and he feels the parking jams are due to a lack of parking lots. Supervisor Reilly commented that alternative 2 in the Plan is not an improved visitor experience as the Valley will be more crowded, and the goal of the General Management Plan is to reduce crowding. Supervisor Balmain noted that private vehicles allow the visitor to have independence to come and go with their family, along with their belongings and sporting equipment, and he feels the transportation alternative being proposed results in a loss of visitor independence. He further stated he feels it is a threat to require a viable YARTS system by 2001. Supervisor Stewart suggested that the fee structure could be higher in the summer and lower in the off-season and an incentive should be offered to encourage visitors to ride the buses. He suggested that perhaps a day fee versus the seven-day rate might be appropriate, and he noted that it is difficult to define "visitor experience" and it may be different for each culture. Supervisor Pickard stated he feels with regards to traffic management techniques, it is okay to limit the number of visitors, but the Park should not become a theme park, and congestion can be mitigated to retain other visitation in the Park. Supervisor Reilly commented on preserving the historical assets and stated she felt they should be able to mitigate these issues without removing facilities. She feels the socio-economic analysis is seriously flawed and does not adequately address Mariposa County, and commented on impacts from Park construction projects. Supervisor Pickard commented on visitors' buying habits. Supervisor Reilly noted that there are different types of visitors with different lengths of stay. She also noted that the one-way access to the Park is a concern for law enforcement officials, and there should be a correlation between jobs, housing and transit locations. Supervisor Parker stated he agrees with not removing infrastructure until there is a tried and proven plan. Discussion was held with staff on how to approach the response to the VIP. Supervisor Balmain stated he felt the peak season congestion needed to be addressed. Supervisor Pickard suggested a phased approach. Art Baggett provided input with regards to the information contained in the Nelson/Nygaard reports -- the transit plan is going to be seasonal and the Park has not wanted to address that, and he referred to the Taft Toe parking lot issue. Direction was given for staff to bring the matter back on February 17, 1998, for further review and action.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** Matter was continued to February 10, 1998. Supervisor Parker requested that a closed session relative to the solid waste diversion matter and potential litigation be scheduled for February 10, 1998.

Consideration of a Request from John and Barbara Garber to Increase the 6th Street Parking Lot Lease Payment (County Counsel) (Continued from 1/27/98)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel, relative to this request and the status of the parking lot leases in the County. Mike Edwards, Public Works Director, provided input. Board concurred that a meeting of the Mariposa Town Transportation Committee be called for preliminary discussions with Supervisors Parker and Stewart relative to the parking lot issues; and with requesting that County Counsel make preliminary contact with the property owners of the parking lots as to their intent for the future of the properties, and that he correspond with the Garbers and advise them that the County is not interested in adjusting the rate at this time, but would be willing to review the matter again in six months to a year.

Supervisor Balmain was excused at 11:58 a.m.

Board Information and Announcements

- Supervisor Parker advised that there is a committee meeting on Wednesday relative to the co-composting facility matter, and they will schedule a presentation on their co-composting field trip and the status of the selection of a facility on February 17, 1998.
- Supervisor Reilly advised of the YARTS meeting she attended and the workshop scheduled in Mariposa.
- Supervisor Stewart advised of an upcoming CSAC meeting.

**INFORMATION** No action was necessary on the following:  
Board Hearing Schedule (Clerk of the Board)

### **CONSENT AGENDA**

- CA-1 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C97-25 in the Amount of \$546.11 (County Counsel); Res. 98-38
- CA-2 Resolution Authorizing Chair to Sign Amended Land Conservation (Williamson) Act Contract No. 96-1, Frank and Frances Long; Applicants (Planning); Res. 98-39
- CA-3 Accept Resignation of J. W. Covello from the Fish Camp Community Planning Advisory Committee (Supervisor Pickard)
- CA-4 Appoint Walter Reeves to the Fish Camp Community Planning Advisory Committee (Supervisor Pickard)
- CA-5 Resolution Accepting the Construction of the Fleet and Heavy Equipment Maintenance Shop, Ben Hur Yard, Constructed by Curll Construction of Fresno for the Final Sum of \$495,914.79, Which Included the Original

Contract Bid of \$568,271 and Change Orders 1 Through 8 (Public Works); Res. 98-40

CA-6 Approval of Consolidation of the Bond Election with the June 2, 1998, Primary Election (Mariposa County Unified School District); Res. 98-41

**12:04 p.m.** Meeting was recessed in memory of Gene Pilcher, Mary Edwards Apostolides, Pearl Nicholas and Priscilla "Sally" Edmundson, and continued to Monday, February 9, 1998, at 9:00 a.m. at the Best Western Conference Room for the continued Public Hearing on the Industrial/Commercial Zoning Text Amendments.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**CONFORMED AGENDA**

**February 9, 1998 (Continued Meeting From February 3, 1998)**

**9:20 a.m.** Board convened in continued meeting from February 3, 1998, at the Best Western Conference Room.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from January 28, 1998)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions. Ed Johnson advised of the remaining areas of the amendments for review.

Ed Johnson provided staff report on the water standards. Staff responded to questions from the Board relative to the Planning Commission's decision to not list procedures for developing adequate water supplies and whether the procedures should be referenced in the amendments; relative to the preliminary analysis procedure that is required prior to the issuance of a use permit determination and how it would be determined that neighboring wells would not be significantly impacted by a proposed project; reference to groundwater basin -- staff advised that this reference should be eliminated; how a situation would be dealt with if there is an impact on the neighboring water supply that occurs years after the development of a project and whether the County would have any liability; procedure if experts from the project and neighboring properties disagree and who would make the final decision; as to whether the water standards should be met prior to changing the zone to commercial use and further reviewing this issue later in the hearing process; and relative to the adjudication of water rights with the proposed amendment. Input from the public was provided by the following:

Larry Mack expressed concern with not citing the water standards in this document and with the interpretation of "adequate" and "significant;" he questioned what will happen to an individual who develops a project and a water shortage occurs and whether the County will have any liability for approving the project; and he questioned what background is required for a Planning Director to be able to review hydrologist reports and make decisions.

Bart Brown asked about the desirability of issuing a use permit without knowing the adequacy of water and questioned whether the use permit could be sold without a project being developed; he asked for clarification of mitigation for water supply and cited a situation with the mining operation in Jamestown which left neighboring properties with a water shortage; and he suggested that a qualified "ground water" hydrologist be consulted to determine how to write this section of the amendments.

Steve Fortner, Catheys Valley, stated he feels developers should not have to deal with standards and the hydrologist studies should be trusted; he cited his experience in applying for a LAFCo project and lack of knowledge in dealing with the water information required by the State; he suggested that perhaps different regulations could be developed for small versus large projects; he questioned whether changes in use would require a developer to go through this process; he noted there are no horizontal rights, just vertical rights with a property when drilling

for water; he stated he feels the County is a water donor to the rest of the State; he stated he feels water should be proven at the building permit stage; and he stated that he feels the occurrence of earthquakes is a natural process of changing the water quantity. He further stated he feels neighbors will not want their wells tested for development to occur and that there would be no way to verify any impacts or damages; he noted the time it takes for water to go from the high country to the lower elevations; and he stated there are differences between hydrogeologists and hydrologists.

Bob McKnight asked about separation of the preliminary and final building permit stage process and stated he felt there should be some protection for the County -- he suggested that perhaps the developer could sign a document that the development could be stopped if the water supply becomes insufficient. He commented on the well testing for the Monte Vista Estates project and the impact on neighboring private wells and asked how mitigation would be handled in the future for such impacts.

Shirley Schmelzer commented on the impact drought years have on the water supply, as well as growth over the years and whether that would be taken into consideration when a development is reviewed for meeting the water standards; and she questioned whether the County would relax its standards if someone buys an approved project and it is subsequently determined that there is not enough water.

Ruth Sellers stated she feels all of the standards should be in writing and well defined; she commented on changes in the water quantity for the Mykleoaks area; and she stated use and mitigation is a big concern to her.

Larry Mack commented on his experience with a spring on his property -- when he purchased his property 34 years ago, the spring ran all year long; and later he drilled a well about 1,000 feet above the spring and the spring eventually stopped running. He stated he does not feel anyone can know his underground water quantity, and he expressed concern with impacts from neighboring developments.

Bill Bompreszi, property owner on Highway 49 North, asked where all of the water will drain with development of neighboring property -- he noted the property is steep and rocky and advised that he is concerned with drainage impacts.

Discussion was held relative to the standards and the concerns expressed.

**10:14 a.m.** Recess

**10:27 a.m.** Ed Johnson commented on the Planning Commission's review of this section, and he responded to questions from the Board relative to referencing adoption of administrative procedures for water standards in this section. This section was continued for further review of the issues raised.

Ed Johnson presented staff report on the commercial, business park and special use standards. Staff responded to questions from the Board relative to different standards for individual versus commercial development; clarification of mitigation requirements for traffic impacts and traffic study report requirements; process for changing mitigation measures if the project changes; whether to continue on a case-by-case basis or have standards adopted; definition for "level of

service” and “public nuisance;” and requirements for cultural resources review and studies. Input from the public was received from the following:

Bart Brown stated he feels the issue is the definition of “public nuisance” and whether you can distinguish between public and private nuisance; and he feels it is onerous to have to prove that a community or neighborhood is affected as a public nuisance.

Larry Mack asked if there will be a written finding if the approval authority waives the traffic study requirements and asked how the public would be notified of such a waiver, and whether the decision could be appealed.

Bob Schmelzer noted that many towns have noise standards and questioned whether one individual could have influence on the decisions.

Steve Fortner commented on the shape of existing County roads and stated he feels the proposed standards may be too costly for developers.

Shirley Schmelzer asked if the traffic standards would apply to commercial and industrial development, and she was advised that they would.

Discussion was held relative to the proposed standards and the level of service. Staff responded to additional questions from the Board relative to traffic study requirements and request to clarify “public nuisance.” Board concurred with further reviewing clarification of “public nuisance” and with referring the noise standards to the General Plan.

Ed Johnson provided staff report on the appeal standards. Staff responded to a question from the Board relative to the use of calendar days versus work days. Input from the public was provided by the following:

Larry Mack stated time is needed to prepare and file appeals and sometimes the holidays interfere with being able to get the necessary information to file an appeal timely; and he does not feel the seven days as recommended is workable. He presented a copy of a notice published in the newspaper of the Planning Director’s determination, and suggested that the publication date be used versus the decision date, to provide adequate notice to the public and allow time for an appeal to be filed. He asked about ability to appeal the Board’s decision to a court of law and he feels this should be included in the amendments. He asked about the difference between making a determination and providing a written determination, and stated he feels this should be standardized throughout the standards. He asked about his ability to appeal directly to the Board of Supervisors and not to the Planning Commission first. He responded to a question from the Board relative to the appeal process.

Discussion was held relative to the appeal process and timeframes -- Board concurred with further reviewing these issues later in the hearing process.

**12:06 p.m.** Lunch

**1:36 p.m.** Ed Johnson presented staff report on findings of approval. Staff responded to questions from the Board relative to clarification of revocations by the Planning Commission or the Board of Supervisors for use permit determinations, and relative to proposed findings versus existing findings. Input from the public was provided by the following:

Larry Mack stated he would like to see the language in the existing findings for development agreements relative to public health and safety retained in the amendments as he feels that language is clearer than what is proposed; he noted that the proposed findings for conditional use permits do not address potable water; he requested that the language for all findings specified in Section 17.112.040 in the existing findings for Planned Residential Development be retained in the amendment as he feels that language covers a lot; and he feels that item "I" in the existing findings should be retained and added to section 17.112.040 and that item "D" in the existing text should be retained in place of the proposed language in this section.

Bart Brown stated he agrees with Larry Mack that if the language is more specific it will be clearer to everyone. He agrees with retaining the language in the existing findings for development agreements relative to public health and safety and he stated he does not feel the language for item "5" is covered anywhere else in the document. He feels the existing findings for conditional use permits and for planned residential development are very specific and the proposed findings are generic, and he agrees with retaining item "I" in the existing findings. He stated he feels the existing findings for use permit determinations are much clearer than the recommended findings.

Steve Fortner stated he disagrees with Larry Mack and Bart Brown. He feels staff is trying to steer in a direction to keep people out of controversy where there is no solution. He stated he feels the proposed language helps to streamline the public hearing process and keeps out the ambiguous stuff.

Staff responded to questions from the Board relative to the existing findings being a mix of standards and findings and the recommendation to separate the two; whether the existing findings are contained elsewhere in the document; and relative to the language for public health and safety that existed in some of the findings.

