



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA October 3, 2006



Time Description

9:11 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chair;

Proclaim the Week of October 1 through 7, 2006 as "National 4-H Week" and Presentation on the 4-H Program

BOARD ACTION: (M)Bibby, (S)Pickard, the Proclamation was approved/Ayes: Unanimous. Supervisor Bibby presented the Proclamation to Karen Robb, Farm Advisor, and Donna Wice, 4-H Coordinator. Donna Wice introduced the following 4-H leaders that were present: Tina Burch, Becky Crafts, and Carol Suggs; and she thanked Supervisor Pickard and Ruth Catalan for helping with the record book judging. Karen Robb and Donna Wice thanked the Board for its on-going support.

Dianne Fritz, Supervisor District IV

Proclaim the Month of October, 2006 as "Domestic Violence Awareness Month"

BOARD ACTION: (M)Fritz, (S)Bibby, the Proclamation was approved/Ayes: Unanimous. Supervisor Fritz presented the Proclamation to Chevon Kothari, Executive Director of Mountain Crisis Services. Chevon Kothari thanked the community and service groups for their support of the new safe-house; and she invited everyone to attend the Chamber of Commerce mixer on October 24th at Alpine Builders to dedicate the new safe-house.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Dick Hutchinson presented posters that were done by the school children to celebrate the 200-year anniversary of the naming of Mariposa, and he asked the Board members to display them. He advised of the activities held on September 17th in Fresno for their Sesquicentennial Celebration; and Charles Phillips shared photographs of the celebration.

Ken Gosting, TIE (Transportation Involves Everyone), presented a copy of the news memo from the Mariposa County Butterfly Bicentennial Coalition which advised of their activities in Fresno and Mariposa. He acknowledged the Board for being aware of the proper procedures on September 26th with respect to the Open Meeting Laws and for not taking action to approve a resolution for Fresno since it was not on the agenda. He also presented a copy of the letter of October 2nd that TIE submitted to YARTS concerning various issues. He presented a copy of the letter of October 2nd from Tuolumne County Visitors Bureau Board of Directors questioning the presence of the Amtrak buses in Tuolumne County to provide service into Yosemite due to the rock slide on Highway 140; and he suggested that Mariposa County take action on this matter. Supervisor Pickard offered his assistance to work with the Chair to prepare an agenda item for the next meeting for the Board to consider the Amtrak/YARTS bus service issues. Supervisor Turpin noted that he has observed VIA buses going through Coulterville and is pleased with having that bus service.

Paul Chapman referred to Consent Agenda item 2, and questioned why the Sheriff is not included in the designation for OES for the rock slide. He further stated that he feels that Mariposa County is the only County where the Sheriff is not the Office of Emergency Services.

Eleanor Keuning referred to her previous public presentations to the Board and questioned the status of CERT (Community Emergency Response Team) for the County.

Thomas P. Guarino, County Counsel, advised that the County does have in place an organization to deal with emergency services and that the Sheriff is designated as one of the officials, and the Chair of the Board serves as an official. He advised that Consent Agenda item 2 is simply for purposes of signing the necessary filing to get reimbursement and access to funding and the Public Works Director and the Fire Chief were involved in this particular case.

Kris Schenk, Planning Director, provided an update on the availability of the General Plan Update documents and requests received from the public for an extension of the workshop scheduled for October 11th. Discussion was held. Thomas P. Guarino, County Counsel, recommended that the Board not take action this date to continue the workshop, but that Planning could put an item on the next agenda for the Board to consider this matter.

Eleanor Keuning requested that more information be available relative to the recycling program, and she suggested that refrigerator magnets that contain the information be considered. Supervisor Pickard noted that there was a booth at the County Fair with informational brochures, and that information is available at the recycling center at the landfill.

Ruth Sellers advised that she received an email from Knute Kirkeberg relative to the plasma gasification plant and a recent article in the LA Times concerning problems the Los Angeles Public Works Department is experiencing with recent emissions legislation for their facilities; and advising that his offer to build a plasma gasification plant is still open to anyone in the state that is interested.

Board Information

Supervisor Fritz advised that she attended the Fresno Sesquicentennial event on Wednesday, and she feels that we should be more aware and participatory in the events with the counties that broke off from Mariposa County. She advised that she plans to attend a Juvenile Justice Committee meeting on Wednesday; the Home and Garden Show is scheduled for Saturday; she has a District IV meeting scheduled for October 10th in the Government Center; and she attended Connie Stetson's closing performance last week and it contained great history.

Supervisor Bibby advised that she plans to attend a Mental Health Board meeting at noon this date; on Thursday, she plans to attend the pandemic influenza table top drill; to attend the First 5 meeting on Monday; and to attend the Contractors' Fair and Fly-in on Saturday.

Supervisor Turpin noted that he passed three loads of Sugar Pine logs on his way to Mariposa this morning. He advised that he attended a meeting in Coulterville on Thursday with Leroy Radanovich relative to business development. On Wednesday, he plans to attend the Forest Service meeting relative to the OHV trails; and in the evening the North County History Center Board of Directors meeting; and on Thursday, he plans to attend the Health Department pandemic influenza drill.

Dana Hertfelder, Public Works Director;

Authorize a Resolution Setting a Time, Date and Place of Hearing on the Proposal to Amend the Common Boundary Line between Mariposa County and Tuolumne County Situated in Portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California

BOARD ACTION: Discussion was held with Dana Hertfelder relative to this matter. Supervisor Bibby clarified that the costs will be covered by the applicant. Thomas P. Guarino, County Counsel, advised that Tuolumne County Counsel requested this process as he did not agree with the first process that was used for this matter; and he feels that this will resolve any issues. It was noted that the map for the project cannot be recorded until the boundary line issue is resolved. (M)Turpin, (S)Pickard, Res. 06-459 was adopted setting the hearing for November 14th at 10:00 a.m./Ayes: Unanimous.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson noted the addendum to the agenda which added Consent Agenda item 2. (M)Pickard, (S)Fritz, items 1 and 2 were approved/Ayes: Unanimous.

10:09 a.m. Recess

10:25 a.m. Chair Stetson, Interim County Administrative Officer;
Update on Status of Impact Fee Study and Discussion and Direction to Daniel C. Smith and Associates
Regarding Staffing Projections for the Impact Fee Study

BOARD ACTION: Daniel Smith provided input on the status of their work and their review of materials for preparation of a Capital Improvements Program and Impact Fee Ordinance. Discussion was held. Daniel Smith asked for guidance from the Board in terms of the population number to be used as a benchmark and in terms of staffing projections that they have been provided so that they can go forward with projected space needs and capital improvement requirements and locations. Supervisor Turpin noted that some of the staffing needs will change with mandated requirements; and he asked whether the contracted ambulance service was reviewed. Daniel Smith noted they will need to review the ambulance service issue. Kris Schenk, Planning Director, responded to questions from the Board relative to the difference in the projected population figures for the General Plan Update and the Department of Finance. Supervisor Stetson asked about the evaluation of the facilities, and he was advised that there was a minimum level of evaluation by walk-through and the next report will include that information. The Board concurred with using the projected 25,000 population figure.

Input from the public was provided by the following:

Dick Hutchinson referred to Table 7 – list of County-owned facilities, and he stated he thought the Mineral Exhibit was owned by the State. He also stated he felt the Mariposa Museum and History Center should be added to the list, and the Board concurred.

Paul Chapman stated the Tourism building is owned by the VFW; and he questioned how the Mariposa Museum and History Center is owned by the County as he thought it was built with donations.

Daniel Smith advised that he needs any corrections to the information provided within a week or so. Supervisor Pickard noted that the land the County purchased for the recreational sports complex needs to be added to the list. Mary Hodson, Deputy County Administrative Officer, will work with the departments for any changes that need to be made to the information that was provided.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that there is a continued effort to get the team together to address the long-term solution to restoring full access to Highway 140; and the team will include a County representative. Blaine Shultz, Fire Chief, responded to a question from the Board relative to the status of the appeal to FEMA, and he advised that the appeal was denied on September 7th. However, the County did not receive any information until September 20th. The State has asked for a damage assessment and that was completed and resubmitted to the State on Friday. Blaine Shultz provided input on the difference between having a State and a Federal declaration for the disaster – the State provides for 75% reimbursement; and the Federal declaration provides for 75% from Federal funds and the State picks up 75% of the remaining 25%. He also noted that Priest-Coulterville Road is included in this damage assessment. Discussion was held relative to the status of legislation that may provide 100% reimbursement. Blaine Shultz noted that it is important to continue the local emergency because the disaster is on-going. Supervisor Turpin thanked all staff that has been involved in this matter. (M)Turpin, (S)Bibby, Res. 06-462 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approval of Minutes of September 12, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Pickard, (S)Bibby, the minutes were approved/Ayes: Unanimous.

11:40 a.m. Recess

11:45 a.m. Select the California State Association of Counties (CSAC) Director and Alternate(s) for 2007 (Supervisor Fritz)

BOARD ACTION: (M)Pickard, (S)Turpin, Supervisor Fritz was selected to represent the County as a Director to CSAC, with the remaining Board members as alternates/Ayes: Unanimous.

Adopt a Resolution Authorizing the County Counsel's Office to Destroy Certain Records and Documents (County Counsel)

BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel. Supervisor Pickard asked about the documents in the file for Yosemite National Park. Supervisor Turpin asked about the documents in the Special Districts file. County Counsel advised that he would review the documents in these files with Supervisors Pickard and Turpin and if they feel that any of the documents need to be retained, he will do so. (M)Pickard, (S)Turpin, Res. 06-463 was adopted authorizing the destruction of the records, with further review of the two files as noted/Ayes: Unanimous.

Approve Letter of Support for Proposition 1A, Transportation Funding Protection, for the November 2006 Ballot (Supervisor Pickard); and
Approve Letter of Support for Proposition 1B, Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 (Supervisor Pickard)

BOARD ACTION: (M)Pickard, (S)Fritz, Res. 06-464 was adopted approving the letter for Proposition 1A; and Res. 06-465 was adopted approving the letter for Proposition 1B/Ayes: Unanimous.

11:55 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU (Services Employees International Union); Name of County Designated Representative: Rick Bolanos (Interim Budget/Personnel Manager);
CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: MCMCO (Mariposa County Managerial/Confidential Organization); Name of County Designated Representative: Rick Bolanos (Interim Budget/Personnel Manager);
CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Property Located at 11th & Bullion; Agency Negotiator: Thomas P. Guarino; Closed Session will Concern Price and Terms of Purchase (County Counsel); and
CLOSED SESSION: Conference with Legal Counsel: Existing Litigation: California Government Code Section 94956.9(a); Name of Claimant or Case Number and Name of Adverse parties: County of Mariposa v. Wayne Scholkowsky, Case. No. 8890 (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed sessions are to be held at 2:00 p.m. with Rick Bolanos/labor negotiator, Mike Coffield/Interim Budget/Personnel Manager, and Sandi Laird/Administration-Administrative Analyst, to be present for a portion of the sessions/Ayes: Unanimous.