Ed Johnson presented staff report on General Plan amendment findings and advised that item "D" in section 2.604, General Plan Consistency Procedures, should be deleted as the language is not compatible with State law. He noted that definition section 17.148.010, Definitions, should be deleted and added to the Zone Code. He noted that section 3.611, Land Use Element Implementation Standards, does not belong in the General Plan as it is included in the environmental review procedures. Staff responded to a question from the Board relative to referencing the deleted sections in this document. Jeff Green, County Counsel, advised of changes to the appeal hearing procedures to close the public portion after rebuttal by the appellant. Input from the public was received from the following:

Bart Brown asked whether the language in section 3.518, Commercial General, for item "A," Intent, should be weakened by changing "is" to "may not be;" and expressed similar concern with section 6.504, Wildlife Habitat and Scenic Resources, with the change from "shall" to "should."

Larry Mack referred to the appeal hearing procedures and the use of working days versus calendar days and suggested that the use of calendar days be standardized throughout the document. He asked for clarification of the definition of stables and corrals with regards to the exclusion of pens and loading structures -- staff advised they will review this issue. He suggested that the 30 occupancy load criteria be standardized in the document.

Bart Brown noted a correction to the number of general plan amendments allowed per year in section 2.503.

Steve Fortner stated Mariposa County is about the last county in the State to comply with clean-up language between the Zoning Code and the General Plan.

Ed Johnson asked about review of the items that have been held for further consideration.

**2:45 p.m.** Recess

**3:00 p.m.** Ed Johnson noted that some of the pending issues are specific and detail oriented and others are basic and generic, and the Board could consider separating the issues for further review. He further advised of the Planning Commission's suggestion of a joint meeting at this point relative to their recommendations on the policy issues. He reviewed the pending issues. Discussion was held relative to proceeding from this point. Board concurred with continuing to review the pending issues and with not meeting with the Planning Commission at this time. Chair Reilly requested that staff separate the pending issues into categories for further consideration on February 10, 1998. Staff responded to questions from the Board relative to a recent matter before the Board involving a conflict with site plans and approval at the building permit stage, and it was noted that timeframe information for a site plan is not included as a part of the permit. Staff advised that this should be coordinated with the phasing issue. Supervisor Parker requested that staff review and provide a breakdown of existing expired building permits and site plans in the County.

**3:30 p.m.** Public Hearing was continued to February 10, 1998, at 2:00 p.m., and the meeting was adjourned.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA FEBRUARY 10, 1998

Time                      Description  
**9:04 a.m.** Meeting Called to Order  
Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Steve Hayes, Visitors Bureau Director, announced the upcoming Sesquicentennial Celebration and advised that he will prepare an agenda item.

Approval of Minutes of 1/20/98 Regular Meeting  
**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)  
**BOARD ACTION:** (M)Pickard, (S)Stewart, all items were approved/Ayes:  
Unanimous.

Mike Edwards, Public Works Director;  
Information Regarding Construction Progress of the County Government Center  
**BOARD ACTION:** Dave Tucker, PWD/Civil Engineer, provided status report and responded to questions relative to the change order.

Don Z. Phillips, Treasurer;  
A) Presentation by Seidner and Company on Investments for the County Treasurer  
**BOARD ACTION:** Joan West, Seidner and Company, gave presentation and responded to questions from the Board.

B) Review and Adopt County Investment Policy and Guidelines  
**BOARD ACTION:** Following discussion, (M)Pickard, (S)Stewart, Res. 98-44 adopted/Ayes: Unanimous.

Wain Johnson, Farm Advisor;  
Resolution Adopting Voluntary Rangeland/Watershed Water Quality Management Guidelines  
**BOARD ACTION:** Discussion was held with Wain Johnson. Jerry Progner, Resource Conservation District, provided input relative to the workshops being planned for local ranchers and landowners on this matter. Further discussion was continued for the following hearing to be opened.

#### **10:00 a.m. LOCAL TRANSPORTATION COMMISSION**

Public Hearing to Consider Adoption of the Mariposa County Transit Development Plan Update was opened and continued to after the following matter.

**10:01 a.m.** Following further discussion, (M)Balmain, (S)Parker, Res. 98-45 adopted approving the Voluntary Rangeland/Watershed Water Quality Management Guidelines, as voluntary guidelines and with direction that any change would need to come back to the Board/Ayes: Unanimous.

Wain Johnson advised that he is working with the Resource Conservation District to implement a program about Oaks Management in the High School and Middle School science classes.

**10:07 a.m.** Recess

**10:15 a.m. LOCAL TRANSPORTATION COMMISSION**

Ed Johnson, Planning and Building Director;

PUBLIC HEARING to Consider Adoption of the Mariposa County Transit Development Plan Update

**COMMISSION ACTION:** Ed Johnson and Dave Walker, Transportation Planner, presented staff report. Staff responded to questions from the Commission relative to funding sources. Public portion of the hearing was opened and input was provided by the following:

William Ruether, senior citizen representative on transit needs, presented a plan for increasing the dial-a-ride service -- on the Tuesday run to Merced, there are few riders and he suggested that they use a spare bus with a part-time driver for that route and use the regular bus and driver to make a run to Mariposa. He responded to questions from the Commission relative to having staff review this suggestion and relative to the number of hours needed for the Merced run.

Steve Fortner, Catheys Valley, advised that he hired Sally Rodeman, transportation consultant, and they are working with the San Joaquin Clean Cities Coalition on conversion to clean air vehicles, and he urged the County to participate in this organization for transition of its fleet, and he advised that this may also be a source of revenue.

Lynn Carpenter, Social Services Parent Involvement Coordinator for Mariposa County Head Start, advised that they are reviewing transportation needs for parents involved in the program and would appreciate any coordination possible with the transit program.

Public portion of the hearing was closed and Commission commenced with deliberations. Staff responded to additional questions from the Commission relative to the suggestion to increase the dial-a-ride service; advertisement of the VIA service and input from YARTS; and relative to status of report on consolidation of transit oversight. Ed Johnson advised that adoption of the Plan Update does not commit the Commission to the recommendations contained in the document. Janet Hogan, County Administrative Officer, advised that she will include the transit program in Community Services with her report and recommendations relative to consolidation of transportation planning activities. (M)Parker, (S)Stewart, LTC Res. 98-1 adopted adopting the Mariposa County Transit Development Plan Update/Ayes: Unanimous. Hearing was closed.

**10:56 a.m.** Ed Johnson, Planning and Building Director;  
Planning Department Work Program Priorities

**BOARD ACTION:** Ed Johnson reviewed the current application work log and pending projects. Discussion was held relative to the projects and priorities. It was noted that the CalWORKs program needs to be addressed and assigned. Discussion was held relative to the status of code enforcement and the possibility of hiring staff to provide more assistance to applicants in the department, historic parcels issue, mining ordinance and economic development. (M)Parker, (S)Stewart, Board approved the recommendation to adopt the work program priorities as presented. Janet Hogan, County Administrative Officer, advised that staff will bring CalWORKs and economic development back as separate issues. Ayes: Unanimous.

Resolution Approving Revision of Salary for the Position of Information Systems Specialist from Range 200 (\$2,558-3,110) to Range 214 (\$2,743-3,334) and Waiving Certain Minimum Qualifications for the Current Recruitment (County Counsel)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Stewart, Res. 98-46 adopted/Ayes: Unanimous.

**12:09 p.m.** Board recessed for LAFCo to convene and for lunch and to reconvene at 1:15 p.m.

**12:10 p.m. LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

LAFCo convened with Commissioners Balmain, Pickard and Parker present.

B) Appointment of Two Public Commissioners to Serve on the Mariposa County Local Agency Formation Commission (LAFCo)

**COMMISSION ACTION:** (M)Balmain, (S)Pickard, John Earle and Dwight Mueller were appointed/Ayes: Balmain, Pickard, Parker.

A) Select Chair and Vice-Chair

**COMMISSION ACTION:** (M)Balmain, (S)Pickard, Commissioner Earle was selected as Chair and Commissioner Mueller as Vice-Chair/Ayes: Balmain, Pickard, Parker.

Steve Fortner commented on his LAFCo application No. 96-1.

**12:12 p.m.** LAFCo adjourned.

**1:19 p.m.** CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel); and

CLOSED SESSION Regarding Conference with Legal Counsel Relative to Anticipated Litigation with Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (County Counsel)

**BOARD ACTION:** (M)Pickard, (S)Stewart, closed session was held with Mike Edwards, Public Works Director, and Tom Starling, PWD/Solid Waste Coordinator, to be present for portion of closed session relative to anticipated litigation matter/Ayes: Unanimous.

**1:55 p.m.** Board reconvened in open session with direction given to staff relative to the anticipated litigation matter, and with closed session continued to later this date relative to labor negotiations.

**1:56 p.m.** Recess

**2:08 p.m.** Ed Johnson, Planning and Building Director;  
CONTINUED PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments (Continued from 2/9/98)

**BOARD ACTION:** Ed Johnson and Jay Pawlek, Senior Planner, were present and reviewed the list of pending issues. Discussion was held relative to the open window period applications and status with the proposed text amendments. Ed advised that staff is reviewing the applications and will come back with recommendation for specific zoning changes. Discussion was held relative to the pending policy issues: whether ratification of Planning Director actions should be required by the Planning Commission and uses and thresholds for the permitted category. Staff responded to questions from County Counsel and the Board relative to the Planning Commission's rationale for making some of the uses more restrictive for the General Commercial than what currently exists; concern with proposal for permitted uses for Resort Commercial zone as some existing parcels were zoned based on specific projects that were proposed; and relative to addressing restaurant uses separately.

**3:10 p.m.** Recess

**3:26 p.m.** Staff responded to additional questions from the Board relative to the formula for the occupancy factor for the various uses, and relative to the status and location of property zoned Neighborhood Commercial. Discussion was held relative to scheduling continuation of the hearing. Board concurred with scheduling March 4, 11, and 12, 1998, at 9:00 a.m. at the Board meeting room in the Courthouse. Janet Hogan, County Administrative Officer, advised that she will work with staff to prepare the discussion materials. Public hearing was continued to March 4, 1998, at 9:00 a.m.

**4:17 p.m.** Recess

**4:28 p.m.** Board reconvened in continued closed session.

**5:12 p.m.** Board reconvened in open session with direction given to staff as a result of closed session.

Board Information and Announcements - none.

**FORTHCOMING POLICY**

A) Deny Request by Maurice Varney, DBA We Teach Tennis Free Association, for Reserved Usage Times on the Mariposa Park Tennis Courts for Tennis Lessons (Scheduled for Action on 2/17/98) (Public Works)

B) Amend the Parks and Recreation Facility Use Policy that Would Add Policies Governing the Behavior of Tennis Players on County-Owned Tennis Courts (Scheduled for Action on 2/17/98) (Public Works)

**CONSENT AGENDA**

CA-1            Appoint Helen Fowler and Don Fox to the Midpines Community Advisory Committee (Supervisor Reilly)

CA-2            Resolution Authorizing the Public Works Director to Award and Execute a Contract with Yosemite Falls, Inc., the Lowest Responsible Bidder, for the Woodland Park Water Well No. 3, Public Works Project No. PW 97-10 (Public Works); Res. 98-43

**5:13 p.m.** Adjournment in memory of Pat Meagher.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA FEBRUARY 17, 1998

<u>Time</u>	<u>Description</u>
<b>9:05 a.m.</b>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Chair Reilly advised of receipt of the plaque for the County's State Fair exhibit which received a silver award.

Approval of Minutes of 1/27/98 Regular Meeting  
**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)  
**BOARD ACTION:** Jeff Green, County Counsel, pulled item 1 from the agenda. Supervisor Parker pulled item 3 for discussion with the Visitors Bureau Director later this date. (M)Parker, (S)Pickard, balance of items were approved/Ayes: Unanimous.

Waive First Reading and Introduce Ordinance Assigning the State Fire Marshall Duties to the County Fire Chief; Adopt Resolution Repealing Resolution No. 88-502 Which Appointed the State Fire Marshall as the County Fire Marshal and Approving Amended Class Specification for Fire Chief (County Counsel)  
**BOARD ACTION:** Following discussion, (M)Stewart, (S)Pickard, first reading was waived and the Ordinance introduced, and Res. 98-47 adopted/Ayes: Unanimous.