11:56 a.m. Lunch

2:12 p.m. The Board convened in closed session.

4:18 p.m. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

CONSENT AGENDA:

CA-1 Approve Agreement with Sunset Magazine/California Travel and Tourism Publication and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Interim County Administrative Officer); Res. 06-460

CA-2 Add Dana Hertfelder, Public Works Director and Blaine Shultz, Fire Chief to
Office of Emergency Services (OES) Designation of Applicant's Agent
Resolution; Res. 06-461

4:19 p.m. Adjournment in memory of Steven Wayne Simms and Velma Lillian Roush.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA October 10, 2006

Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Fritz excused due to jury duty and arriving later in the meeting.

Pledge of Allegiance

Introductions

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Dr. Mosher, Health Officer, reported on the pandemic influenza drill that the Health Department hosted the previous week over a three-day period. He thanked everyone for their assistance and participation and noted that the students participated. Supervisors Turpin and Bibby commented on the drill and the cooperation between the departments that participated.

Thomas P. Guarino, County Counsel;

Waive First Reading and Introduce Ordinance Amending Section 2.104.050 of Chapter 2.104 of the Mariposa County Code Entitled "First 5 Mariposa County"

BOARD ACTION: Chairman Stetson advised that this item was pulled from the agenda.

Continued Public Presentations:

Jim Upperman advised that he is working with his friend, Wayne Scholkowsky, to build a hot-rod shop in Coulterville. He presented photographs of the subject property taken before and after the current fences were installed, and he advised that the fences provide privacy and contain three dogs. He referred to other fences in the area and a petition that was circulated by the residents relative to this matter. Chairman Stetson noted that these issues have been to County Counsel, the Board, and to the Court. Jim Upperman advised that the fence issue is being appealed as they feel they need to screen their work area. He requested that the Board dismiss the three-foot fence requirement and allow his six-foot privacy fence; and have a panel of people read the zoning ordinances to resolve conflicting issues.

Ken Gosting, TIE (Transportation Involves Everyone), provided information on the County's request for representation on the San Joaquin Valley Rail Commission; and he presented a copy of the Commission's by-laws and brochures. He also noted that Amtrak National is looking at ways to promote different parts of the nation and TIE is working with them to promote Yosemite.

Eleanor Keuning suggested that the County place a recording on the telephones when the offices and the Landfill and Recycling Center are closed. She commented on the pandemic influenza drill and stated she feels the CERT program needs to be looked into. She also stated she feels that Ben Hur and Old Highway need to be improved for alternative ingress and egress to the County. She commented on a recent incident where a local downtown business threatened to have her friend's vehicle towed for parking in front of it, and she stated she feels the parking should be more clearly marked in town. Supervisor Bibby asked the Sheriff to respond relative to the CERT program.

Paul Chapman noted that the agenda for this meeting was not available for review on Wednesday, and he feels the deadlines need to be adhered to.

Jim Allen, Sheriff, advised that the CERT program was adopted by the Board and this is for an emergency response team that comes in after the disaster to put things back together.

Discussion and Action to Support the Amtrak YARTS Highway 140 Service (Supervisor Pickard and Supervisor Stetson)

BOARD ACTION: Chairman advised that Curtis Riggs/YARTS and Dick Whittington, MCAG (Merced County Association of Governments) were present for this discussion. Curtis Riggs advised of the impacts the Ferguson Rock Slide has had on the Highway 140 bus service; and of their coordination with Amtrak and Greyline. Discussion was held. Supervisor Turpin encouraged the use of the Coulterville route with 40-foot or smaller buses. Supervisor Bibby asked that ridership statistics be provided – Dick Whittington will provide the statistics. It was clarified that YARTS has no contractual relation with Amtrak; Amtrak contracts with VIA. Dick Whittington advised that it cost \$109/hour for the large buses and \$104/hour for the small buses; and Supervisor Pickard requested that a breakdown of those costs be provided to the Board – Curtis Riggs will provide this information. Supervisor Bibby asked for information on the particulate matter.

Input from the public was provided by the following:

Ken Gosting, Executive Director for TIE, commended YARTS, MCAG and Amtrak for restoring service to the Highway 140 corridor. He questioned the Amtrak service from Modesto to Yosemite. He commented on the need to have consistent lettering on the buses and suggested that the buses show their route destination to avoid confusion for the passengers. He advised that they endorse the charters coming out of Modesto in the absence of being able to put the larger buses over the bridges on Highway 140. He noted that they have a problem with a bus that comes from the Park and covers Yosemite Motels, as the larger tour buses leave visitors and their luggage in the Valley for the YARTS bus to transport. He feels that this “passenger dumping” should be stopped as he feels it is confusing the system. Supervisor Pickard asked Ken Gosting to provide information to the Board on TIE, its membership, etc.

Board Information - none

Jacque Meriam, Librarian;

Authorize the County Librarian to Apply for and Accept the Regrant Project for Historical Records

BOARD ACTION: Discussion was held with Jacque Meriam. (M)Turpin, (S)Pickard, Res. 06-466 was adopted/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled item 2. Supervisor Pickard noted that the draft letters were distributed for items 7 and 8 with corrections. (M)Pickard, (S)Bibby, the balance of the agenda was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 2 – agreement with Volunteer Fire Assistance Program Award. Supervisor Turpin commented on the changes in the size of the fire hose; however, he noted that the fitting size will remain the same. (M)Turpin, (S)Pickard, item 2 was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: The high cost of the monitoring system for the slide was noted. Supervisor Turpin advised of his communication with Congressman Radanovich’s office concerning the denial of the appeal of the Federal disaster declaration, and he advised that the appeal was supposed to be very specific and that issue is being worked on.

Input from the public was provided by the following:

Dick Hutchinson asked about the status of CalTrans’ statement that they would have a method selected by the end of September for restoring full access to Highway 140. He stated he was surprised to see information in the Gazette relative to the monitoring system and he feels that CalTrans needs to communicate better with the County. Chairman Stetson noted that he feels that he didn’t ask the right question of CalTrans relative to the cost information for the monitoring system.

(M)Bibby, (S)Pickard, Res. 06-476 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Supervisor Pickard requested that the Chairman ask CalTrans and the U. S. Forest Service to provide an update on the slide project. Chairman Stetson advised that he will ask them about the status of the team assembly and invite them to the Board if they have additional input. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

10:31 a.m. Supervisor Fritz was present.

Approve Budget Action Reducing General Contingency to Pay Fiscal Year 2005-2006 Administrative Match to the Area 12 on Aging Joint Powers Agreement (4/5ths Vote Required) (\$14,223)
(Chair/Interim CAO)

BOARD ACTION: Supervisor Pickard initiated discussion relative to this matter. (M)Pickard, (S)Bibby, Res. 06-477 was adopted approving the budget action. Supervisor Bibby stated she feels that these items should be budgeted in the future, even if only as estimates. Supervisor Pickard noted that if the Board wants to pursue this, direction could be given to the Community Services Director to include this in future budgets. Ayes: Unanimous.

Approve Recommendation to Schedule a Continued Public Workshop on October 17, 2006 to Allow Additional Time for Public Review and Comments on the October 2006 General Plan Update and Approve Budget Action Transferring Funds from Salary Savings of Senior Planner to General Plan Professional Services (\$1,500) (Planning Director)

BOARD ACTION: Discussion was held with Kris Schenk, Planning Director. Kris Schenk advised of requests that were received and of his recommendation to continue the workshop after tomorrow's meeting to October 17 at 2:00 p.m. before giving final direction to the consultant. He requested that comments be submitted in writing by this Friday for the continued workshop. Supervisor Pickard suggested that comments be accepted through the October 17th workshop. Kris Schenk clarified that people can provide comments at any time prior to the conclusion of the public portion of the public hearings before the Planning Commission and the Board of Supervisors respectively. Supervisor Turpin asked that information be provided on the outstanding issues from the last workshop. Supervisor Pickard asked that the Clerk of the Board be copied on all information that is received. (M)Pickard, (S)Turpin Res. 06-478 was adopted approving the budget action; and being sensitive to the request for additional time and to stay on track with the processing for the General Plan Update, the Board agreed with the recommendation to continue the workshop after the October 11th meeting to October 17th at 2:00 p.m. and at 6:00 p.m./Ayes: Unanimous. Supervisor Bibby asked that the website be updated to reflect this action and with a note so that people clearly understand that they can continue to submit comments.

10:56 a.m. Recess

10:59 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU (Services Employees International Union); Name of County Designated Representative: Rick Bolanos (Interim Budget/Personnel Manager); and
CLOSED SESSION: Conference with Legal Counsel; Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Case to be Discussed: County of Mariposa v. Shannon Johnson (County Counsel)

BOARD ACTION: (M)Pickard, (S) Bibby, the closed sessions were held with Mike Coffield/Interim Budget-Personnel Manager to be present for a portion of the session/Ayes: Unanimous. Chairman Stetson noted that at the conclusion of the closed sessions, the Board meeting would be continued to Wednesday, October 11th.

11:29 a.m. Chairman Stetson announced that authorization was given for County Counsel to file civil suit in the case of County of Mariposa v. Shannon Johnson as a result of the closed session.

CONSENT AGENDA:

- CA-1 Approve the Response of the Board of Supervisors to the Mariposa County Grand Jury Final Report and Direct County Administration to Transmit the Response to the Presiding Judge of the Mariposa County Superior Court (Chair Stetson/Interim County Administrator); Res. 06-467
- CA-2 Approve an Agreement with the Volunteer Fire Assistance Program Award and Authorize the Chairman of the Board of Supervisors to Sign and Accept the Grant Award (Fire Chief); Res. 06-475
- CA-3 Approve an Agreement with Merced Mobile Communication for Radio Equipment Maintenance and Repair Services and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Sheriff); Res. 06-468
- CA-4 Authorize Sheriff Allen to Sign a Memorandum of Understanding with Pacific Gas and Electric Company (Sheriff); Res. 06-469
- CA-5 Approve Agreement with Kleinfelder, Inc. for Testing and Observation Services for the Don Pedro Wastewater Treatment Facility and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works); Res. 06-470
- CA-6 Adopt a Resolution Amending the Contribution, Under the Public Employees' Medical and Hospital Care Act (PEMHCA) for the Retirees of the Mariposa County Managerial and Confidential Organization (MCMCO), Sheriffs' Management Association (SMA), Court Management, as Well as Retired Appointed and Elected Officials and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Interim Budget/Personnel/Risk Manager); Res. 06-471
- CA-7 Approve a Letter of Appreciation to Assemblyman Nava for Authoring AB 2735, Disaster Relief (Supervisor Pickard); Res. 06-472
- CA-8 Approve a Letter of Appreciation to Governor Schwarzenegger for Signing AB 2735, Disaster Relief, into Law (Supervisor Pickard); Res. 06-473
- CA-9 Approve a Letter of Appreciation to the Federal Highway Administration and the National Park Service for their Dedication and Hard Work which Led to the Re-opening of the South Fork of the Merced River Bridge in Wawona (Supervisor Pickard); Res. 06-474

11:30 a.m. The Board recessed in memory of Norma Jean Moreno, Attorney John O'Neal Jamison, Bryan O'Neal Jamison, Sean O'Neal Jamison, and Steve Medley; and continued the meeting to Wednesday, October 11, 2006, at 9:00 a.m. for the public workshop to consider the revisions contained in the October 2006 Draft General Plan and Environmental Impact Report (EIR), accept and evaluate written comments and oral testimony from the public and provide direction for the final versions of the General Plan and EIR Volumes.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

October 11, 2006

(Continued Meeting from October 10, 2006)

Time Description

9:11 a.m. Continued Meeting from October 10th Called to Order at the Mariposa County Government Center.

Pledge of Allegiance

Kris Schenk, Planning Director;

PUBLIC WORKSHOP to Consider the Revisions Contained in the October 2006 Draft General Plan and Environmental Impact Report (EIR), Accept and Evaluate Written Comments and Oral Testimony from the Public and Provide Direction for the Final Versions of the General Plan and EIR Volumes

BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, and Andy Hauge/Hauge Brueck Associates, were present.

Kris Schenk advised that the October 2006 draft version of the General Plan Update is the document being reviewed. He also noted that at the end of the workshop today, the workshop will be continued to October 17th, and at the conclusion of that workshop, the consultant and staff are looking for direction to prepare the final document for the public hearings before the Planning Commission on November 17th and then the Board of Supervisors for adoption on December 6th. He advised of the set of documents being reviewed: Volume I – Final Plan Policies; Volume II – diagrams/maps with planning study areas, and he advised of the process for planning advisory committees to review the boundary issues; Volume III – Technical Background Report, and he advised that there has been no substantive changes to this document since the last meeting on this; and Volume IV – environmental analysis, and he advised that this now contains responses to comments. He advised that comments on these documents will be accepted at any time while the Board is considering these documents. He advised that this workshop provides an additional opportunity for citizens to provide input relative to concerns, issues, or questions, etc., so that staff can put together the best document possible for the public hearing. He also noted that there is a provision in the State law that allows for amendments to the General Plan up to four times a year. The existing General Plan is now twenty-five years old.

Kris Schenk reviewed the direction the Board provided to staff on pending issues following the March 21, 2006, workshop relative to no down zoning, split parcels, 2 1/2 –acres in town planning areas, Native American consultation, Rural Character Protection alternative, churches and church camps, dead-end roads, Saxon Creek reference, noise standards enforcement, mining and agritourism in Ag/Working Landscape, state agency amendments, and other technical or diagram corrections. Kris Schenk advised that enlarged maps/land use diagrams were posted in the back of the room. Sarah Williams described the changes that were made as a result of the Board's general direction for parcels greater than 40-acres in size with split land use designations; and she noted that they may not have caught all of the parcels and they will consider further amendments. The changes involve the following parcels: Touchen property off of Pendola Garden Road; two parcels for the Princeton Ranch – Aqua Fria/Mt. Bullion area; Dunn Ranch in Catheys Valley area; Benson Ranch in the Catheys Valley area; Long Ranch in the Old Highway area; Fleming property in the Ben Hur area; Radanovich property in the Ben Hur area; Bug Hostel off of Highway 140; and Hazel Green – two-40 acre parcels near Highway 120.

Chairman Stetson suggested that each chapter be reviewed and that public comment be provided as each chapter is reviewed. Discussion was held. Supervisor Turpin asked how the parcels that are smaller than 40-acres with split zoning will be addressed. Sarah Williams advised that text was added in Section 5.4.02 as follows: "The Board of Supervisors has determined that existing land use densities,

as of December 1, 2006, are consistent with the Residential land use classification. The subdivision of these lands shall be consistent with this General Plan.” Supervisor Turpin asked how this situation would be handled for the Ag/Working Landscape and the Natural Resources land use classifications; and he was advised that these sections contain the same text. Supervisor Bibby clarified that any change would be applicant driven. Supervisor Turpin asked for clarification that no one would lose their existing zoning, even with the overlay. Kris Schenk referred to Section 5.4.04 and additional language beginning with Ag/Working Landscape land use classification. Andy Hauge advised that with this policy, zoning is not guaranteed. At the time Title 17 is updated, the Board has the option to bring parcels into compliance with the General Plan. Supervisor Bibby asked about providing input on punctuation corrections, etc. Kris Schenk asked that these types of corrections be pointed out as each Chapter of the document is reviewed. He also noted that there may be people present who want to make a brief comment and not stay for the whole workshop.

Chairman Stetson called for comments from the public relative to the process; and the following input was provided.

Laurie Oberholtzer, planner with MERG (Mariposans for the Environment and Responsible Government), stated she would like to speak at the beginning as they did not organize comments by each chapter.

Don Starchman, Starchman & Bryant Law Offices, stated he is okay with providing general comments, followed by a review of each chapter. He also stated he appreciates the Board taking the extra time to hear everyone.

Discussion was held relative to the workshop process, and the Board concurred with taking general comments first. The following input was provided.

Autumn Bernstein, Land Use Coordinator for Sierra Nevada Alliance, read her written statement into the record. She provided background on the Alliance, and advised that they support Alternative number 5, the Rural Character Preservation alternative as they believe that is the only alternative that will give Mariposa County the tools it needs to properly manage the growth which is projected to come to the Sierras in the coming decades. She noted a recent proposal by JG Boswell Company to build a new retirement community and resort enclave that will house 30,000 people in the remote Yokohl Valley in Tulare County; and she questioned what would happen if such a town were proposed for Mariposa County – would the General Plan be strong enough to ensure that inappropriate development doesn't come to Mariposa County. They feel the best thing that can be done to ensure that Mariposa County stays rural is to adopt a strong General Plan that discourages speculation and that lays out clear, strong, enforceable policies for where and how future development will happen.

Bart Brown, MERG Chairman, read his written statement into the record on behalf of MERG and those who support the Rural Protection Character alternative. He advised that based on two Whitcomb surveys and the visioning process in the 90's, as well as the Planning Department open houses of the 2000's, and the mailer they did last year and the petition of this year, it has been repeatedly shown that preservation of the environment and rural character of Mariposa County are the highest concerns of our citizens. They thanked the Board and staff for adding the Rural Protection alternative to the choices in the Environmental Impact Report (EIR). He noted that they have concerns about unnecessary sprawl, which may impact our tourism and quality of life for our residents. He advised that they will submit a list of recommendations in written form; however, they feel there is a need for assurance that large areas of open space between communities will be maintained; that in residential areas outside communities, use of a sliding scale of 5-acre to 160-acre parcel size will be assigned, depending on terrain and service availability; prevention of sprawl by not overlapping communities; and limiting clustering in remote areas where police, fire, and medical services would have difficult access and be much more costly. He advised that MERG favors self-determination of communities and supports the Plan's use of advisory committees in creation of community plans; and they strongly support

preservation of agricultural and timber lands throughout the County. He also requested that the workshop be continued to allow further public study and input.

John Gamper, California Farm Bureau Federation, on behalf of the Federation and on behalf of the Mariposa County Farm Bureau, referred to the Land Use Section Goal 5-9 – maintaining rural densities for residential development outside planning areas; and the general discussion of 5-acre density and rural character. He noted that the Residential land use classification (white areas on the new diagrams/maps) includes land that is currently zoned Ag Exclusive and also includes land that is under Williamson Act Contract restrictions. He feels that by placing a 5-acre density on these lands, it is inconsistent with the requirements of the Williamson Act. It is specified in Government Code Section 51230 that once a contract is signed within an Ag Preserve, within two years other lands in that Ag Preserve have to be restricted by zoning to uses that are compatible with agriculture. They believe 5-acre minimums are not consistent or compatible with 160-acre minimum range land classifications; and the minimum density in the Williamson Act is 40-acres for non-prime land. So they believe that a 5-acre overlay in the General Plan is inconsistent with the statute and encouraged the Board to address that in the General Plan. Specifically, he feels one issue that the Board needs to decide is if the Residential land use overlay is going to be placed over existing AE and Williamson Act ground. The other issue is to clarify in Goal 5-9a(1) for outside planning areas is the maximum allowable density for residential development which currently says one dwelling unit per 5-acres. He thinks that this should be more specific and consistent with the information earlier and the general discussion that we are not talking about residential development; but are talking about the Residential land use classification. He suggested that it should read as follows: “outside planning areas and maximum allowable density for residential development in the Residential land use classification shall be...” so at least it is consistent with the general discussion that this is not just for residential development, this is for specific land use classifications. And he hopes the Board will address the issue of actually putting a General Plan overlay in diagrams and maps that are inconsistent with State law.

Supervisor Pickard suggested that since this is a workshop, that it be a little more informal and that issues be addressed as they are raised. The Board concurred with briefly addressing the issues at this time and in more detail as the appropriate chapter is reviewed.

Andy Hauge reminded everyone that the reason that we don't have the ag lands pulled out specifically is because we would have a land use diagram that would be pretty spotty – that is one of things we are trying to avoid. He stated that they could clarify in Implementation Measure 5-9a(1) that the policy excludes lands that are in the Williamson Act and lands that are zoned Agriculture. He feels that more discussion will need to be held on the recommendation relative to the overlay, as well as discussion with Attorney Bill Abbott, whom the County has retained to assist with looking at goals and policies and making sure they are consistent.

Kris Casto noted that the EIR addresses handicapped access with reference to the State law requirements for public land. She would like the General Plan to go further to say that all commercial remodel and development shall provide handicapped access. The rest of her comments will be provided for Chapter 5, and she feels that most of the interest from those present is in that Chapter.