Jeff Green, County Counsel;  
Resolution Approving Revision Amending Section VI: Mariposa County Selection Procedures, to the Policy and Program of Mariposa County Employment Modifying the Language Identifying the Standards and Qualifications for Employment as Described in that Section  
**BOARD ACTION:** Following discussion, (M)Parker, (S)Stewart, Res. 98-48 adopted/Ayes: Unanimous.

Jim Eutsler, Community Services Director;  
Resolution Authorizing the Department of Community Services (County Transit) to Lease a Vehicle for the MEDITRANS Program and Transfer Funds of \$2,500  
**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 98-49 adopted/Ayes: Unanimous.

Maurie Hoekstra, Librarian;  
A) Resolution Authorizing Chair to Sign the Library Services and Construction Act (LSCA) Grant Application to Request Additional Funding from the State to Increase the Square Footage of the Proposed Library to 8,500 Square Feet  
**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 98-50 adopted. Supervisor Balmain requested that the application be corrected to reflect that the project is on the east side of Highway 140. Ayes: Unanimous.

B) Presentation of Schematic Design for New Mariposa Library  
**BOARD ACTION:** Craig Scott, Dupertuis-Scott Architects, presented the proposed design and responded to questions. No action was necessary.

Mike Edwards, Public Works Director;

A) Deny Request by Maurice Varney, dba We Teach Tennis Free Association, for Reserved Usage Times on the Mariposa Park Tennis Courts for Tennis Lessons (Continued from Policy on February 10, 1998)

**BOARD ACTION:** (M)Parker, (S)Stewart, Res. 98-51 adopted denying request/Ayes: Unanimous.

B) Amend the Parks and Recreation Facility Use Policy that Would Add Policies Governing the Behavior of Tennis Players on County-Owned Tennis Courts (Continued from Policy on February 10, 1998)

**BOARD ACTION:** Discussion was held relative to the proposed amendments. Maurice Varney commented that the tennis entities have not had a chance to review the policy and he asked about use of the courts for tennis instruction. Mike Edwards advised that the policy being proposed is standard and was reviewed by the Parks and Recreation Commission. Supervisor Balmain asked about the effect of the proposed policy relative to other uses that occur on the Coulterville tennis courts during special events. Mr. Varney thanked Joe Boland for his program, and he suggested that individuals as well as groups be added to the restrictions if Supervisor's Parker recommendation for amendment to the proposed policy is accepted. (M)Pickard, (S)Parker, Res. 98-52 adopted amending the Use Policy as recommended, with a change to reflect that the tennis courts are available on a first-come, first-served basis to individual members of the general public, and that exclusive rights for teaching of tennis may be granted by the Board of Supervisors on the recommendation of the Parks and Recreation Commission. Further discussion was held relative to approval of teaching programs and continuation of the existing program by Joe Boland. Jeff Green, County Counsel, stated he feels these programs should come back to the Board on an annual basis for approval and that this policy would not affect an on-going program at this time; however, any such program should be submitted to the Board as soon as possible for review and action. Rich Begley, PWD/Parks and Recreation Deputy Director, provided input relative to the status of the program taught by Joe Boland and he advised that the request he received for this spring can be submitted to the Commission for review and recommendation. Ayes: Unanimous. Supervisor Balmain requested that the new policy be forwarded to groups who use the facilities. Further discussion was held relative to allowing Joe Boland to begin his youth tennis program under existing conditions with an agreement to be brought back to the Board as soon as possible -- Board concurred. Further discussion was held concerning the policy and Jeff Green advised that the restriction to four days a year for use of facilities for profit should be clarified that this refers to fundraising activities. (M)Pickard, (S)Stewart, previous motion was amended to amend the policy to include direction that the restriction to use the facilities four times a year does not apply to approved use of the tennis courts as specified/Ayes: Unanimous. Mr. Varney asked about the status of the on-going Play Tennis America program. Rich Begley advised that there is no request pending for this program.

**10:16 a.m.** Recess

### **10:28 a.m. LOCAL TRANSPORTATION COMMISSION**

Public Hearing to Consider Adoption of the Mariposa County Regional Transportation Improvement Program (RTIP) was opened and continued to after the following Board items.

**10:29 a.m.** Steve Hayes, Visitors Bureau Director;  
Request Board to Endorse and Proclaim March 13, 1998 Through the Wagon Train Event on June 13, 1998, as the Official Mariposa County Sesquicentennial Celebration of Gold Discovery

**BOARD ACTION:** Following discussion relative to the events and liability issues, (M)Parker, (S)Pickard, Board proclaimed March 13, 1998 through June 13, 1998, as Mariposa County Festival Days in recognition of the sesquicentennial celebration of gold discovery. Supervisor Pickard requested that events scheduled for Mariposa be submitted for inclusion in the State's publication of events. Ayes: Unanimous.

Consent agenda item 3 - Following discussion with Steve Hayes, Visitors Bureau Director, (M)Stewart, (S)Pickard, item 3 was approved/Ayes: Unanimous.

Janet Hogan, County Administrative Officer;  
Resolution Taking Action on the 1997 Reclassification Requests Pursuant to Recommendations

**BOARD ACTION:** Discussion was held. Lisa Edelheit, SEIU, provided input relative to their request and recommendation. (M)Balmain, (S)Parker, Res. 98-54 adopted denying the reclassification requests for the fraud investigator position in Human Services Department and the account clerk position in Public Works Department/Ayes: Unanimous.

### **11:19 a.m. LOCAL TRANSPORTATION COMMISSION**

Ed Johnson, Planning and Building Director;  
PUBLIC HEARING to Consider Adoption of the Mariposa County Regional Transportation Improvement Program (RTIP)

**COMMISSION ACTION:** Ed Johnson presented staff report. Dave Walker, Transportation Planner, and Gwen Foster, PWD/Civil Engineer, were present to respond to questions. Larry Burgess and Phil Jones, representing CalTrans, were present and responded to questions relative to the program and funding and the change with funding the interregional share for projects. Staff responded to questions from the Commissioners relative to environmental costs for the Highway 140 passing lane project; options for getting large projects done without delaying the smaller projects; definition of vertical realignment; and the funding allocations. Public portion of the hearing was opened. There was no public input. Public portion of the hearing was closed and Commission commenced with deliberations. Staff responded to additional questions from the Commission relative to average daily traffic count information; whether the projects in the RTIP reflect projects involving memorandums of understanding on County roads; relative to prioritization of the Highway 140 passing lane project and timeframes with other projects that will be occurring; and as to how long the environmental study will be adequate without having to be redone. Ed Johnson advised of a change in the document to move all of the environmental funding to the first year of the cycle for the Highway 140 passing lane project. (M)Pickard, (S)Stewart, LTC Res. 98-2 adopted adopting the Program as recommended and directing staff to draft a letter to CalTrans questioning the high support costs estimated for the State Highway 140 passing lane project/Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker. Hearing was closed.

**12:38 p.m.** Board reconvened and recessed.

**12:46 p.m.** Discussion of Response to Valley Implementation Plan (VIP) (Planning)  
(Continued from 2/3/98)

**BOARD ACTION:** Chair Reilly advised of an extension of opportunity for the public to respond to the VIP, and that information on a revised process is expected later this week. (M)Parker, (S)Pickard, Board took action to support the extension of opportunity to comment and requested that the public comment period be reopened on a revised draft and directed that a letter be prepared for the Chair's signature and sent to the Park Service advising of this action, along with notice to our Congressman of Board support for this extension, and with direction for the letter to be copied as appropriate. Supervisor

Pickard requested that the Board's concerns relative to retaining infrastructure be included. Ayes: Unanimous.

Ed Johnson advised that YARTS has a bus tour scheduled to Yosemite Valley on Wednesday to review the changes proposed by the VIP and Board members are invited.

Discussion and Possible Action Relative to AB 390 (Runner), Which Would Provide Targeted Tax and Hiring Credits for the Specific Purpose of Maximizing Aerospace Employment on the Joint Strike Fighter (JSF) Project in California (Garry R. Parker, District IV Supervisor)

**BOARD ACTION:** Discussion was held. (M)Balmain, (S)Parker, Res. 98-55 adopted supporting AB 390. Supervisor Pickard requested that the current status of legislation be checked before sending a letter out relative to the Board's action. Ayes: Balmain, Stewart, Parker, Pickard; Abstained: Reilly.

Board Information and Announcements

- Supervisor Pickard advised of status of pending legislation relative to the gas tax and advised that Assemblyman House will author the bill, and he advised that departments are gathering information relative to the allocations.

- Supervisor Stewart advised that he attended the CSAC Board of Directors meeting and will prepare an agenda item on the issues that have been raised.

- Supervisor Balmain advised of the Sierra Cascade's logging conference and he will provide a report on a future agenda.

- Supervisor Parker advised that he attended the Republican Dinner event on Saturday.

- Supervisor Reilly advised she will be attending the Local Child Care Planning Conference this week and the YARTS Management Board meeting on Friday.

**1:00 p.m.** CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Pickard, closed session was held/Ayes: Unanimous.

**1:07 p.m.** Board reconvened with direction given to staff as a result of closed session.

### **CONSENT AGENDA**

CA-1 Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-1 in the Amount of \$403.07 (County Counsel); Item was pulled at County Counsel's request

CA-2 Appoint Donn Harter to the Fish Camp Community Planning Advisory Council Representing the Other Subdivided Lands Category (Bob Pickard, District V Supervisor)

CA-3 Resolution Authorizing Chair to Sign Personal Services Agreement with Bill Charney for Training Local Entities in the Development of Corporate Sponsors and Events (Visitors Bureau); Res. 98-53

CA-4 **HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**  
Resolution Authorizing Chair to Sign the Renewal Contract and Attendant Documents Superseding Section 8 Certificate Program Annual Contribution Contract with HUD (Housing Authority); HA Res. 98-2

**1:08 p.m.** Adjournment in memory of Clydette Waldron.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA FEBRUARY 24, 1998

<u>Time</u>	<u>Description</u>
<b>9:04 a.m.</b>	Meeting Called to Order, with Supervisor Parker excused.

Pledge of Allegiance

Resolution and Tile Plaque Recognizing Maurie Hoekstra for Her Service to Mariposa County (Chair Reilly)

**BOARD ACTION:** (M)Stewart, (S)Balmain, Res. 98-56 adopted and presented to Maurie Hoekstra, along with the tile plaque/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Jeff Green, County Counsel, advised of an off-agenda item to appoint an acting Librarian and authorize out-of-class pay until the appointment of a new Librarian. (M)Pickard, (S)Stewart, Board waived rules requiring 72 hours agenda noticing to consider this matter to meet the needs to have a line of authority in the Library as the Librarian has tendered her resignation which will be effective prior to the next Board meeting/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. (M)Pickard, (S)Stewart, Res. 98-57 adopted appointing Catherine Adams as Acting County Librarian and authorizing out-of-class payment at the annual rate of \$34,240 for the period commencing March 2, 1998, through and including the effective date of appointment of a new County Librarian/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

- Mike Edwards, Public Works Director, advised of an off-agenda item to replace the heating system at the Coulterville Community Club building. (M)Balmain, (S)Stewart, Board waived rules requiring 72 hours agenda noticing to consider this matter finding it was not known at the time the agenda was prepared and action is a matter of timeliness as the existing system has failed and created potential fire and carbon monoxide hazards, and the facility is scheduled for use for several activities/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Discussion was held relative to the request and proposal to replace the old floor heaters with wall mounted heaters, with an estimated cost of \$4,500. Mike Edwards advised that they have canceled use of the facilities until the system is replaced. (M)Balmain, (S)Stewart, Res. 98-58 adopted authorizing replacement of the HVAC units at the Coulterville Community Club building, and transferring \$4,500 from PWD/Administration budget for improvement projects to the Facilities budget/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Supervisor Balmain expressed concern with the need to replace the system by the History Center's breakfast scheduled for March 8th. Mike Edwards advised that they are also working on a heater failure at the Stag Hall in Hornitos.

- Janet Hogan, County Administrative Officer, provided an update on the status of AB 390 which would provide targeted tax and hiring credits for the specific purpose of maximizing aerospace employment on the joint strike fighter project in California. She advised that this bill died on the Assembly floor; thus, a letter was not sent following the Board's action to support this bill on February 17, 1998. Supervisor Balmain initiated discussion relative to lobbying to resurrect the legislation. Board concurred with sending a letter from the Chair to Kern County thanking them for alerting the Board to this legislation.