Linda Dahl, Chief of Planning for Yosemite National Park, read the letter from Superintendent Michael Tollefson into the record. The Park acknowledged the outreach from County staff to Park staff to help assure that the Park's mission and goals are coordinated with this Plan and commented on the interdependent relationship between the Park and the County. The overall comments noted that the three stated drivers of the draft Plan are economy, character, and housing; and the Park acknowledged that the Housing Element of the General Plan was adopted on January 13, 2004. The letter offered specific comments and recommendations related to housing, transportation, and other support for Park employees; maintaining rural character; and economy and regional tourism. The Park proposes that one or several areas along the Highway 140 route to the Park be considered for a clustered, residential settlement, with special interest in the Midpines area. The Park feels that it has a serious housing

dilemma. The Park recommends that a more specific implementation measure be included under the Regional Tourism Goal 13-1. One idea is for a Mariposa regional recreation and tourism roundtable that could include the County and federal planners, business interests, the Arts Council, the Visitor's Bureau, land trusts, service clubs, private recreation providers, and any others with an interest in the quality of life and vitality of the County. The goal of this effort would be to achieve a trans-boundary system of trails, parks, and cultural amenities for the enjoyment of residents and visitors alike.

Frank Berlogar stated he will speak later relative to the property he owns. As a property owner and with his background with working with development in the Bay area, he sees problems with this Plan. As an example, the draft General Plan shows there is currently a zero vacancy rate for housing and that is a serious problem that he feels the Board needs to address. He feels there is a lack of affordable housing. The draft Plan proposes mostly 5-acre ranchettes and he feels they are too expensive for residents with a low to average medium income. To get a commercial project approved, the applicant has to show that there is housing for the workers. With a zero vacancy rate, how would a commercial applicant demonstrate that there is housing available, short of building his own housing project? He stated he is confused with the "ready-to-build" subdivisions. The draft Plan does not contain the current density bonus if sewer or water is provided, and he feels that it should be included. He feels that the water availability should be considered in determining the density. Without affordable housing, the children and young families will not be able to afford to stay in the County. He would like to see economic prosperity in the County and the rural character maintained. He bought two ranch properties, and he wants to develop one property to help the County to meet its housing needs.

Joan Conlan, member of MERG, read her statement into the record supporting the Rural Character Protection alternative. She noted that there is still a need, as pointed out by the Plan, for each community to finish its plan, and for those without advisory committees to establish them, and for all communities to use self determination to design their communities and how each might grow. She stated she feels that as Mariposa grows and residences increase, that she hopes the Board will support a water study in the County to help make decisions concerning land owners, land uses and how and where to build. She also encouraged the Board to make the policies and implementation measures in the Plan mandatory while providing specific time periods for their implementation. She feels that "Keep Mariposa Rural" is expressing what Mariposans want in their future.

Laurie Oberholtzer stated she is an environmental planner based in Nevada City and is representing MERG. She has worked with MERG for many years. She does agree that the Rural Character Protection alternative should be adopted. She referred to Nevada County's work on their General Plan that was adopted in 1995 and the compromise that was reached. She suggested the following tweaks, and noted that most of them relate to the Land Use Element:

- 1) She feels it is important to include the mitigation measures recommended in the EIR.
- 2) In regard to the build-out and growth rate issues, there needs to be thought about the consequences of the ultimate build-out. She noted that they feel there is still some ambiguity in this Plan with a build out population range of 39,000 to 51,000, and they would like to see a single figure used versus a range.
- 3) She feels that the growth rate issue is also a little bit ambiguous as it is unclear whether the projected growth rate is 1, 1 ½ or 2 percent. This is another area where they think it would be good for the General Plan to be very clear, and they recommend the adoption of 1 ½ percent as a reasonable growth rate. This is growth rate that they feel the County can manage as far as providing public services in the future in an orderly way.
- 4) They still have a little bit of a problem with the wording of the Rural Economic land use designation. They feel this is a good concept. The problem is that the text allows for up to 20-acre parcels. A 20-acre commercial parcel allows for a 200,000 square foot shopping center, and they do not feel that was the original intent of that designation.
- 5) She commented on having flexibility when individual projects are proposed based on the conditions on the ground. As an example, a residential area which allows 5-acre parcels should be

worded as a 5-acre parcel minimum so that larger parcels could be permitted/allowed if the conditions didn't warrant the 5-acres.

She provided the following reasons for why she feels the Rural Character Protection alternative should be adopted: 1) the map is the heart of the General Plan and it is better and less sprawling than the previous version; 2) there are much more definitive requirements for future design guidelines; 3) there are some really solid historic preservation policies with "shalls" instead of "shoulds"; 4) there is stricter wording on development fees so that development will pay its own way; and there is even a requirement that there be a fee for State highway improvement contributions; and 5) many "shoulds" have been replaced with "shalls." She thanked the Board for finding renewed energy to work on a compromise.

Sam Hensley, representing The Barrier, an organization committed to ministering to children, read his letter into the record. He thanked the Board for including churches and camps in the latest version of the Plan and he stated this will help them to move forward with The Barrier project. However, he is concerned that through some oversight they are losing the benefit of the Mountain General zoning. They are designated as Ag/Working Landscape in the General Plan Update. This changes their minimum parcel size from 40-acres to 160-acres. They requested that this be corrected and that the land use diagram for their parcels be changed to Natural Resources.

Andy Hauge clarified that existing zoning is specifically stated in the General Plan to be consistent with any of these land use designations so the zoning would only change if there is a request to change the zoning during Title 17 or another time. So the General Plan is clear that the zoning has not changed and the land uses may continue.

Shirley Schmelzer, a resident for the past 37 years, read her statement into the record. She urged the adoption of the Rural Character Protection alternative because it has standards for fire prevention, fuel management, and fire suppression. She feels these standards are very important to minimize fire hazards and exposure to wildfires in Mariposa County.

Thomas Infusino, a land use attorney with 17 years of experience, read his statement into the record. He commented on his work with clients in Mariposa County, and noted that they are all united in their intense love for this land called Mariposa – they love this wild and open landscape that they call home. However, there are a select few people who love this land solely for the profit they can gain by selling off tiny chunks of it to people. He feels that would allow the County's population to more than double at build out, without ensuring adequate protections for the health, the safety, and the quality of life of Mariposa County residents. He urged support for the Rural Character Protection alternative as he feels it points the County in the direction of developing programs and standards to balance the need for future growth with the need to maintain the quality of life for the people of Mariposa County.

10:56 a.m. Recess

11:17 a.m. Chairman Stetson advised that Chapter 5 – Land Use would be reviewed first with general comments by the Board and followed by input from the public.

Andy Hauge advised that the goals did not change in Chapter 5. He reviewed the following changes that were made pursuant to the Board's direction. Policy 5-2(a) changed, and this deals with providing services for land that is going to be developed; and it went from the word "encourage" to "shall." Supervisor Pickard asked whether the changes reflect Alternative 5. Andy Hauge noted that these changes were highlighted in a gray color in the table to indicate that they would be part of Alternative 5. He also advised that there are additions in Alternative 5 that are not included in this volume and he will point those out as the Chapter is reviewed.

Andy Hauge advised that in Section 5.4, Land Use Classification, language was added to say that 40-acre parcels and larger can have different land use designations. There is additional text on page 5-19

regarding the extent of uses within planned areas, specifically talking about the planning study areas, that when these are evaluated they need to embody greenbelt open space lands and they are to identify and preserve public lands. On page 5-20, the language was clarified in the discussion about the Mariposa Town Plan area and potential for a Bear Valley Community Planning area. Table 5-1 are the planning areas and planning areas status and some of those were modified to reflect those that are not scheduled at the present time, i.e., Greeley Hill; and that is also reflected in the text. On page 5-25, the language about the Mariposa Utility District and Saxon Creek was eliminated as not being appropriate there. On page 5-26, there are some findings that the Board is going to have to make if a land use classification changes and an additional finding was added to make a total of five, so that the findings would be consistent throughout the General Plan. On page 5-30 and in Section 5.4.02/Residential Land Use Classification, a zoning consistency for planned areas was updated to reflect existing zoning designations, and the population and building intensity for the planning areas was included. And the language that was discussed earlier today that the Board has determined that existing zoning densities, as of December 1, 2006, are consistent with the Residential Land Use Classification; and this is for purposes of subdividing these lands in the future. On page 5-32, the minimum parcel size for new subdivisions was modified to have exceptions for the Rural Residential existing land use designations that would allow the 2.5-acre minimum. And there were text changes regarding the criteria for clustering of parcels to assure that if you cluster parcels that those parcels or lands that you use in order to get the clusters cannot be subdivided in the future, and to allow the County to enforce that. There was language on road capacity to assure that when the Board looks at subdivisions in the future that access/easements to adjoining adjacent parcels are there for fire protection so that we can make sure that there is through access. On page 5-34, the word "requirements" was removed and "regulations" was inserted. In the Rural Economic Land Use Classifications, Section 5.4.03, the zoning consistency was modified to reflect existing zoning, and it was broken down by the Rural Economic and Recreation Land Use Classification, the Economic Resort Land Use Classification, and the Economic Commercial Land Use Classification because they are different and they operate differently, the zoning consistency is different in those various subclassifications. On page 4-43 under Agriculture/Working Landscape Land Use Classification, language was incorporated to clarify that the food, timber, and minerals are on parcels of 160-acres or of greater size; and there was also language added to clarify that the County's traditional ranch lands and timber lands are in this classification. And, language was added that churches and organization camps are allowed subject to a discretionary permit. There is also language in the extent of uses about single-family dwellings on the large parcels of land for agriculture and timber. There is clarification that timber and mining production are part of the extended uses within the Agriculture/Working Landscape. On page 5-44, the zoning consistency was modified to reflect existing zoning and language was added about the December 1, 2006, existing zoning being allowed for subdivision of lands. On page 5-45, in the Criteria for New Lands to be Included, a requirement that lands proposed for timber management must be a minimum of 160-acres was added. On page 5-46, the findings for a new designation were changed to be consistent with the designation previously discussed. On page 5-47, Zoning Consistency was updated, along with language regarding existing zoning as of December 1, 2006. Also, language was added relative to the extent of uses for lands in public ownership and parcel of 40-acres or greater in size; and the language for churches and organizational camps.

Supervisor Turpin stated he feels the language needs to be clarified for the criteria for lands proposed to be removed from the Agriculture/Working Landscape Land Use Classification as he feels that any piece of property could qualify as open space. Discussion was held. Andy Hauge provided input. Kris Schenk suggested the Board may want to wait for further public comment on these findings before providing direction to staff on changes.

Supervisor Pickard referred to page 5-38 relative to development and housing requirements for employees and asked whether this is consistent with the Housing Element, Policy 7.9. Andy Hauge advised that this language recognizes that there may be a desire to have this type of development outside of area plans. When the Planning Commission discussed this, they said that if we are going to put this type of development in an outlying area and it is going to be self-contained, which is one of the

requirements, the part of that self-containment is making sure that there is housing so that if there is a landslide or fire or flood the tourists and others can actually have somebody serving them on that site. The question to the Board is whether to maintain that policy. But he believes it is consistent and encouraged by the Housing Element. That is for when the Board is looking at a specific development at a specific location that is generally not adjacent to any existing facilities or housing.

Input from the public was provided by the following on Chapter 5 – Land Use.

Laurie Oberholtzer provided MERG’s thoughts on the following pages, and advised that Tom Infusino will address some of the Rural Protection alternative policies:

Page 5-30 – they still have a problem with the 2.5-acre default size and the 5-acre designation area because of rural quality concerns and because of concerns with septic systems and wells being too close together. She requested that there be further discussion on this point and that direction be provided.

Page 5-31 – She feels that the issue of existing zoning land use densities and being able to subdivide to that density in the future negates what we are doing here if everyone can just subdivide to their previous zoning. She notes that this occurs in each land use classification.

Page 5-39 – She questioned the need for 20-acres for D(2) the maximum acreage for rural economic commercial land use classification since this is for a project that is intended to serve a rural area. They recommend two to five acres.

Page 5-46 – They feel the wording on the Ag/Working classification looks pretty good and is moving in the right direction.

Tom Infusino referred to Table 2.5, General Plan Alternatives, and reviewed the changes to the Land Use Element that would form the Alternative 4 – Rural Character Protection alternative; beginning on page 3 of 46 and the discussion of the Land Use Element and those policies that would be added or modified for this alternative. The first one that he feels is important is Implementation Measure 5-1a(3) stating that land development regulations “shall” define thresholds in which uses are complimentary to the concept of rural character. On page 4 of 46, Policy 5-2(b) says that the County shall prevent premature urbanization of the expansion area within the Mariposa Town Planning Area designated in the General Plan until the Mariposa Town Plan is updated, and that no urban expansion shall occur unless water and sewage disposal from the Mariposa Public Utility District are available in the expansion area. He advised that MERG feels that Policy 5-2(b) is very important so people get an opportunity for self-determination in the Mariposa town area. On page 6 of 46, Implementation Measure 5-4c(2) standards shall be included that protect the visual character – they had hoped that the standards would actually be in the General Plan; but they feel that direction to County staff to develop those standards in the future is a good direction. On page 7 of 46, Implementation Measure 5-8a(1) directs the Board to initiate discussion with representatives from public agencies to establish a formal collaborative cooperation and planning process; and they are in favor of this. He referred to Goal 5-12: Protect significant timberlands and provide for sustainable development of timber resources; and Policy 5-12a: Protect significant timberland from conversion to non-timber related uses; and they feel these are important policies and implementations to ensure the viability of our Ag/Working Landscape.

Cathie Pierce, Mariposa County Farm Bureau President, referred to the map/General Plan land use diagram; and stated they have a problem with the white (residential) that is over Agriculture Exclusive (AE) ground and Williamson Act contracted ground. They also have a concern with the other maps and diagrams for the community plans as several of the areas are so large. She referred to page 5-43, relative to the Agriculture/Working Landscape land use classification and the extent of uses that allows churches and organizational camps; and she questioned what about the AE grounds that are under Williamson Act contract because they are not a compatible use. She feels that there should be some wording that says with exception to ground that is under contract. Andy Hauge advised that the Williamson Act contract actually protects that land. Cathie Pierce noted that there are a lots of things not allowed in the contract; however, they have happened anyway because people have not paid attention to that law. So she feels it would not hurt to reference the Williamson Act contract. Andy

Hauge advised that in any review of projects, existing Williamson Act contracts need to be considered and complied with.

Don Starchman followed-up on Cathie Pierce's comment and referred to Section D. Population Density and Building Intensity; and he advised that he is okay with adding the sentence that says that "Lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contracts" throughout the document.

Tolley Gorham reviewed his notes pertaining to Chapter 5:

Page 5-13 – He feels that Goal 5-9 dealing with the consistency of one dwelling per 5-acres, or two with the auxiliary dwelling, has been dealt with.

Page 5-31 – This is the first mention of December 1, 2006, as the date at which the current zoning becomes the guideline for the General Plan; and he questioned the date of December 1st as we are not to that date yet. He asked what will happen if changes take place between now and December 1st that causes his interpretation of what's going to go on to change after that time and the public would be locked in to accepting whatever December 1st brings.

Page 5-32 – He feels that the hillside and ridge top design should only be applied in Scenic Highway and similar overlays. He feels that ridgeline homesites are an important economic component which establishes parcel value

Page 5-34 – He questioned what a 12-hour day means in the section that talks about water production.

Page 5-35 – He referred to Section 5.4.02F(1) and stated he does not believe anyone can define rural character or rural lifestyle to a standard that we can actually apply; so to attempt to regulate that policy in this document could lead to several different interpretations. He asked about Section 5.4.02(F)3 relative to storage, and he asked if this will apply to existing or only to new parcels, and who would be responsible for enforcement. He referred to Section 5.4.02F(4) and he stated he doesn't feel that there are any standards in the Noise Element that appear to relate to this. He referred to Section 5.4.02(F)7 relative to multiple dwelling units on property and asked about parcels of 10-acres or more – whether this section intends that property must be subdivided prior to maximizing housing densities as currently allowed. As an example, if he has a 10-acre parcel in Mountain Home right now, he could put four homes on that property without subdividing. However, he could not sell those homes without subdividing.

Page 5-39 – He referred to Section 5.4.03E(1) and questioned why no land will be appropriately zoned unless a project is approved.

Page 5-40 – He referred to Section 5.4.03E(3)c relative to rural character and landscaping with natural vegetation. Does this mean that you landscape with poison oak and chaparral?

Page 5-43 – He referred to Section 5.4.04A relative to Agriculture/Working Landscape and he noted that there are a lot of parcels under 160-acres that are included in this land use classification that are in the planning areas (except Foresta and Wawona), and that doesn't make sense to him. If the requirement is for 160-acres that is what should be required and not less. He referred to Section 5.4.04B and stated it was his understanding that a guest ranch use which is secondary to primary ag use had been recently classified as permitted. He asked that this issue be revisited.

Rita Kidd, a Catheys Valley resident, stated she was speaking as a private citizen and as Chairperson of the MERG Committee for the Preservation of Catheys Valley and Hornitos; and she read her statement into the record. She thanked staff, the Planning Commission and the Board of Supervisors for the commitment to the General Plan effort; and especially for including the Rural Character Protection alternative. She advised that they would like the Board to reflect on the conflict between a paragraph in the General Plan on page 5-5, which describes the benefit of a 5-acre parcel, and the updated General Plan's more permissive 2 ½-acre parcel size allowed via a density bonus. They question whether the 2 ½-acre parcel size will provide a suitable separation between wells and sewage disposal. One of the things that she feels needs to be considered is the concept that land has a carrying capacity. They applaud the addition of new language that would not permit further build out of acreage used for establishing the density bonus. However, the net effect of the current language is

that a 160-acre parcel in which 50% of the parcel is virtually unbuildable would permit 32 - 2 ½ acre parcels on the buildable 80 acres. They requested that the Board consider adding language that would limit the density bonus based on the entire parcel's carrying capacity. On page 5-33 and 5-34, Section E(4) Potable Water Supply, they recommend that the Board insert language that differentiates a firm requirement for proof of potable and uncontaminated water for residential parcels, allowing the "buyer beware" on only non-residential parcels. She advised that it is understandable to them that land for natural resources, for ag exclusive uses or Ag/Working Landscape uses would not have the same need for proof of water prior to sale as a residential parcel might need. She asked how the County will "police" the industry to assure that all buyers fully understand the significance of the required "disclosure" for water. On page 5-34, in Section E(5) Wildland Fire Hazard and Emergency Services, they recommend the addition of language that states "By law, County wildland fire protection policies may be more stringent than the California Department of Forestry (CDF) regulations, but may not be less." They would support a policy that makes mandatory no net loss of agricultural land inclusive of the County's rangelands following adoption of the new land use map. And, she requested that this workshop be extended into the next week to allow for more input.

Supervisor Stetson asked about the Wildland Fire Hazard and Emergency Services issue and asked for clarification of whether the County can have laws that are less stringent than CDF. Thomas P. Guarino, County Counsel, advised that it would not affect what is done with the General Plan. The General Plan has another policy that we don't, as a County, seek to enforce other entities regulations. The County is allowed to have some more restrictive requirements in the Building Codes and such if the necessity for it is demonstrated. But the County can't have less restrictive requirements than what the State minimums are.

Kris Casto noted that the comments that are being received show that each time the Plan is reviewed, it gets better. She advised that she will provide her written comments in the next week. She referred to page 5-3, Section 5.2.02D, Economic Opportunity, and suggested that "research and development" and light industrial" be added in the section relative to job-creating businesses. She feels that we need those kinds of jobs in this County. On page 5-4, Section 5.2.02E, Agriculture, she feels that orchards should be added as other specialties. On page 5-8, Implementation Measure 5-1a(3), she feels that "will" should be inserted in place of "should" for defining thresholds for land development regulations. On page 5-31, Section 5.4.02D, Population Density and Building Intensity, she commented on the 5-acre parcel size. She believes that if you don't have the ability of the land to develop, then, no matter what the zoning is, you shouldn't be able to develop it. She is worried that if even some of these are deed restricted and if it is said that only ten percent of the parcels can have dwellings on them, it is going to be very confusing. She suggested that for an interim, that if the Board tries this, that there be a trial period and that they be handled through a conditional use permit or some step that will have more teeth in it in the beginning. Then the Board will have some information and benchmarks to decide if this is what the intent is and whether the codes and rules can be enforced. On page 5-31, she questioned what Rural Residential is and whether that is only in the town planning areas (TPAs). Sarah Williams advised that Rural Residential exists in areas of the County outside of TPAs, i.e., Silva Road and Bootjack. It is not in TPAs. In the current zoning, 5-acre parcels are allowed with onsite septic and wells and it actually allows 2 ½-acre parcels with a community sewage system. Kris Casto clarified that this is not going to change any of the zoning to Rural Residential. Sarah Williams advised that this is a current zoning designation which someone could apply for. Andy Hauge noted that in the Update, Rural Residential is not a consistent zoning in any of the land use designations. Kris Casto continued with concerns with the clustering concept. On page 5-32, Section E(1) Road Capacity and Access, she stated she does not understand what this means. She feels it needs to be worded more clearly. She commented on the minimum parcel size for the various land use designations, and asked if there is any protection for parcels ranging in size from 5 to 40 acres, or land use classification for protecting those. Andy Hauge advised that the land use designations are talking about new subdivisions, new areas; and he advised that all parcels have to comply with all of the goals and policies within this General Plan. Discussion was held. Kris Casto commented on mixed use and dual use zonings on existing parcels, and she noted that in other parts of the General Plan there is discussion

about some smart growth and buffers and scenic corridors, etc. She stated she feels that when you have a mix of 5-acre and 160-acre uses, it would make better sense if the findings are correct, to make it all into 40-acres so that you could have the scenic corridors, the watersheds, and the natural and seasonal rivers and be able to have open space. She feels that this would keep the preservation of the rural character and preserve the oak woodlands and habitats.