Approval of Minutes of 1/28/98 (Continued Meeting of 1/27/98) and 2/3/98 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Jeff Green, County Counsel, pulled item 3. (M)Pickard, (S)Stewart, balance of items were approved/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker. Discussion was held relative to item 3 and Jeff Green advised of changes to the requested action. (M)Pickard, (S)Stewart, item 3 was approved, and authorization was given to begin the recruitment process for the County Librarian position at a salary range of \$35,000 to \$42,000, with the final salary to be approved by the Board/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Janet Hogan, County Administrative Officer;

Resolution Authorizing Chair to Sign Contract with Madera County Action Committee, Inc. for Provision of Head Start Program Services for the Period March 1, 1998 Through February 28, 1998 in an Amount Not to Exceed \$400,696

**BOARD ACTION:** Janet Hogan advised that the official notice of award has been received from Madera County. Discussion was held concerning the program. Supervisor Balmain requested that additional information be provided relative to the number of days and hours that the program is operated. (M)Stewart, (S)Pickard, Res. 98-63 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

Mike Edwards, Public Works Director;

A) Resolution Authorizing Staff to Assist and Participate with Students from Mariposa County Schools, Under the Annenberg Rural Challenges Program and to Use Mariposa County Park Property Between 6th and 8th Streets for Class Projects Relating to Eventual Development of the Mariposa Creek Parkway

**BOARD ACTION:** Discussion was held with Mike Edwards and Randy Bolt, School District Annenberg Grant Coordinator, concerning the program and projects that are planned. Mike Edwards advised that they would also like to coordinate a project with the students if the Proposition 204 funding is obtained for the watershed restoration program for post construction monitoring impacts on Highway 140. (M)Pickard, (S)Stewart, Res. 98-64 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

B) Resolution Authorizing Construction of Two Batting Cages at Woodland Park by the Mariposa Little League

**BOARD ACTION:** Following discussion with Mike Edwards and Rich Begley, PWD/Parks and Recreation Deputy Director, (M)Balmain, (S)Pickard, Res. 98-65 adopted/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

**10:08 a.m.** Recess

**10:21 a.m.** Tom Efird, U.S. Forest Service District Ranger;

Presentation Relative to the Proposed Sierra National Forest Reorganization

**BOARD ACTION:** Discussion was held with Tom Efird relative to the proposed reorganization and potential impacts on Mariposa County citizens and visitors. Chair Reilly to work with County Administrative Officer in drafting a response for the Board to consider on March 10, 1998. Tom Efird advised that he would be willing to provide additional information to assist the Board in responding to this matter. Discussion was held relative to other Forest Service issues, including the proposed expansion of recreational uses along Highway 140 in the Merced River Canyon and the proposed roadless area policy and how that may affect the County. Supervisor Pickard to obtain

more information on the roadless area policy and bring it back to the Board along with information on any impacts to the County.

Resolution Authorizing Chair to Sign an Order of the Board to Reject Claim No. C98-3 in the Amount of \$870.00 (County Counsel)

**BOARD ACTION:** Discussion was held concerning this matter and recommendation to reject the claim. (M)Stewart, (S)Pickard, Res. 98-66 adopted rejecting Claim No. C98-3/Ayes: Reilly, Stewart, Pickard; Noes: Balmain; Excused: Parker.

Request by University of California, Riverside re: Copying Microfilm of Gazette Issues (County Administrative Officer)

**BOARD ACTION:** Discussion was held. (M)Balmain, (S)Stewart, Res. 98-67 adopted approving recommendation to authorize Henry Snyder of the California Newspaper Project to take possession of a microfilm of back issues of the *Mariposa Gazette* with the understanding that two copies will be returned to Mariposa County and that the original will be preserved at the University of California Storage Facility; and directing that the preferred means of transporting the microfilm to the University of California at Berkeley is by UPS or FedEx/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** Janet Hogan, County Administrative Officer, advised that a closed session was not necessary.

Board Information and Announcements

- Supervisor Balmain provided a report on the Sierra Cascade Logging Conference he attended as a citizen, and he advised of the various panels on topics ranging from headwaters, workers compensation, and sustainable forest.

- Supervisor Pickard advised that Assemblyman House introduced legislation on Friday on behalf of the County for the gas tax and Vehicle License Fee inequity issues and it is numbered as AB 2400, and he will keep the Board informed of its status.

- Supervisor Stewart advised that he went on the YARTS sponsored bus trip to Yosemite to view the VIP plan last week.

- Supervisor Reilly advised that she attended the Local Child Care Planning Conference last week, and as a result of the welfare reform mandate, each county must have a local child care planning council. She also advised that she plans to attend a committee meeting on Wednesday relative to establishing a mentoring program. She attended the YARTS Management Board strategic planning workshop which was held on Friday.

- Janet Hogan, County Administrative Officer, advised that she will be out of the office on Wednesday afternoon.

**INFORMATION** No action was necessary on the following:

Continued Public Hearing on the Industrial/Commercial Zoning Text Amendments Scheduled for 9:00 a.m. on 3/4/98 and Continued to 3/11/98 and 3/12/98 at 9:00 a.m., if Necessary (Planning) (Continued from 2/10/98)

**CONSENT AGENDA**

- CA-1 Accept Resignation of Steve Hughes from the Parks and Recreation Commission (Supervisor Reilly)
- CA-2 Resolution Authorizing Chair to Sign Amendment No. 9 to the Multi-Year Agreement with the State of California, Department of Alcohol and Drug Programs for Fiscal 1997-98 (Human Services); Res. 98-59
- CA-3 Resolution Approving Revised Class Specification for the Position of County Librarian (County Counsel/Personnel); Res. 98-62, and direction was given relative to recruitment and salary range
- CA-4 Resolution Authorizing Transfer of \$10,000 from Anticipated Savings in the Road Fund Help to Fixed Asset Line 0693 "Upgrade Emulsion Plant" and Authorize Public Works to Award Bid to Empire Equipment in the Amount of \$22,000 (Public Works); Res. 98-60
- CA-5 Resolution Authorizing Contract with Self-Help Enterprises to Provide Program Implementation Services for the County 94-STB-868 Community Development Block Grant (CDBG) Program (Human Services); Res. 98-61

**12:07 p.m.** ADJOURNMENT

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA MARCH 3, 1998

Time                      Description  
**9:06 a.m.** Meeting Called to Order

Pledge of Allegiance led by the Girl Scouts

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Supervisor Parker noted that correspondence has been received relative to County building permits and final approvals for County facilities, and requested that the Planning and Building Director bring this matter to the Board on March 10, 1998.

Proclaim March 7-13, 1998 as "Girl Scout Week" and March 12, 1998, as "Girl Scout Day" in Mariposa County (Chair Reilly)

**BOARD ACTION:** (M)Pickard, (S)Stewart, Proclamation was approved and presented to representatives of the Girl Scouts/Ayes: Unanimous.

Approval of Minutes of 2/9/98 (Continued from 2/3/98), 2/10/98 Regular Meeting, and 2/17/98 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Stewart pulled item 6 for discussion with Public Works Director later this date. (M)Pickard, (S)Balmain, balance of items were approved/Ayes: Unanimous.

Ron Clubb, Bootjack Machine and Mfg.;

Discussion Relative to Complaint Against the Public Works Department Regarding Cost Savings For Repair Vs. Replacement of Parts For Public Works Heavy Equipment

**BOARD ACTION:** Discussion was held with Ron Clubb and Mike Edwards, Public Works Director, relative to Mr. Clubb's concerns regarding repair of parts versus replacement of the parts. Mike Edwards advised that subsequent to his meetings with Mr. Clubb, his staff has been instructed to check with Mr. Clubb whenever possible relative to the feasibility of repairing equipment prior to replacement. On another outstanding issue, Mike Edwards advised of a situation which occurred several years ago whereby a road to a subdivision was reconstructed and Mr. Clubb feels that it negatively impacts his business. Following discussion, it was determined that Mr. Clubb would need to file a claim against the County on this situation.

Leota Striplin urged everyone to support the American Cancer Society's annual daffodil fundraising drive.

### **9:39 a.m. HOUSING AUTHORITY OF THE COUNTY OF MARIPOSA**

Tom Archer, Human Services Director;

A) Conduct Annual Meeting of the Housing Authority of the County of Mariposa and Select Chair and Vice-Chair for 1998

**COMMISSION ACTION:** (M)Parker, (S)Pickard, Commissioner Reilly was selected as Chair. Motion was amended, agreeable with maker and second, to include selection of Commission Stewart as Vice-Chairman/Ayes: Unanimous.

B) Resolution Approving Revised Administrative Plan Bringing it Into Compliance with Recent Changes in Federal Regulations, and Revising Local Preferences  
**COMMISSION ACTION:** Discussion was held with Tom Archer. Blanche Day/Human Services Department-Housing Eligibility Specialist, responded to questions from the Commission. (M)Pickard, (S)Balmain, Hous. Auth. Res. 98-3 adopted/Ayes: Unanimous. Tom Archer commended Blanche Day and Connie Hunt for their work with the Housing Authority program.

**9:50 a.m.** Tom Archer, Human Services Director;  
Resolution Authorizing Human Services to Submit Application to State Department of Housing and Community Development for Homeless Prevention Program  
**BOARD ACTION:** Following discussion, (M)Pickard, (S)Balmain, Res. 98-71 adopted/Ayes: Unanimous.

Dr. Mosher, Health Officer;

A) Resolution Authorizing Appropriation of Unanticipated Revenues from Flu Clinic Donations in the Amount of \$1,677 to Purchase TV/VCR and Educational Videos for the Health Department (4/5ths Vote Required); Res. 98-72

B) Resolution Authorizing Appropriation of Unanticipated Revenues from Mini-Grant in the Amount of \$3,500 to Update and Reprint the Mariposa County Resource Guide for Mothers, Their Children and Families (4/5ths Vote Required); Res. 98-73 and

C) Resolution Authorizing Appropriation of Unanticipated Revenues from State Grant in the Amount of \$33,743 to Augment Health Education Program Including Purchase of a Laptop/Overhead Computer (4/5ths Vote Required); Res. 98-74

**BOARD ACTION:** Following discussion, (M)Parker, (S)Balmain, Res. 98-72 adopted for the flu clinic program; Res. 98-73 for the Resource Guide; and Res. 98-74 adopted for the Health Education Program/Ayes: Unanimous.

**9:59 a.m.** Recess

**10:13 a.m.** Mike Edwards, Public Works Director;  
Consent Agenda item 6 - Supervisor Stewart initiated discussion concerning item 6 and as to whether there are any provisions for future rent increases. Clif Price/PWD-Facilities Maintenance Manager, provided input. (M)Stewart, (S)Pickard, item 6 was approved/Ayes: Unanimous.

A) Information Regarding Status of Contingency and Committee Recommendations for Change Orders for the County Government Center

**BOARD ACTION:** Dave Tucker/PWD-Engineer, provided status report and reviewed the proposed change orders. Craig Scott, Dupertuis-Scott Architects, responded to questions from the Board. (M)Parker, (S)Balmain, Res. 98-76 adopted approving recommended change orders, with an additional \$5,000 to be added to landscaping upgrades, for a total of \$10,000 for landscaping. Discussion was held relative to the landscaping plans and amenities such as benches, trash containers, and the community Christmas tree. Motion was amended, agreeable with maker and second, to include direction for the Government Center Committee to come back with a more detailed landscaping plan with the increased budget/Ayes: Reilly, Balmain, Parker, Pickard; Noes: Stewart. Discussion was held relative to reviewing the color scheme and furnishings for the facility or whether that would be a Committee decision, and relative to authority for committees.

**10:55 a.m.** Recess

**11:07 a.m.** Chair Reilly announced that the mid-year financial report is continued to 1:30 p.m. this date.

**11:10 a.m.** Recess

**11:15 a.m.** B) Status Report on Solid Waste Co-Composting Project, Authorize Staff and Board Solid Waste Committee to Continue Process to Determine a Preferred Private Partner and Authorize Legislative/Grant Efforts to Pursue Financial Assistance from State and Federal Sources

**BOARD ACTION:** Mike Edwards introduced the following members of the selection team who were present: Supervisors Balmain and Parker; George Eowan/Integrated Recycling, Inc.; Tom Starling/PWD-Solid Waste Coordinator; Bill Delaney/Yosemite National Park; Brian Hodge/Health-Local Enforcement Agency; and himself. He thanked all of the members for their efforts on this project. He presented the staff report, advised of request to seek financial assistance for planning and/or design of a co-composting facility; reviewed their selection process; and gave a slide presentation on their visit to the HUWS Corporation facility in Palgrave, Ontario Canada, and to the Bedminster Bioconversion facility in Pinetop, Arizona. Further discussion was continued to after lunch.

**12:00 p.m.** Lunch

**1:30 p.m.** Mike Edwards continued with the slide presentation on their visit to co-composting facilities and how each facility operated. He advised that they are still working on getting additional information. Discussion was held concerning request to seek legislative support for financial assistance. Board concurred with authorizing the committee to continue gathering information with existing resources and to look into funding opportunities.

**2:34 p.m.** Recess

**2:43 p.m.** Ed Johnson, Planning and Building Director;  
Review and Approve Planning Department Reorganization and Direct Staff to Prepare Appropriate Documents and Budget Actions for Subsequent Board Adoption for:

- Class Specification and Salary Range Revisions
- Reallocation of Departmental Staffing
- Additional Position and/or Budget Allocations as Directed

**BOARD ACTION:** Matter was continued to March 10, 1998.

Janet Hogan, County Administrative Officer;  
Consider Mid-Year Financial Report and Take Action Regarding Requested Budget Changes (4/5ths Vote Required)

**BOARD ACTION:** Janet Hogan presented report.

(M)Parker, (S)Balmain, Res. 98-77 adopted approving the consent changes as recommended/Ayes: Unanimous.

Janet Hogan reviewed the policy changes and addendum requests received from the Sheriff/Public Works for underground tank clean-up and from the Sheriff for the laptop computer program, and discussion was held. Roger Matlock, Sheriff, provided input relative the underground tank clean-up request.

Discussion was held with Gary Estep, Recorder, and Dennis Patrick, Data Processing, relative to their budget request for a recording/indexing-imaging system and the on-going maintenance costs.

Discussion was held with Dennis Patrick and Christine Johnson, District Attorney, relative to request for funding an expansion of the JALAN automated system for the

District Attorney's office, and relative to coordination of installation of the system between the Courts, Probation and the District Attorney functions. Board concurred with not funding the District Attorney's request at this time and with directing the County Administrative Officer, Probation Officer, District Attorney and Data Processing Coordinator to meet and bring the issue back when the expansion project is ready to move forward. Board further concurred with directing that the expansion for the Probation Department on the JALAN system be held in abeyance until all of the parties have an opportunity to meet and further direction is given by the Board.

Discussion was held with Roger Matlock relative to the request for additional medical funding for inmate expenses and the possibility of pursuing a change in the law relative to the county's responsibility for these expenses once an individual is incarcerated.

Discussion was held with Steve Hayes, Visitors Bureau Director, relative to request to modify the use of funds designated for the Mining and Mineral Museum rent for promotion. Glenn Sutherland, Mining and Mineral Museum Association, thanked the Board for its support of the Museum and requested that the funding be used to reimburse the Association for the rent that was paid this fiscal year prior to the adoption of the budget and execution of an agreement for the rent payments. Supervisor Parker requested that the funds be retained in the budget for further consideration during the budget process for next fiscal year. Discussion was held with Steve Hayes relative to requested budget changes in the Visitors Bureau budget. Supervisor Reilly asked about accounting for this budget in the General Fund versus a special revenue fund -- Janet Hogan, County Administrative Officer, advised that she will recommend that these activities be accounted for in the General Fund in the new budget. (M)Balmain, (S)Pickard, to approve the changes in the Visitors Bureau budget with \$5,400 for the Mining and Mineral Museum to remain in the existing account. Following discussion, Supervisor Pickard withdrew his second and Supervisor Parker seconded the motion. Ayes: Balmain, Parker; Noes: Reilly, Stewart, Pickard. Motion failed. (M)Pickard, (S)Stewart, Res. 98-78 adopted approving the changes in the Visitors Bureau budget; and direction was given to make the \$5,400 available to the Mining and Mineral Museum Association for reimbursement for rent for this fiscal year. Steve Hayes asked about changing the term of the agreement -- County Counsel to work with the Auditor on this issue. Ayes: Reilly, Balmain, Stewart, Pickard; Noes: Parker.

**4:26 p.m.** Recess

**4:35 p.m.** Continued discussion was held relative to the mid-year financial report. Supervisor Reilly initiated discussion concerning the request to increase the General Fund contribution to the Senior Nutrition Program. Board concurred with the need to review the long-range funding for this program and options.

Janet Hogan advised that the action taken earlier to approve the consent changes included a change in Data Processing budget in the amount of \$4,000, and that change should not be made due to the source of funding. (M)Parker, (S)Stewart, Res. 98-79 adopted approving the remaining policy changes, with direction that no appropriation be transferred from Jail medical line item and Election expense line item for the balance of the fiscal year; reversing the previous approval of the Data Processing budget change in the amount of \$4,000; and approving the addendum requests for Sheriff/Public Works for underground tank clean-up, as revised, and from the Sheriff for the laptop computer program/Ayes: Unanimous.

Resolution Certifying the Disability Retirement of Roderic B. Sinclair Effective January 30, 1998 (County Counsel)

**BOARD ACTION:** (M)Parker, (S)Stewart, Res. 98-80 adopted/Ayes: Unanimous.

Resolution Awarding Bid for County's Legal Advertising, Directing Staff to Prepare a Contract, and Authorizing Chair to Sign Contract (Administration)

**BOARD ACTION:** (M)Parker, (S)Stewart, Res. 98-81 adopted/Ayes: Unanimous.

Discussion and Possible Action to Consider Staff Liaison to the Foreign Trade Zone (FTZ)for Marketing Efforts (Supervisor Stewart)

**BOARD ACTION:** Discussion was held and consideration was given to requesting that Planning staff handle this matter. Matter was continued to March 10, 1998, for further consideration with Planning matters.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** Staff advised that closed session was not necessary this date.

Board Information and Announcements

- Supervisor Stewart advised that he plans to attend the 37th Annual Prayer Breakfast in Sacramento with the Governor and legislators this week.
- Supervisor Reilly advised that she will work with Planning to schedule a status report on the YARTS meeting on March 17, 1998.
- Janet Hogan, County Administrative Officer, advised that she will be out of the office on Friday for family matters.

**INFORMATION** - No action was necessary on the following:  
Board Hearing Schedule (Clerk of the Board)

### **CONSENT AGENDA**

- CA-1 Resolution of Summary Abandonment of a Portion of an Unnamed Easement Near Mt. Bullion Ridge Road (Public Works); Res. 98-68
- CA-2 Resolution Authorizing the County Mental Health Director to Sign a Contract Between the State Department of Mental Health and Mariposa County for the Consolidation of Medi-Cal Specialty Mental Health Services to Become Effective January 1, 1998 and Continue Through June 30, 2000 with an Allocation Amount of \$36,242 Through June 30, 1998 (Human Services/Mental Health); Res. 98-69
- CA-3 Appoint Lester Pacheco to the Fish Camp Community Planning Advisory Council Representing the At Large Category (Planning)
- CA-4 Resolution Amending the Community Development Block Grant Housing Rehabilitation Program Guidelines to Increase the Maximum Loan/Grant Amount from \$45,000 to \$50,000 per Housing Unit (Human Services); Res. 98-70
- CA-5 Waive Second Reading and Adopt Ordinance Assigning the State Fire Marshal Duties to the County Fire Chief (County Counsel); Ord. 930

- CA-6 Resolution Authorizing Public Works Director to Execute Airport Hangar Lease Agreement with United States Department of Agriculture (USDA) (Public Works); Res. 98-75
- CA-7 Appoint Sandy Chapman to the Historic Sites and Records Preservation Commission Representing the Mariposa Museum and History Center (Planning)

**5:00 p.m.** Board recessed in memory of Martha Anderson, William F. Kimes and Carvel Williams, and continued the meeting to March 4, 1998, at 9:00 a.m. for continued Public Hearing on the Industrial/Commercial Zoning Text Amendments.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**CONFORMED AGENDA**

**March 4, 1998 (Continued Meeting From March 3, 1998)**

**9:15 a.m.** Board convened in continued meeting from March 3, 1998.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from February 10, 1998)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions. Ed Johnson reviewed concepts and simplified exercises relative to the amendments. Discussion was held relative to the discussion paper prepared by Supervisor Balmain and reaching a consensus of the Board's goals in amending Title 17. Discussion was held relative to the intent of the zoning designation for Neighborhood Commercial (CN).

**10:28 a.m.** Recess

**10:47 a.m.** Board concurred with reviewing each zoning designation for what is recommended for permitted and conditional uses. Further discussion was held relative to the CN zone and the recommendations. Discussion was held relative to having permitted uses in this zone and the process for public input. Board concurred with leaving the permitted uses in CN 1 and 2 as currently exists, with a change in the manufacture of miscellaneous indoor handicrafts, and with using the proposed standards. Discussion was held relative to accepting additional public input and Jeff Green, County Counsel, responded and stated that he feels that an opportunity for input was previously provided -- he feels the Board should reach a consensus and send the draft amendments back to staff to incorporate the changes and go back through a process which would allow for public input on the revised draft.

Discussion was held relative to the General Commercial (GC) zone and permitted and conditional uses. Discussion was held relative to establishing thresholds for permitted versus conditional uses and whether the recommended uses would be feasible with the recommended thresholds. Board concurred with increasing the threshold for permitted uses to 2,000 square feet and 60 occupancy, with making recommended permitted uses as conditional uses, with reducing the minimum acreage to ten acres, and with the addition of tennis clubs as a permitted use.

Public Hearing was continued to March 11, 1998, at 9:00 a.m.

**12:44 p.m.** ADJOURNMENT

Respectfully submitted,

MARGIE WILLIAMS,  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA MARCH 10, 1998

<u>Time</u>	<u>Description</u>
<b>9:04 a.m.</b>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Red Eastwood, owner of Stage Stop, expressed concern with the bureaucracy involved with the disposal of the soil from the fuel tank removal at the gas station, especially with the testing requirements imposed on him for arsenic by the State. Dr. Mosher, County Health Officer, provided input and advised that he would be willing to work with Public Works Director on this issue for future situations and bring a recommendation back to the Board -- the Board concurred with this suggestion. Mike Edwards, Public Works Director, provided input relative to the testing of soil for contaminants.

- Mike Edwards, Public Works Director, advised of the successful well drilling at Woodland Park and stated he would bring an agenda item back to the Board to ratify his approval of a change order to take care of the deepening of the well and changes in pressure tank and electrical, etc. He noted that the changes were all within the budgeted amount for this project and that he gave approval to save costs of moving the contractor back in for the work contained in the change order. He further advised that he has reviewed the authority given to the Public Works Director to approve change orders and that he does not feel it always works to the best interest of the County for smaller projects and he will come back to the Board with a recommendation for changes.

Approval of Minutes of 2/24/98 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Balmain pulled item 3. Supervisor Reilly pulled item 4. (M)Parker, (S)Stewart, to approve balance of items was amended, agreeable with maker and second, to include Supervisor Pickard's request to pull item 8/Ayes: Unanimous. (M)Parker, (S)Balmain, item 8 was approved/Ayes: Reilly, Balmain, Stewart, Parker; Noes: Pickard. Supervisor Balmain initiated discussion relative to item 3 and requested that County Counsel review the agreement to make sure that the County can comply with the paper recycling terms. (M)Balmain, (S)Parker, item 3 was approved, subject to County Counsel's review as requested/Ayes: Unanimous. Supervisor Reilly initiated discussion relative to item 4 and asked about integrating the Visitors Bureau activities to promote all businesses at the Airport. Maria Liddle, Airport Manager, provided input relative to her review of this matter with the Airport Advisory Committee and with the Visitors Bureau Director. Board concurred with directing County Administrative Officer to work with the Visitors Bureau Director and Airport Manager relative to the purpose and use of the advertising space at the Airport and report back to the Board with a recommendation for an overall promotion of the County.

Dr. Mosher, Health Officer;

Discussion and Possible Direction to Staff Regarding Certified Unified Program Agency (CUPA)

**BOARD ACTION:** Discussion was held and Supervisor Pickard advised of his discussion with RCRC staff on this matter, and he requested that consideration be given

to distributing Dr. Mosher's letter to the other counties who are not participating in CUPA. Supervisor Pickard further requested that this matter be continued to March 24, 1998, and that he will request that discussion of this issue be scheduled on RCRC's agenda for March 19th -- Board concurred.