Don Starchman asked if he had a 160-acre parcel with Ag/Working Landscape on the diagram and it is zoned Mountain General, after this Plan is adopted, would he be able to divide this into 40-acre parcels. Andy Hauge advised that subdivision could occur if there is compliance with General Plan policies; i.e., slope, access, and the other policies. Don Starchman stated he feels that this needs to be very clear.

12:25 p.m. LUNCH

2:11 p.m. Lee Stetson, Chair;

Present a Resolution and Tile Plaque to Denise Ludington for her Outstanding Service as Planning Commissioner for Supervisorial District I

BOARD ACTION: The Resolution and tile plaque were presented to Denise Ludington.

The Board continued with the public workshop and input from the public on Chapter 5 – Land Use.

John Schroeder referred to a 62.5-acre parcel that is currently zoned Mountain Home – 5-acre minimum. It has been designated as Natural Resources, which has a 40-acre maximum density. He asked if the following is a correct assumption: that the modifications made to the new draft Plan state that when it comes times to modify Title 17, that certain zones that now exist are either compatible or incompatible with certain land use designations and that will govern the extent to which zoning changes. He stated he is not clear what will happen to his property if the current Natural Resources land use designation is maintained and Title 17 is updated to conform to the General Plan – will he end up with a 40-acre maximum density. Andy Hauge advised that the way the General Plan is currently crafted that when Title 17 is updated, they would have to place a zoning designation on the property which is consistent with the land use category and that would be the 40-acres used in this situation. However, with the language that has been added that the County will consider the existing zoning as of December 1, 2006, for purposes of subdivisions, you could subdivide the property into the 5-acre parcels even after Title 17 is changed. He agreed that the language should be improved to make the intent clear. John Schroeder asked what process and criteria was used to create the land use map; and he feels the General Plan should state what the process was. Andy Hauge advised that it was a very rigorous process. He stated that recognizing that the current General Plan is a zoning ordinance and not a General Plan; and under General Plan law, you have land use designations and there are fewer land use designations than zones. So the rigor that was placed to this, actually a number of years ago, in the first General Plan land use map that was created, was to take a look at the existing zoning, take a look at those zones that were compatible with the land use category and define what the land use category was; and then those areas were mapped accordingly. And this map now has gone through multiple modifications, both by the Planning Commission and this Board of Supervisors, specifically looking at issues and problems and trying to address those. The land use designation descriptions have been modified based on that process and can be further addressed and modified as the process continues through the public hearing in December. The land use designations also relate to a larger area and the character of the area. The Board is open to hearing recommendations for modifications.

Don Starchman stated he does not feel that the map changes were made at the Board's direction. He noted that more changes were made after the March workshop, and he feels that thousands of acres were changed without direction from the Board. He referred to the EIR, page 7-4, and discussion about modifications to the land use classifications. He stated he feels that we are looking at a map from a previous Planning Director, and he does not remember any direction to change 14,000 acres from Natural Resources to Ag/Working Landscape. Kris Schenk advised that there has been ongoing

discussion with Board members relative to the maps and changes; and they have applied the policies and looked at some of the areas and changed properties accordingly. The changes on the map reflect those discussions on a district-by-district basis on how best to represent those properties on this map. Kris Schenk asked that if there are any particular parcels that are still of concern or they are not mapped accurately, this would be the correct forum to be talking about that. Supervisor Pickard stated he would welcome input on specifics that Mr. Starchman is referring to; and he stated he recalls going through the maps and the parcels for District V, and he has reviewed those for consistency. He does not agree with Don Starchman, and he noted that there have been numerous workshops and review of the map and direction has been given to staff throughout the process. He noted that Don Starchman has been a part of those meetings.

Frank Berloger stated he feels that Chapter 5 is the appropriate place to restore the 100% density bonus when water systems and wastewater disposal systems are provided. Supervisor Pickard stated he feels that would be a bit of a program shift with some of the policies that are set up in the General Plan if we are not talking about parcels in the TPA that have a water system. He feels that would be a problem with the way this General Plan has been designed. Andy Hauge advised that outside of the TPA areas, the Plan does provide for clustering given the same density that is designated by the land use classification. It doesn't give a bonus, it just allows clustering using an approved wastewater system and a water system. Discussion was held. Sarah Williams provided input on the provision that currently exists in the zoning ordinance for planned or cluster residential development that allows an ability to ask for 100% of the bonus if you have community water and sewer service available or proposed in the Mountain Home or Rural Residential zoning designations. Supervisor Pickard asked if that policy is contained in the October 2006 Update, and whether there has been discussion on this issue. Sarah Williams advised that this density bonus is not contained in the proposed October 2006 General Plan Update. Andy Hauge stated he believes there has been discussion, but he does not recall specifically talking about the 100% density bonus. He knows that there was discussion about clustering and that an approved water and wastewater system would be required. Supervisor Pickard stated he would be in favor of looking at this issue. Frank Berloger stated he feels that it would probably add at least \$100,000 in increased costs for a lot to add water and sewage treatment systems; and he asked why people would want to do this if there is no increase in allowable units.

Supervisor Turpin asked for additional clarification relative to the overlay and the understanding that the zoning that people have today is what they will have under the new Plan; and he feels that with review of Title 17, that may not be the case. That concerns him, and he asked whether the zonings will be reviewed with Title 17. Andy Hauge advised that when reviewing Title 17, the Board is not mandated to change the existing zoning. There is a mandate to make sure that Title 17 is in compliance with the General Plan and the land use designations and the compatible zones within those designations. The language that is in the October 2006 Update regarding existing zoning only deals with the ability to subdivide to a smaller parcel size, but it doesn't give the right if the zoning changes to have the same uses that you have today. This language is only tying down your right to subdivide your property. When it comes time to update Title 17, there will be a discussion of whether the zoning is appropriate and what is going to be done with the zoning on the property. Future zoning is not predetermined by the General Plan at this point in time. It is highly possible that the Board may choose to leave the zoning as it is.

A page-by-page review of **Chapter 5 – Land Use** was held with Board input followed by input from the public.

Supervisor Fritz noted that the small land use designation map in the Plan is difficult to read, and she asked that when the map is discussed, that there be an opportunity to look at the larger map on the wall.

Section 5.2.01 Introduction –

Don Starchman referred to his letter and expressed concern with the term “ready to build land.” He noted that at one of the sessions, there was language in the Plan that we were going to extend

utilities to the property line, and he questioned what utilities outside of the TPAs were being referred to. He asked what “ready to build” means. He noted that you cannot obtain a grading permit without a building permit, and PG&E will not install lines until they have a customer. He feels that to leave this term in the Plan is confusing. Discussion was held, and Andy Hauge pointed out sections in the Plan that define “ready to build.”

Section 5.2.02 Summary of Major Findings –

Tolley Gorham stated that, in keeping with the desire to make the rural character a part of our County and to make it palatable to not see a lot of things when we are driving on the major thoroughfares, such as Highway 49 or 140, he feels it would seem to be in the best interest of everyone to offer a way to allow folks to get off of the major thoroughfares and into a valley behind the hill or in a remote area for development of industrial parks, large housing developments or projects like that so that they will not be seen from the road. He suggested that the TPAs may not be the best area for these things; and that the developers should be allowed to create the resources for the projects and given the ability to put them in places that make sense for everybody. Supervisor Pickard commented on the cost effectiveness of a project for a developer if he doesn’t have to do things like install a long road that would handle the traffic and add infrastructure – he noted that the General Plan is trying to concentrate things so that traffic is minimized and projects are closer to services. However, if the findings can be made, he feels that the General Plan allows for these types of projects.

Chairman Stetson noted the requested change from earlier this date to include “research and development” and light industrial” in Section D. Economic Opportunity, relative to job-creating businesses. The Board concurred with this change.

Chairman Stetson noted the requested change from earlier this date to include “orchards” in Section E. Agriculture. The Board concurred with this change.

Supervisor Bibby noted an earlier request to add language relative to “land carrying capacity” in Section I. Five-Acre Density and Rural Character. Andy Hauge agreed with the language change, and suggested adding “as defined by the General Plan.” The Board concurred with this change.

Tolley Gorham provided input relative to Section I. Five-Acre Density and Rural Character and the discussion held earlier concerning two homes per parcel. He stated he feels that this needs to be added, or we will end up with zoning that allows only one residence per five-acre parcel. Andy Hauge clarified that the second home is allowed by state law. Discussion was held. Supervisor Bibby noted that some counties restrict the size of the secondary dwelling. Andy Hauge noted that there are potentials for restrictions in zoning. Sarah Williams noted that the only place in the County where secondary residences are not permitted is in Wawona – when the Specific Plan was adopted, the Board made findings related to the limitations of the sewer treatment plant. Supervisor Turpin commented on discussion in the Plan about the five-acre average density and asked whether that needs to be clarified; and he asked whether two and one-half acre parcels would be limited to one dwelling unit. Andy Hauge stated he does not feel that we need that level of detail at this time for this section – it is addressed under the density of each land use designation. He also advised that state law would allow a primary and a secondary unit on a two and one-half acre parcel. Supervisor Bibby noted that all of the requirements, including setbacks, would need to be met for the lot. The Board concurred with adding language in this section to reference the state law concerning secondary dwelling units. Tolley Gorham asked for further clarification of the sentence that reads “This means a twenty-acre parcel can be divided into four lots with a density of one dwelling per five acres.” He stated he does not feel that this fits with being able to have two dwellings per parcel; and he strongly objected to the language, especially this example. Andy Hauge advised that the state law has preempted the County; and he feels that by describing what the state law allows, and realizing that the County General Plan and ordinance provides for a certain density per acre or per lot, that this section will be clear. He provided input on his recommendation for adding language relative to the secondary dwelling unit issue, and the Board concurred with the adding the language.

Section 5.3 General Plan Implementation –

Laurie Oberholtzer referred to Implementation Measure 5-1a(3) and suggested that if the Board goes with alternative five that “shall” replace “should” for land development regulations defining thresholds. Andy Hauge noted that the Planning Director suggested that there be discussion about the additional policies of alternative five after discussion of Chapter 5 is concluded; or they could be discussed as Chapter 5 is reviewed. Chair Stetson suggested that they be discussed as the Chapter is reviewed. Discussion was held. Kris Schenk noted that there were comments questioning whether this was a mitigation, and if there is seriousness about the term “rural character,” there needs to be assurance through the General Plan that it will be defined as to what that means when you deal with some of the regulations. The use of “shall” would make a commitment versus “should” and that is a decision for the Board to make. Andy Hauge clarified that mitigation measures from the EIR are in alternative five. Further discussion was held relative to defining the thresholds that are complimentary to the concept of rural character. The Board concurred with flagging this issue for further discussion.