Mike Edwards, Public Works Director;  
Resolution Approving Summer Rental of Woodland Park Hall to Almost Like Home Day Care and Direct Staff to Negotiate and Execute an Amendment to the Current Lease Agreement Upon Approval by County Counsel

**BOARD ACTION:** Gussie Kidd, former Director of Almost Like Home, thanked the Board for its support and introduced the new Director, Ellen Jones. Discussion was held with Mike Edwards concerning the request. (M)Parker, (S)Pickard, Res. 98-85 adopted approving the summer rental program as requested, with the increased rent amount not to exceed \$175.00/month, and the increased portion to be based on actual increased utility costs for the three-month summer program; and further direction was given that if the costs exceed the rental amount, the matter is to be brought back to the Board during the budget process for further consideration/Ayes: Unanimous.

**10:06 a.m.** Recess

**10:18 a.m.** Roger Matlock, Sheriff;  
Resolution Waiving the Hiring Freeze on the Sheriff's Patrol Sergeant and Sheriff's Captain Positions

**BOARD ACTION:** Discussion was held with Roger Matlock and Pelk Richards/Undersheriff. (M)Stewart, (S)Pickard, to waive the hiring freeze, was withdrawn by maker, following further discussion. Supervisor Pickard suggested that the Board's liaison committee (Supervisors Pickard and Balmain) meet with the Sheriff and review the request and the concerns that have been expressed and come back with a recommendation. Supervisor Parker requested that the committee also review the overall structure of the department as it exists today and possible structure for the future, including organizational changes. (M)Stewart, (S)Balmain, Res. 98-86 adopted authorizing the temporary out-of-class filling of the positions as discussed, and with direction for the Board's liaison committee to meet with the Sheriff and come back with recommendations within two weeks if possible -- Sheriff to reschedule the matter/Ayes: Unanimous.

**10:46 a.m.** Ed Johnson, Planning and Building Director;

B) Discussion Relative to County Building Permits and Final Approvals for County Facilities

**BOARD ACTION:** Ed Johnson reviewed the public projects and how they are completed and those where concerns have been expressed such as the adult detention facility, Public Works shop and the government center; and he advised that there are about fifty public projects and they have been working with Public Works and staff to obtain final approvals. He further advised that there are an estimated 3,000 to 4,000 building permit projects countywide which have not been finalized and about one-third of those permits have expired, and they work on notifying the applicants as staffing allows. Discussion was held relative to the timeline flexibility given to meeting landscaping requirements and the permit process. Input from the public was received from the following:

Jim Eskra asked for a breakdown in the numbers between residential and commercial permits that are not finalized, asked why a building permit would expire, and asked if there is a difference between a final and an occupancy permit. Ed Johnson responded that most of the outstanding permits are for residential use. Jim Eskra further commented that there were two businesses that could not open their doors until they met the landscaping

requirements. Ed Johnson advised that the Uniform Building Code provides for six months for a building permit and the County's administrative practice is to allow one year with a two-year extension; with regards to the difference between a final and occupancy -- you get a building finalized and then you can occupy; and staff only responds to complaints if a building is occupied before it is finalized. Jim Eskra further stated that he felt the parking standards were changed for the County's government center project. Supervisor Parker advised that the changes were initiated for businesses such as the 4th Street Tea Room where on-site parking requirements could not be met.

**11:25 a.m.** Recess

**11:33 a.m.** Chair Reilly requested that the public comments be received and then the Board members could ask questions and further discuss the matter.

Jim Eskra continued with his input and stated he feels there has been a difference between the private and public projects with regards to implementation of the regulations, especially with regards to landscaping. He also noted concerns he had heard relative to lack of water pressure at the adult detention facility and a request a church made for shared parking with the County. He stated he feels everyone should follow the same rules.

Ron Iudice commented on the concept of how the County is perceived by prospective businesses and stated he feels we should be helpful, including the permit process and how we deal with businesses that come to Mariposa.

Ken Mari stated he feels there is a double standard -- he stated the County has not complied with the landscaping requirements for the adult detention facility and he does not feel that the road to the facility meets specifications. He stated he does not feel that the juvenile detention center was finalized and it is being used. He further stated he would like to see a faster process with the Planning and Building Department -- CDF and Health Department are slow with their portions of permit reviews. He noted conditions he had to meet with regards to a two-foot cut in a bank when he recently subdivided a project.

Ken Melton stated he feels some of the standards should be reviewed and changed, such as landscaping -- he does not feel that the landscaping standards were directed by the Board to be implemented countywide; they started with the downtown historic district for Mariposa. He commented on projects where the landscaping has died. He further stated he does not feel that the one-stop permitting process is working -- he feels it creates a delay in the process to wait for Building Department to route the permit to all of the individual departments versus allowing an individual to do the routing. Also when an individual does the routing, they would be available to answer questions that each department may have. He responded to a question from the Board and advised that he has not taken out a permit in the last 4 to 5 years.

Mike Edwards, Public Works Director, responded to the issues raised relative to the landscaping for the jail and advised of preliminary plans for staff and inmates to do the project to keep costs down and that did not occur; now they are working on preparing a request for proposals for an architect to do the design review and hope to have the project completed by this fall or next spring at the latest. This project will also address issues with the bank behind the facility, and they hope to have the safety glass here in two weeks.

Jim Eskra stated he feels the architectural design work should be able to be done in-house and the County should not have to hire an architect.

Ron Iudice questioned whether landscaping requirements should be extended out of the town planning area.

Ken Melton stated he felt that the previous administrative practice (workshop) sessions and community groups that met on changes being considered by the County were helpful and should be used again.

Ron Iudice advised that he has a presentation prepared for the continued Public Hearing on the Commercial/Industrial Zoning Text Amendments for Wednesday that may be helpful in this matter.

Discussion was held relative to the input received. Supervisor Parker suggested that the Mariposa Town Transportation and Parking Advisory Committee's duties be expanded to review and address some of the issues raised within the town planning area.

Discussion relative to the Job Creation Investment Fund was continued until after lunch.

**12:10 p.m.** Lunch

**2:10 p.m.** A) Discussion and Action Regarding the Job Creation Investment Fund

Including:

- Creation of a Job Creation Task Force
- Authorization of the Planning Director to Represent Mariposa County in Regard to the Job Creation Investment Fund
- Authorization to Apply for a \$25,000 Grant from the Job Creation Investment Fund to Develop a Job Creation Plan
- Discussion and Possible Action to Consider Staff Liaison to the Foreign Trade Zone (FTZ) for Marketing Efforts (Continued from 3/3/98)

**BOARD ACTION:** Discussion was held. Jay Pawlek, Senior Planner, provided staff report. Supervisor Balmain requested a change in the resolution to authorize execution of "the" documents necessary to receive funding versus "any" documents -- Board concurred with change. (M)Parker, (S)Stewart, Res. 98-87 adopted forming the Mariposa County Job Creation Task Force and appointing individuals as recommended; authorizing the Planning Director to represent Mariposa County in regard to the Job Creation Investment Fund; and authorizing Planning Director to sign and submit the Job Creation Investment Fund Application to apply for \$25,000. Discussion was held relative to including other representatives on the Task Force and it was noted that the Task Force membership could be amended and expanded in the future. Ayes: Unanimous.

Discussion relative to staff liaison for the Foreign Trade Zone marketing efforts was continued for consideration of the Planning Department reorganization.

Ed Johnson, Planning and Building Director;

Review and Approve Planning Department Reorganization and Direct Staff to Prepare Appropriate Documents and Budget Actions for Subsequent Board Adoption for:

- Class Specification and Salary Range Revisions
- Reallocation of Departmental Staffing
- Additional Position and/or Budget Allocations as Directed (Continued from 3/3/98)

**BOARD ACTION:** Discussion was held relative to the reorganization proposal. (M)Pickard, (S)Stewart, Board approved the concept of the reorganization with staff to prepare the appropriate documents for further consideration of the details. Art Baggett commented on the proposal and requested that consideration be given to allowing an applicant to pay extra fees to cover County employee overtime costs or contract employee costs to expedite an application; he stated he agrees with the decision to change the fire marshal duties to the County Fire Chief; and he stated he supports a facilitator function. Ayes: Unanimous. Janet Hogan, County Administrative Officer, advised that she will work with staff to prepare the budget for next year to reflect consolidation of the budget units within the department. Ken Mari expressed concern with the timeframes involved for CDF to review building permit plans and suggested that they be requested to come to the County office to review the plans versus sending the plans to their office. Discussion was held as to whether the Fire Chief could review the plans currently being handled by CDF -- Staff to review this matter.

**3:25 p.m.** Recess

**3:37 p.m.** Discussion was held relative to consideration of additional staffing and services and enhancements to the Department. Ed Johnson added a transportation coordinator to the list of positions to be considered. (M)Parker, (S)Stewart, direction was given to staff to bring back a plan for a permit facilitator encompassing the computer tracking as a priority; and further directing that the economic development planner and transportation coordinator issues come back as one position for further consideration and possible implementation. Motion was amended, agreeable with maker and second, to delete the priority of the direction for the permit facilitator/computer tracking position and consider the positions together for permit facilitator/computer tracking and economic development planner/transportation coordinator/Ayes: Balmain, Stewart, Parker; Noes: Reilly, Pickard. Supervisor Stewart advised that he will schedule further consideration of the Foreign Trade Zone liaison at a later date.

Supervisor Parker was excused at 4:25 p.m.

Consider Letter Commenting on Proposed Reorganization of the Sierra National Forest and Authorize the Chairman to Sign the Letter (Administration)

**BOARD ACTION:** (M)Pickard, (S)Balmain, Res. 98-88 adopted approving letter, and direction was given for the letter to be copied to Stanislaus Forest Service/Ayes: Reilly, Balmain, Stewart, Pickard; Excused: Parker.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** Janet Hogan, County Administrative Officer, advised that closed session was not necessary.

Board Information and Announcements

- Supervisor Stewart advised that he plans to attend the CSAC legislative conference scheduled for March 25 - 26.

- Supervisor Reilly advised that she plans to attend the Storytelling Festival this weekend.

- Janet Hogan, County Administrative Officer, advised that she and Supervisor Reilly visited the Head Start center, and she will have Supervisor Pickard visit the center with her on March 26, and she invited the other Board members to visit. She further advised that she is working with Head Start staff to prepare for the quality review on March 31 and April 1, 1998.

### **CONSENT AGENDA**

- CA-1 Appoint Andy Williams to the Airport Advisory Committee to Represent the General Public (Supervisors Balmain and Stewart)
- CA-2 Appoint Jim Secrest to the Airport Advisory Committee Representing Members Who Reside or Own Property Within the Airport Influence Area of the Mariposa-Yosemite Airport (Supervisors Balmain and Stewart)
- CA-3 Resolution Authorizing Chair to Sign Standard Agreement with the State of California for \$10,000 Grant for the Purchase of Elections Software (County Clerk); Res. 98-84

- CA-4 Resolution Authorizing Sale of Bulletin Board Ad Space at the Mariposa-Yosemite Airport (Public Works); Direction was given to staff.
- CA-5 Reappoint Ann Gehrig to the Area 12 Agency on Aging (A12AA) Advisory Council (Supervisor Balmain)
- CA-6 Reappoint Jim Eutsler to the Area 12 Agency on Aging (A12AA) Advisory Council (Community Services)
- CA-7 Resolution Authorizing Volunteers in Coulterville to Conduct a Landscaping Project at the Old Coulterville Jail (Public Works); Res. 98-82
- CA-8 Resolution Authorizing Fee Adjustment for Health Department Fee Schedule Adding a New Category Under the Food Program to be Titled "Temporary Permit Inspection/Non-Profit Agency \$15.00 Per Event (Health); Res. 98-83

**4:29 p.m.** Meeting was recessed in memory of Natalie Gorham and Jack G. Green and continued to March 11, 1998, at 9:00 a.m. for the continued Public Hearing on the Commercial/Industrial Text Amendments.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

March 11, 1998 (Continued Meeting From March 10, 1998)

**9:06 a.m.** Board convened in continued meeting from March 10, 1998.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from March 4, 1998)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions.

Input from the public was provided by the following:

Ron Iudice, representing Mariposa Business Forum, advised that a group of business people have formed and they want to insure a good economic future for the County. He noted that it is difficult for the business people to attend the Board meetings during the day, and he presented a request on behalf of ten individuals to provide input and meet with two Supervisors and the Planning Director relative to the text amendments. He noted that they do not want to delay the Board's process. Discussion was held relative to the request.

Don Starchman advised that they do not intend the requested meetings to be private, and he suggested that the Board check with County Counsel relative to the request and hearing process.

**9:26 a.m.** Recess

**9:33 a.m.** Supervisor Balmain presented a memorandum from Jeff Green, County Counsel, relative a meeting held concerning concepts discussed for the Resort Commercial (CR), Business Park (BP), and Special Use (SU), zones. Discussion was held concerning the new concepts that were being presented.

**9:44 a.m.** Recess

**9:50 a.m.** Discussion was held relative to the concept of having a BP 1 and 2 zone, the various options, the environmental review requirements, and relative to allowing permitted uses. Discussion was held relative to the concept presented for CR and the status of the open window period applications with regards to this zone and whether there should be permitted uses. Consensus of the Board was to have staff further develop the concepts proposed and bring information back for further consideration.

**11:23 a.m.** Recess

**11:37 a.m.** Further discussion was held relative to the BP zone, environmental review, thresholds, and permitted uses. Consensus of the Board was to agree with a BP 1 and 2 concept, with uses in the BP 1 to be approved by the Planning Commission. Further discussion was held

relative to zoning each piece of property separately to PB 2 for uses and allowing for permitted uses.

Discussion was held relative to the concept presented for the SU zone. Ed Johnson discussed the possibility of creating another zone for uses such a wineries, etc. Janet Hogan, County Administrative Officer, suggested that staff review how surrounding counties handle these types of uses and bring information back for further consideration.

Discussion was held relative to the hearing process and issues that still need to be resolved.

**12:50 p.m.** Board recess and continued the meeting and the Public Hearing to March 12, 1998, at 9:00 a.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA

March 12, 1998 (Continued Meeting From March 11, 1998)

**9:12 a.m.** Board convened in continued meeting from March 11, 1998.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from March 11, 1998)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions.

Supervisor Reilly commented on her review of the history and background to the zoning text amendments and the work done by the Countywide Community Economic Development Commission and the open window period application process, and requested additional time to further consider the concepts presented by Supervisors Balmain and Parker on Wednesday relative to the Business Park (BP), Resort Commercial (CR) and Special Use (SU) zones, before a final decision is made. She requested the additional time for all Board members to have an opportunity to meet with staff and consider the concepts presented and alternatives. Discussion was held concerning the request to further review the concepts presented and the hearing process. It was noted that the amendments would be further reviewed when the document is brought back to the Board.

**9:42 a.m.** Recess

**9:52 a.m.** Ed Johnson reviewed the Town Planning Area (TPA) zone. Discussion was held and Board concurred with the TPA 1 and 2 concept.`

Ed Johnson reviewed the Development Standards. Discussion was held relative to the proposed parking standards. Board concurred with deleting the reference to ten spaces for shared parking and with dealing with requests on a case-by-case basis. Discussion was held relative to bus parking.

**10:50 a.m.** Recess

**11:02 a.m.** Continued discussion was held relative to bus parking. Board concurred with not giving specific standards, but with stating that adequate parking be made available. Discussion was held relative to setback and height standards and having a maximum structure height in the BP and SU zones of fifty feet, with provisions that the structure meet all fire safety codes, etc.

**11:43 p.m.** Lunch

**1:44 p.m.** Discussion was held relative to the sign standards, architectural design, sizes, lighting, monument signs and allowing individual businesses to include their names on the monument

signs, and encouraging the use of natural materials. Direction was given to staff to revise the standards for further review when the draft text amendments are brought back. Board concurred with allowing General Commercial (CG) zone to have a monument sign for one business for each access, with a maximum of three signs; CN and CR and TPA 1 and 2 zones would require three businesses for a monument sign, with a size not to exceed 32 square feet; and with moving CG from "A" to "B" with a size not to exceed 64 square feet.

Discussion was held relative to lighting standards. Issue of lighting in residential areas to be considered at another time.

**2:55 p.m.** Recess

**3:09 p.m.** Discussion was held relative to site improvement standards, tree preservation standards and landscape standards. Further discussion was continued to March 16, 1998.

Board concurred with continuing the Public Hearing to March 16, 1998, March 17, 1998, and March 23, 1998, if necessary.

**3:42 p.m.** Board recessed in memory of Lawanna Clark and continued the meeting and the Public Hearing on the Commercial/Industrial Zoning Text Amendments to Monday, March 16, 1998, at 1:00 p.m.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

**MARIPOSA COUNTY BOARD OF SUPERVISORS**

**CONFORMED AGENDA**

**March 16, 1998 (Continued Meeting From March 12, 1998)**

**1:02 p.m.** Board convened in continued meeting from March 12, 1998.

Continued PUBLIC HEARING on the Industrial/Commercial Zoning Text Amendments  
(Continued from March 12, 1998)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions.

Discussion was held relative to site improvement standards.

Discussion was held relative to tree preservation standards and its application to the various zones and the possibility of requesting the Farm Advisor's review of plans. Jeff Green, County Counsel, requested that "adjoining" be added to roadways. Ed Johnson clarified that these standards would not apply to permitted uses in the six existing parcels in General Commercial (CG) and Neighborhood Commercial (CN).

Discussion was held relative to the grading standards and their application to the Special Use (SU) zone.

Discussion was held relative to the landscaping standards and maintenance.

Discussion was held relative to the phasing standards for development and requiring that the developer meet current existing standards at the time of each phase of development.

Discussion was held relative to campgrounds and recreational vehicle park standards. Board concurred with deleting the minimum site area and the vehicle space size requirements.

**2:39 p.m.** Recess

**2:54 p.m.** Discussion was held relative to water standards and what standards would be applied to the open window period applications. Further discussion was continued to March 17, 1998.

**3:56 p.m.** Public Hearing was continued to March 17, 1998, at 10:30 a.m., and the meeting was adjourned.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

## MARIPOSA COUNTY BOARD OF SUPERVISORS

### CONFORMED AGENDA ♣ MARCH 17, 1998 ♣

Time                      Description  
**9:01 a.m.** Meeting Called to Order

Pledge of Allegiance led by the Boy Scouts of Troop 564. The Scouts introduced themselves. Larry Jones, Scout Leader, advised that they are working on their citizenship in community badge. Chair Reilly presented each of the Scouts with a Courthouse pin.

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda  
- Janet Hogan, County Administrative Officer, advised of a request for an off-agenda item relative to the implementation of the Lockyer-Isenberg Trial Court Funding Act of 1997. (M)Pickard, (S)Stewart, Board waived rules requiring 72 hours agenda noticing to consider this request, finding it is a matter of timeliness/Ayes: Unanimous. Following discussion, (M)Pickard, (S)Stewart, Res. 98-89 adopted authorizing Chair to sign a "Summary of Declaration" required by the State Department of Finance as part of the implementation of the Lockyer-Isenberg Trial Court Funding Act of 1997/Ayes: Unanimous.

Approval of Minutes of 3/3/98 Regular Meeting, and 3/4/98 (Continued Meeting from 3/3/98)

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** (M)Parker, (S)Balmain, consent agenda was approved/Ayes: Unanimous.

Recognize Terrance Wallace as Representing the Veterans of Mariposa County for the Annual 1998 Veterans Standdown (Robert C. Stewart, District III Supervisor)

**BOARD ACTION:** Thom Brusoe, President of Vietnam Veterans of America (VVA), and Terry Wallace, VVA, explained the purpose of a standdown and its benefit to veterans. (M)Stewart, (S)Parker, Board approved a letter recognizing Terry Wallace as representing the veterans of Mariposa County for the annual 1998 Veterans Standdown/Ayes: Unanimous.

Janet Hogan, County Administrative Officer;

Review and Approval of FY 1998-99 Budget Preparation Approach and Schedule

**BOARD ACTION:** Following discussion, (M)Pickard, (S)Parker, the budget approach and schedule was approved/Ayes: Unanimous.

Pelk Richards, Undersheriff, appeared on behalf of Roger Matlock, Sheriff;

A) Resolution Authorizing the Chair to Execute Contract with the Department of Boating and Waterways for the Purchase of a Replacement Patrol Vessel; and

B) Resolution Waiving the Formal Bid Process on the Video Arraignment Equipment and Awarding Bid to Sierra Teltronics (\$32,185)

**BOARD ACTION:** (M)Parker, (S)Balmain, both requests were approved -- Res. 98-90 adopted for the patrol vessel replacement; and Res. 98-91 adopted for the video arraignment equipment/Ayes: Unanimous.

Ed Johnson, Planning and Building Director;  
Request for Issuance of a "Letter of Public Convenience and Necessity" to the  
Department of Alcoholic Beverage Control to Allow Issuance of an On-Sale Beer and  
Wine License to 5031-F Highway 140 (6th Street Alley)

**BOARD ACTION:** Discussion was held with Jay Pawlek, Senior Planner. Supervisor  
Parker advised of concerns expressed to him by a neighboring residential property owner  
relative to the hours of operation, and relative to the issue of the location of a County  
easement in the area. Isabelle Garcia, applicant, provided input relative to the easement  
and their contacts with neighboring property owners, and advised that they did not receive  
any objections to their request. Supervisor Parker asked about the approval process for  
licenses associated with restaurants -- these do not come to the Board. Joanne Brown,  
applicant, also provided input relative to their notification to neighbors. (M)Pickard,  
(S)Parker, Res. 98-92 adopted approving the letter based on the tourist nature of the  
downtown area/Ayes: Balmain, Parker, Pickard; Noes: Stewart; Abstained: Reilly.

Scout Leader Larry Jones asked about the Board's voting process, and the Board  
members provided input.

Discussion Relative to Seasonal Pass Fees for Yosemite National Park (Bob Pickard,  
District V Supervisor)

**BOARD ACTION:** Sherry Nye provided input relative to a situation that occurred when  
her nephew attempted to use his parent's seasonal pass to enter Yosemite and stated she  
would like to see a family pass be made available, especially to local residents. Jack  
Winters advised that he is not questioned when he uses his pass to enter the Park and yet  
his son was. Larry Jones suggested that special consideration for entrance be given to  
neighboring residents of National Parks. Following discussion, (M)Pickard, (S)Stewart,  
direction was given for a letter to be sent to Congressman Radanovich requesting  
alternatives to the seasonal pass, perhaps a family pass or something identifiable to the  
area around each National Park; and promoting lower fees for off-season, with a copy to  
be sent to our Senators, Yosemite National Park Superintendent Stan Albright, and  
Secretary of Interior Bruce Babbitt/Ayes: Unanimous.

**9:58 a.m.** Recess

**10:12 a.m.** Resolution Authorizing Chair to Execute Agreement with State Fire Marshal  
for Services Performed From July 1, 1997 Through March 3, 1998 (County Counsel)

**BOARD ACTION:** Following discussion, (M)Stewart, (S)Balmain, Res. 98-93  
adopted/Ayes: Unanimous.

Resolution Accepting Audit Report for the Period Ending June 30, 1996, with Responses  
from Departments (Administration)

**BOARD ACTION:** Following discussion, (M)Stewart, (S)Pickard, Res. 98-94  
adopted/Ayes: Unanimous.

CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to  
Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA),  
Mariposa County Managerial/Confidential Organization (MCMCO), and General  
Employees (SEIU) (County Counsel)

**BOARD ACTION:** Janet Hogan, County Administrative Officer, advised that closed  
session is not necessary this date, but will need to be held on March 24, 1998.

#### Board Information and Announcements

- Supervisor Stewart advised of information received from CSAC relative to a special PBS broadcast and request to proclaim April 1st as "take a step day" regarding dealing with drugs and alcoholism -- matter to be scheduled on the agenda for March 24, 1998.
- Supervisor Balmain advised that he plans to attend a Bio-diversity Council meeting on Wednesday in San Francisco.
- Janet Hogan, County Administrative Officer, advised that she will be out of the office on Friday due to a family matter.

#### **10:27 a.m.** Recess

#### **10:33 a.m.** Continued PUBLIC HEARING to consider the Industrial/Commercial Zoning Text Amendments (Continued from 3/16/98)

**BOARD ACTION:** Ed Johnson, Planning Director, and Jay Pawlek, Senior Planner, were present to provide staff report and respond to questions.

Discussion was held relative to the water standards. Jeff Green, County Counsel, suggested that a certified specialist be hired to perform a study and come up with a standard formula for everyone to use. Supervisor Pickard suggested checking with other similar counties to see how they address this issue, and advised that he can check at the RCRC meeting on Thursday. Direction was given for staff to research what is available and bring information back to the Board.

Discussion was held relative to miscellaneous standards, including nuisances, noise, cultural resources, and traffic studies. Staff to come back with more information on traffic study standards.

Hearing was continued to after lunch.