Caroline Wenger Korn referred to the previous discussion concerning two and one-half acre lots and five acre lots and allowance for two residences on each lot. She commented on her observations over the past sixty years relative to the impacts development has had on wells and septic systems, and the difficulty that some areas of the County has in supporting wells and septic systems on small areas; and she suggested that the General Plan address this concern. Supervisor Pickard noted that permit requirements still need to be met.

Don Starchman referred to Policy 5-2a – Ensure that development shall occur first where services are located; and he stated he does not understand what this says and asked that a better example be provided. Andy Hauge referred back to Goal 5-2 that the County is going to create land use density and development patterns to manage growth in patterns avoiding sprawl. He advised that a part of that is the land use map that has been developed with the planning areas in order to avoid sprawl; the policy is that development is going to be assured that it is going to occur where services are located; and the implementation measure which makes that happen is that the development shall grow outward from the planning areas and residential areas with available services. The second implementation measure is that established land development regulations defining permitted uses and establishing standards for close to service development; and this implementation measure goes back to Title 17 and setting up the procedures for approval for new land development that will make sure that the permitted uses are compatible and services are close to that development as a part of the package of “ready to build.”

Frank Berloger referred to Goal 5-2 and stated he doesn’t see any provision for a piece of property that has the ability to provide a water and wastewater disposal facility; and he asked where that occurs in the priority of development. Andy Hauge advised that there are additional policies in the General Plan, especially about subdivision and where you can subdivide, and it also talks about denser subdivisions in areas within TPAs. He noted that if you have a parcel that is currently not designated a planned area, but you feel it has the proper land capability and you can do the things listed in the subdivision section of the General Plan, the approach would be to come in and ask for that to be designated as a planned area. The planned areas that are currently on the map are based on existing areas that are somewhat developed and we can see them intensifying. The discussion in Chapter 5 also talks about how you can add additional planned areas to the General Plan. Supervisor Turpin noted that the original language was to encourage and he feels that would fit the interpretation better. Kris Schenk noted that three members of the Board and an alternate serve on the Local Agency Formation Commission; and if someone comes in to start expanding in particular places, that is something which will require a set of approvals by the Commission. Discussion was held. Andy Hauge provided input relative to the discussion and direction the Board provided at the March 2006 workshop.

Tolley Gorham referred to Goal 5-2 and he stated it appears to him that this is aimed primarily at commercial and he feels that perhaps residential development should be considered. Supervisors Pickard and Bibby provided input relative to discussion on this matter.

Don Starchman stated it would be good to include this if someone comes forward with an application to rezone. He referred to the Glossary and stated that if you build a house, you have a development. So he feels “development” needs to be defined. Discussion was held. Andy Hauge noted that you have to read the whole General Plan in context, and a single-family home is a development; but on an existing lot, it is a use by right and building permit requirements need to be met. There are several types of development and when the Board is considering development, this policy is saying to look first inward and make a determination that this is where the development should occur. If somebody comes in with a really good reason that a project shouldn’t be next to one of the existing urbanized or planned areas, the Board will need to evaluate that and make the findings outlined in the General Plan. Further discussion was held.

Frank Berloger referred to alternative 5 under the rural character protection and asked for clarification of the statement that the County shall prevent premature urbanization of the expansion area within the Mariposa TPA designated in the General Plan until the Town Plan is updated. Andy Hauge advised that in the Town Plan, there is an adopted Town Plan, the adopted area plan, and the planning study areas; and those are areas that when the Town Plan is updated, they need to be looked at for consideration in the TPA. Those are areas that have current zoning and will remain with the current zoning until such time as the Town Plan is undated. Discussion was held. Supervisor Pickard noted that there are significant issues with trying to expand the Mariposa TPA, including consideration of the MPUD service area.

Laurie Oberholtzer asked for clarification that these are EIR mitigations; and she was advised that they are.

Don Starchman noted that a little further on that same point, it does talk about sewage disposal and water being available for Mariposa Public Utility District (MPUD); and it may be that through the LAFCo process, it is decided that they don’t want an area included and there are other vehicles that can be used such as doing a packaged wastewater plant and water system. So he doesn’t feel the door should be closed to allowing that type of development unless MPUD expands their boundary. Supervisor Fritz asked for clarification from Don Starchman as to whether he feels it would be best to take out the reference to MPUD; and he responded in the affirmative as we do not know who the provider will be. Discussion was held. Supervisor Bibby noted that there may be decisions in the future to place some of the area in question between Mariposa and Mt. Bullion in the Mt. Bullion study area. Andy Hauge advised that Policy 5-2(c) deals with utilities and he feels the intent of the policy is, especially in an urbanized area like Mariposa, to avoid having a number of wastewater and water systems operating independently in a small area; but to have one manager of the system(s). However, this is a policy question for the Board of whether to maintain a consistency in the management of the systems in a TPA. Further discussion was held relative to consideration of a language change. Andy Hauge suggested that MPUD could be left in the text and to meet the intent, language could be added to say “or other coordinated wastewater system;” and he stated he could work on better wording. The Board concurred with flagging this issue for further discussion.

Tom Infusino asked what the decision was on Policy 5-2(b); and Chairman Stetson advised that it is staying in the Plan.

Supervisor Pickard referred to Goal 5-4 and noted that in the EIR alternative 5, there is a mitigation as a result of comments that is recommended for 5-4a(1); and he asked Andy Hauge to elaborate on Implementation Measure 5 of 46. Andy Hauge advised that there were a number of comments wanting to make sure that commercial, health care, and financial services stayed within TPAs. At this time, this is not a mandatory policy, it is a “should” and “encourage” and the recommendation is that it be a “shall” policy. Supervisor Turpin commented on the rapid growth that is occurring in the Don Pedro area and he noted that there is a potential for a TPA and the possibility of high density and commercial development before a Town Plan is adopted; and he asked whether the potential for development is

being eliminated with this language. Andy Hauge advised that the commercial-zoned property is still there and will remain based on the way the General Plan has been written, so development is not prohibited. He further noted that fire and police services are allowed anywhere in the County. Andy Hauge asked for clarification of whether modified policy 5-4a(1) in alternative 5 remains in the document. Discussion was held. Kris Schenk suggested that County Counsel provide input on the issue of changing “shall” and “should” throughout the document. He feels that if there are things that the Board is committed to doing then “shall” should be used.

3:47 p.m. Recess

4:11 p.m. Chairman Stetson stated he would like to try and finish review of Chapter 5 before breaking for dinner.

Supervisor Stetson referred to the issue of Williamson Act contracted land and agriculture, and he asked for clarification of consideration of additional language in Goal 5-9. Andy Hauge advised that they plan to discuss this with counsel; however, for purposes of this workshop, he suggested adding language to policy 5-9a – “One house per five acres is the County’s rural density excluding agricultural areas with Williamson Act contracts.” County Counsel noted that the Williamson Act contracts are independent documents which have state law requirements. He suggested that if the Board wants a reference, that the language in this Goal say “unless restricted by agreement or contract such as the Williamson Act” versus just specifying the Williamson Act, as there are other types of contracts such as timber, that equally affect the ability to do these types of things. Supervisor Bibby asked for clarification of the language in Implementation Measure 5-9a(1) relative to referencing the residential land use designation so that it couldn’t be misinterpreted for Ag Exclusive land use. Discussion was held.

Don Starchman suggested that the sentence in Section 5.4.04 that states that “Lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contracts” be used.

John Gamper stated he feels that Goal 5-9 should be clarified to reflect that we are not just talking about any residential development; but residential development in the residential land use classification; and he does not feel that Williamson Act needs to be mentioned.

Don Starchman asked about the status of rural residential land use classifications that exist outside of the TPAs, and he stated he feels that these areas need to be covered to protect existing zoning.

Andy Hauge referred to the language in the residential land use designation that allows for the two and one-half acres, and that is to recognize that the rural residential zoning that exists today can be carried forward based on the Board’s direction. He noted that the EIR did count the number of acres and parcels that could be created if every one of those units were developed, so that has been incorporated into the findings. Sarah Williams provided input on the areas where there is rural residential zoning today. Following further discussion, the Board concurred with Andy Hauge working with County Counsel to add section M in the previous section, relative to existing state law and agreements to clarify determination for any single parcel. Andy Hauge suggested that it may also be good to add language relative to the Board’s decision to acknowledge existing zoning for purposes of subdivision and acknowledge that the policies have been adjusted to allow for these things to occur in the future to clarify what the Board’s direction is for zoning as of December 2006; and the Board concurred.

Frank Berloger referred to Goals 5-9 and 5-10 and he asked for clarification of when a division is a subdivision and when it is not. Andy Hauge provided clarification of the number of parcels that are considered a subdivision and a minor subdivision. Anything beyond a parcel map is a subdivision. Sarah Williams stated her understanding is that these goals would apply to both major and minor

subdivisions, and the difference is the type of map that is submitted. Andy Hauge suggested that this be clarified to reflect that it pertains to both major and minor subdivisions, and the Board concurred. Frank Berloger referred to Goal 5-10 that requires new subdivisions to be “ready to build.”

Don Starchman clarified that the Board agreed to add new sections – “M” and “N.”

Supervisor Turpin asked for clarification of the difference between major and minor subdivisions, and Sarah Williams responded.

Andy Hauge referred to page 6 of 46 of alternative 5 relative to rural character, Implementation Measure 5-4c(2), that the standards shall be included that protect visual character. Supervisor Pickard clarified that there will be further discussion of setting the standard for viewsheds. The Board concurred with the Implementation Measure. Supervisor Pickard referred to Implementation Measure 5-8a(1) and suggested changing “should” to “shall” for initiating discussions with representatives from public agencies to establish a formal collaborative cooperation and planning process.

Andy Hauge referred to Implementation Measure 5-11a(1) and modification under the rural character protection to clarify that there is an exception for major transient rental activities in the rural portions of Yosemite West. Kris Schenk advised that the draft Yosemite West Special Plan, which will be coming to the Board after the adoption of the General Plan, does have a special way of dealing with different sizes of transient rental occupancy, so there is flexibility in the General Plan to have the latitude to deal with the Special Plan as necessary. Supervisor Stetson noted that the Special Plan can be more restrictive.

Supervisor Pickard referred to page 7 of 46, Goal 5-12 and Policy 5-12a and Implementation Measure 5-12a(1), and he asked if these are in response to comment. Andy Hauge advised that this is the mitigation recommended in the land use section of the EIR with the intent to prevent the conversion of private timber lands into non-timber growing uses. Discussion was held. The Board concurred with changing “development” to “management and harvesting.”