#### **11:42 a.m.** Lunch

**1:09 p.m.** Discussion was held relative to the appeals process and timeframes. Consensus of the Board was to have a 14-day appeal timeframe from the date of publication of the Planning Director's determination or the Planning Commission's decision, and to delete the notice of intent. Discussion was held relative to the requirement to appeal to the Planning Commission prior to appealing to the Board of Supervisors -- no changes were made to the existing process.

#### **2:05 p.m.** Recess

**2:16 p.m.** Discussion was held relative to findings. Board concurred with adding "applicable state and federal requirements" to meeting CEQA requirements.

Discussion was held relative to phasing standards and timeframes for site plans. Staff to further review and bring back recommended changes based on the discussion and other changes made in the amendments.

Discussion was held relative to the height standards and minimum parcel sizes for the various zones. Supervisor Balmain requested that staff provide a footprint on what a 2 1/2 acre parcel could accommodate. Discussion was held relative to liquor license uses and whether they should be permitted or conditional uses. Consensus of the Board was for staff to draft the amendments using the following minimum acreage sizes: 2 1/2 acres for Neighborhood Commercial, 5 acres for General Commercial and Resort Commercial, 10 acres for Business Park, and 20 acres for Special Use.

Discussion was held relative to the timeframes for incorporating the changes in the amendments and bringing the revised document back to the Board. Staff to try to have revised document ready for the May 5, 1998, agenda. Public Hearing was closed.

**3:30 p.m.** Mike Edwards, Public Works Director;  
Tour of the County Government Center

**BOARD ACTION:** Board members and staff toured the County Government Center which is currently under construction.

**INFORMATION** - No action was necessary on the following:

Treasurer's Monthly Report of Investment Transactions per Government Code 53607  
(Treasurer)

**CONSENT AGENDA**

CA-1            Appoint Kevin Shelton, representing Yosemite Motels, and Virginia Chaves, representing Yosemite Concession Services, to the Mariposa County Tourism Advisory Council (Visitors Bureau)

**4:35 p.m.** Adjournment in memory of Gregory Johnson, Gordon Peterson, Walter Lee Brown, Irva Isabelle Jordan, Charlotte Castro-Graesch, and Allen Varain.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board

# MARIPOSA COUNTY BOARD OF SUPERVISORS

## CONFORMED AGENDA MARCH 24, 1998

<u>Time</u>	<u>Description</u>
<b>9:09 a.m.</b>	Meeting Called to Order Pledge of Allegiance

Public Presentations: For Non-Timed Agenda Items and for Items Not on the Agenda

- Lynne Robinson advised that she had "Kids Day" editions of the Fresno Bee available with the proceeds to benefit the Valley Children's Hospital.

- Mike Edwards, Public Works Director, advised that due to the loss of a set of custodial keys, which were later recovered, the County facilities have been re-keyed. He further advised that the re-keying project has provided an opportunity for a master-key system to be set up. They will review the status of their budget and if additional funding is needed to cover the costs for this project, he will present an agenda item in the future.

Resolution Recognizing Muriel Powers for Her Outstanding Service to Mariposa County Upon Retirement from the Mariposa Museum and History Center (Chair Reilly)

**BOARD ACTION:** (M)Pickard, (S)Parker, Res. 98-95 adopted and presented to Muriel Powers/Ayes: Unanimous.

Approval of Minutes of 3/10/98 Regular Meeting

**BOARD ACTION:** Approved.

Approval of Consent Agenda (See End of Minutes)

**BOARD ACTION:** Supervisor Stewart commented on the expenses associated with item 1. (M)Stewart, (S)Parker, all items were approved/Ayes: Unanimous.

Doug Balmain, District II Supervisor;

Consider Draft Public Service Policy and Provide Staff with Direction Regarding Revisions, Seeking Input from Department Heads and Employees, and Future Training Activities

**BOARD ACTION:** Supervisor Balmain advised that he would like to have the draft policy distributed to all employees for their input and that this policy would be in addition to the policy contained in the Personnel Policies and Procedures Handbook. Discussion was held relative to the request. (M)Parker, (S)Pickard, direction was given to circulate the proposed policy to department heads and employee organizations for their input, and for Supervisor Balmain to bring the matter back for further consideration of adoption of the policy. Discussion was held relative to providing training to go with this policy and Janet Hogan, County Administrative Officer, advised that she could include a request for training in the budget for next fiscal year. Supervisor Reilly requested that a cover letter be included with the distribution of the draft policy that explains what is trying to be accomplished. Ayes: Unanimous.

Bob Pickard, District V Supervisor;

Discussion Relative to Cal/EPA, State Water Resources Control Board, Water Quality Planning and Nonpoint Source Implementation Grant and Loans

**BOARD ACTION:** Discussion was held and Supervisor Pickard advised that perhaps there would be eligible projects in the future. Mike Edwards, Public Works Director, provided input. No action was necessary.

Dr. Mosher, Health Officer;  
Discussion and Possible Direction to Staff Regarding Certified Unified Program Agency (CUPA) (Continued from 3/10/98)

**BOARD ACTION:** Dr. Mosher was unable to be present due to illness, and matter was continued to later this date.

Resolution Recommending Approval of an Amendment to the Three Road Maintenance Association Declarations of Spring Hill Estates II (County Counsel)

**BOARD ACTION:** Discussion was held with Jeff Green, County Counsel. Following discussion, (M)Parker, (S)Pickard, Res. 98-98 adopted/Ayes: Unanimous.

Resolution Approving Budget Action to Provide for Second Quarterly Payment Pursuant to the Lockyer-Isenberg Trial Court Funding Act of 1997 (4/5ths Vote Required) (Administration)

**BOARD ACTION:** Following discussion, (M)Parker, (S)Pickard, Res. 98-99 adopted/Ayes: Unanimous.

Discussion of Roadless Policy Proposed by the U.S. Forest Service (Supervisor Pickard)

**BOARD ACTION:** Discussion was held relative to this matter and the draft letter. (M)Balmain, (S)Stewart, direction was given for the Chair to sign a letter expressing strong concerns about the proposed interim rule banning all road construction for an 18 month period in the National Forest system. Motion was amended, agreeable with maker and second, to include direction that the letter be copied to RCRC/Ayes: Balmain, Stewart, Parker, Pickard; Noes: Reilly.

Discussion and Possible Action Relative to Request by the California Bowmen Hunters and State Archery Association for an Additional Archery-Only Hunt (Jawbone Ridge Hunt) and Extension of Season's Time Frame Through January 31, 1999 (Supervisor Balmain)

**BOARD ACTION:** Discussion was held relative to this matter. (M)Balmain, (S)Parker, Board directed that a letter be sent opposing the request by the California Bowmen Hunters and State Archery Association for the Jawbone Ridge hunt and the Anderson Flats hunt/Ayes: Unanimous.

Consider the Following Request From California State Association of Counties (CSAC):

- A) Declare April 1, 1998, as Take a Step Day; and
- B) Discuss and Provide Direction Regarding Authorizing Staff to Work with Local Media to Make County Citizens More Aware of, and Motivated to View this PBS Series (Supervisor Stewart)

**BOARD ACTION:** Following discussion, Board concurred with referring the information to the Health Officer for review. Information was also provided to the local newspapers with the agenda distribution.

**10:16 a.m.** Recess

**10:31 a.m.** Ed Johnson, Planning and Building Director;

- A) PUBLIC HEARING to Consider Revised Development Agreement No. 83-1; (Storey Hill Project), Yosemite Motels Inc., Applicant

**BOARD ACTION:** Ed Johnson and Jay Pawlek, Senior Planner, presented staff report, reviewed the history of this project, and advised that the revision to the Development Agreement is to change the property boundary. Staff clarified that the 107,000 square footage that may be developed on the project site is a total for commercial and residential uses; and corrected the fire protection standard requirements to reflect that the conditions must be met at the time the building permit is pulled versus upon execution of the development agreement. Staff responded to questions from the Board relative to the

binding effects of the agreement and County Counsel's review of documents prior to recordation. Jeff Green, County Counsel agreed with a change in the wording to reflect that any document recorded would require his written comment or approval. Staff responded to questions from the Board relative to clarification of the lot line adjustment and exchange of property with the neighboring property owner. Public portion of the hearing was opened. Input was provided by the following: Barry Brouillette, representing the applicant, advised that he was present to answer any questions. Public portion of the hearing was closed and Board commenced with deliberations. Staff responded to additional questions from the Board relative to the differences between the standards required in this agreement and the existing standards. (M)Parker, (S)Pickard, first reading was waived and an ordinance introduced approving Revised Development Agreement No. 83-1, extending the timelines and modifying the boundaries of the property involved/Ayes: Unanimous. Hearing was closed.

B) Consider a Letter of Support for the Central California Ozone Study Proposal; and

C) Consider Appointment of Board Representative and Alternate to the San Joaquin Air Basin Study Committee

**BOARD ACTION:** Discussion was held relative to these matters. (M)Parker, (S)Balmain, Board acted to not support the Central California Ozone Study Proposal; and to appoint Supervisor Stewart as the representative to the San Joaquin Air Basin Study Committee. Motion was amended, agreeable with maker and second, to include the retention of Supervisor Parker as alternate to the Study Committee/Ayes: Unanimous.

Discussion and Possible Direction to Staff Regarding Certified Unified Program Agency (CUPA) (Continued from 3/10/98)

**BOARD ACTION:** Discussion was held and Supervisor Pickard advised of the status of RCRC's consideration of this matter. (M)Balmain, (S)Pickard, direction was given for the Chair to sign a letter formally requesting an extension of time for the County to apply for status as a CUPA; to continue working with other non-CUPA counties to pursue joint county/State program management and to request Wagerman & Associates' assistance in this matter/Ayes: Unanimous.

**11:20 a.m.** Recess

**11:28 a.m.** Board Information and Announcements

- Supervisor Pickard advised that Assemblyman House introduced legislation on Friday for funding for the Mariposa Creek Parkway for the construction of a bridge-crossing, and he requested that a letter of support be sent and copied to the Committee members. Janet Hogan, County Administrative Officer, advised that this project is included in the legislative platform and separate action is not necessary to approve a letter of support. Supervisor Pickard announced that AB 2400 (gas tax matter) has been scheduled for hearing before the Assembly Local Government Committee on April 15, 1998, at 1:30 p.m., and he invited Board members to attend and testify. He further advised that the Board's liaison committee met with the Sheriff relative to the management hiring freeze and structure of department and they all agreed to have additional meetings after the June Primary election, and the temporary out-of-class assignments can remain in effect in the meantime.

- Supervisor Balmain asked about the status of the change in grant funding which affects two deputy positions. He reported on his attendance at the Bio-Diversity Council meeting in San Francisco the previous week.

- Supervisor Stewart advised that he plans to attend the CSAC legislative meeting this week. He further advised that on April 4, 1998, a parade is scheduled in town for promoting the Civil War reenactment event scheduled for April 18 - 19, 1998, and that Board members are invited to participate.

- Supervisor Parker advised that the Chamber of Commerce is holding an old fashioned box lunch social.
- Supervisor Reilly advised that Randy Bolt, Coordinator for Annenberg Grant, is working with High School students to conduct tours of the Courthouse during the April 4th and 18th weekends.
- Supervisor Parker advised that he and Supervisors Stewart and Pickard attended the dedication of the new County sign at the County line on Monday. Supervisor Stewart commented on the wildlife activity in the area.

**11:50 a.m.** CLOSED SESSION Regarding Conference with County Labor Negotiator Relative to Sheriff's Management Association (MSMA), Deputy Sheriff's Association (DSA), Mariposa County Managerial/Confidential Organization (MCMCO), and General Employees (SEIU) (County Counsel)

**BOARD ACTION:** (M)Pickard, (S)Stewart, closed session was held/Ayes: Unanimous.

**11:59 a.m.** Board reconvened in open session with direction given to staff as a result of closed session.

**CONSENT AGENDA**

- CA-1 Resolution Ratifying the Public Works Director's Execution of Change Order Number 3 for the Woodland Park Water Well Number 3, Public Works Project Number PW 97-10 (Public Works); Res. 98-96
- CA-2 Resolution Authorizing Chair to Sign Rental Agreement with 35-A District Agricultural Association for Building A to be Used as a Polling Place for the June Primary Election and the November General Election (County Clerk); Res. 98-97

**12:02 p.m.** Adjournment in memory of Willie Sanfedele, Dessie Shaw, Charles Martins, and Jack Hicks.

Respectfully submitted,

MARGIE WILLIAMS  
Clerk of the Board