Section 5.4 Land Use Classification –

Supervisor Pickard referred to the last bullet relative to parcels of 40 acres or larger in size, and asked if the characteristics of the land use designation will be used that covers the greater percentage of the property; and he was advised that is the case, also for those parcels of 40 acres or less in size. Kris Schenk also noted a typographical error with the word “follow.”

John Gamper referred to development on page 8 of the EIR, page 8 of 46/Implementation Measure 5-12a(1), and asked for clarification to Supervisor Turpin’s suggestion to change “development” to “management and harvesting” with the timber preserves. Supervisor Turpin advised that he was referring to page 7 of 46. John Gamper stated he feels that “development” on page 8 of 46 has a different meaning from the use of “development” on the previous page. Andy Hauge advised that the policy that is being referred to is the Timber Preserve zoning district within the Ag/Working Landscape and Natural Resource Land Use classifications to limit development in areas of identified potential timber resources; and in that case, “management” is not appropriate and “development” is the appropriate term.

Andy Hauge asked for clarification relative to Supervisor Pickard’s previous reference to the last bullet concerning parcels of 40 acres or larger in size and language that he wanted to add. Supervisor Pickard noted that the change in the land use diagram for parcels smaller than 40-acres was covered, but it is not covered here. The Board concurred with including language regarding policies for subdivision of parcels smaller than 40-acres which have multiple classifications.

Supervisor Turpin suggested that “organized recreation camps” be included with churches as conditional uses; and the Board concurred with this change.

Don Starchman referred to the Catheys Valley Community Planning Area and stated he does not feel it is appropriate to state that the residents prefer to preclude special districts and to rely on individual wells and onsite sewage disposal systems when you talking about two and one-half acre zoning – he feels that will actually necessitate having shared systems. Discussion was held and no change was made.

Ken Baker stated he represents property owners in the Catheys Valley area, and he stated that if there is going to be a study area for Catheys Valley, he feels that the language that the residents prefer to preclude special districts and individual wells and sewage disposal systems should not be included. He feels that there should be a study to decide what the community really wants, and he questioned how the “community” would be defined at this time since it will become a study area.

Bob Benson, Catheys Valley, asked for an explanation of the sentence that state that area plans should embody greenbelts and open space lands to preclude rural sprawl; and he stated he can’t abide by this. He referred to the next sentence that refers to protecting agricultural land; and he asked how the agricultural land will be protected. Supervisor Pickard referred to the Ag/Working Landscape classification and Land Conservation Contracts for protection of the agricultural land, and discussion was held relative to the language changes made during the March 2006, workshop.

Laurie Oberholtzer stated she agrees with Supervisor Pickard, and she noted that Alternative 5 includes a compromised land use map and that one of their concerns all along has been the size of the area plans. The additional wording that adds open space and greenbelt into the consideration for area plans is something that they are comfortable with and she urged the Board to keep the language in the Plan.

Cathie Pierce advised that the Farm Bureau does not have a problem with the language relative to area plans embodying greenbelts, and they agree with it. When it comes to the Catheys Valley Community Planning Area, it has been about ten years and she was in on the very beginning when they sent out over 600 questionnaires to try and do what the people want, and she agrees with Supervisor Bibby that this is the language that the people want. Supervisor Turpin stated he feels that we want to make sure that the greenbelt and open space lands stay in agricultural production; and discussion was held. Andy Hauge noted that throughout the document there is discussion that agriculture is the open space for Mariposa County.

5:03 p.m. DINNER

6:10 p.m. Chairman Stetson advised of a request received from a member of the audience who traveled a long distance to address the Board on agricultural issues; and he advised that the Board would return to Chapter 5 after the following input.

Chapter 10 – Agriculture:

John Gamper commented on the consistency of the following three implementation measures of the Chapter: Implementation Measure 10-2a(3) concerning substandard parcels; and he stated he feels that this is different text than Implementation Measure 10-6a(1); and he asked what the difference is between “common ownership” and “held” and he referred to the next Implementation Measure 10-6a(2). He asked whether “held” should be used or just common ownership for Williamson Act contracts. And just because they are historic parcels, he feels they should be under common ownership.

County Counsel advised that the language was added during the last review of the Plan either after or contemporaneously with another matter that the Board resolved with respect to historic parcels. It is his recommendation that with respect Implementation Measure 10-6a(1) that the Board consider

prohibiting the construction of residences on parcels that are subject to Williamson Act contract; and not limit it to simply historic parcels. Current Williamson Act contracts do prohibit the construction of residences under certain circumstances based on the language of the contract. Since the Board has two separate contracts that are out there, it would not be his recommendation to focus on that particular aspect. He advised that “owned” and “held” have separate legal meaning, and he feels it is ambiguous and recommended that one of the terms be used. Although it is permitted currently for multiple owners to be under a single Williamson Act contract, the Board could provide direction for new contracts. Andy Hauge provided input relative to the language change and suggested that he work with County Counsel and determine the appropriate language. Supervisor Turpin questioned if this is the correct place to try and address this as the Williamson Act contract concerns will be coming to the Board as a separate matter.

John Gamper stated he believes this is the right place to address the policy of having residences on historic parcels on land that is under Williamson Act contract. However, he respectfully disagrees with County Counsel, he feels that the Board of Supervisors cannot contract away their police power. If you want to sign it off in a contract and say that you can’t ever change anything in the policies because you signed a contract, he does not feel that is how the Courts would look at it. He referred to the case of DeLucchi v. the City of Santa Cruz where it was determined that you cannot contract away your police power or the police power of future Boards to change policy or to deal with changing situations.

County Counsel stated he agrees with Supervisor Turpin that these three items do attempt to fine tune focusing on the Williamson Act alone. It is the Board’s prerogative to put into this General Plan a recognition of limitations imposed on parcels by the existence of Williamson Act contracts; however, he disagrees and it is not his recommendation that the Board is contracting away its police power by doing this. He noted that this issue is one that the Board was presented with in a recent appeal along with other matters, and the urgings of the Farm Bureau in this matter have not been fully litigated in the Courts and he believes the litigation is still pending with respect to the police power issue and the Williamson Act contracts.

John Gamper stated the DeLucchi case in Santa Cruz was of the Third District Court of Appeals in the 1980’s, so he believes it is settled. He noted that there is a Superior Court decision that is problematic. He feels that it is important to have consistent language in these sections and that historic parcels should be dealt with in this Plan.

County Counsel clarified that it was not his recommendation that the Board not deal with historic parcels. It was his recommendation that the Board not feel constrained to limit itself to historic parcels only because there are many parcels in the County under Williamson Act contract. In order to have the full recognition of the contract, limiting it to historic parcels denies the breath of the statement that could be made by not doing so.

Don Starchman referred to the DeLucchi case and its discussion in terms of police power, but he feels that you can’t single out Williamson Act contracts; and advised that there are other court cases. He doesn’t feel that there was direction by the Board for this matter as they were still under appeal with their case. He noted that all of the lands under Williamson Act contract or Timber Preserve contract are subject to the terms and conditions of the contract; and he feels that those are the implementation measures. He does not feel that there is any provision under the law for placing additional burdens.

Supervisor Pickard suggested simply addressing the issue of parcels, which would include historic parcels, as County Counsel suggested – i.e., remove the words “historic patent” and the last portion of the sentence from Implementation Measure 10-6a(1). Discussion was held.

John Gamper provided additional input relative to the historic parcel and substandard parcel issues. He noted that we are talking about a policy that will protect the viability of agriculture when

historic parcels are found, especially on contracted land and he feels that this will resolve the problem and that there will be a further discussion on the DeLucchi case in the future.

The Board concurred with the changes suggested by County Counsel and Supervisor Pickard to delete “historic patent” from Implementation 10-6a(1).

Supervisor Pickard initiated further discussion relative to Implementation Measure 10-2a(3) and the language that is proposed. County Counsel stated he feels that this is aimed at historic parcels in part because that is when you have most of your substandard-sized parcels that are created when they are broken up with the patents after the Williamson Act contract has been issued. Another concern is when it talks about “enforceably managed with other (standard) contiguous contracted parcels under common ownership” – this is really a specific statement that is being added to what is being done with Williamson Act at this time; and he deferred to the Planning Department on what the past practice has been. If it is going to be changed, the Board may want to consider that it be something, in part, that is applied to substandard-sized parcels and they should be treated the same. Discussion was held, and Supervisor Pickard suggested that this issue be further discussed later in the process. Andy Hauge suggested that they come back at the workshop scheduled for the next week with information on this; and the Board concurred. Supervisor Bibby requested that the terms “owned” and “held” also be reviewed and “compliance with state law” issues. County Counsel advised that if the Board adopts these terms, we would be required to include them in any new contracts that are issued. His concern is that he does not know how this would impair existing contract rights – that is the police power authority issue. He is not saying that the Board should contract that away or does contract that away; but the legal issue is after you enter into a contract, do you still have the authority under the police power to change that existing contract and that is still in dispute.

Sharon Dickinson stated she does not want to see Mariposa change. She commented on the air quality implications of the proposed Plan and alternatives. She referred to a book written by John Muir, entitled “My First Summer in the Sierra” that recalls his earliest days in Mariposa County and the good air quality. She wants the air quality to be good well into the future; and commented on the changes in air quality and the health consequences of smog and particulates. She encouraged the Board to adopt the Rural Character Alternative and the air pollution mitigation measures.

Cathie Pierce referred to Section D. Maintaining the Rural Character of the County, and expressed concern with the last paragraph. She feels that this statement, along with the size of the community plan area for Catheys Valley, is of concern. They have a lot of Ag Exclusive ground in the area and Williamson Act contracts ground and a very open-ended statement that could set this up to be a lot of residential ground in the future. Supervisor Bibby asked for clarification of this section relative to town plans versus community plans. Cathie Pierce advised that they are looking for language that would not allow for a misinterpretation of the intent to keep the land protected. Discussion was held.

Chairman Stetson advised that he would like to finish Chapter 5, and then come back to this Chapter, and the Board concurred.

The review of Chapter 5 continued with Section 5.4 Land Use Classification.

Supervisor Pickard referred to the paragraph that states that “Area plans are not mandated to provide lands for uses inconsistent with the principles of the planning area...” and he asked whether those adopted planning areas such as Wawona and Fish Camp would be required to revisit the greenbelts and open space issues. Andy Hauge noted that at the time that those plans are updated, this could be looked at. Supervisor Pickard noted that those two areas could not sprawl due to being surrounded by U. S. Forest and National Park Service, so this is not a concern.

Don Starchman stated he feels that some form of clustering needs to be looked at; and hopefully, with bonus density. He noted that there has been input from others on this issue; that is

something that is contained in Title 17; and that there are people who do not want to maintain two and one-half acres or five-acres, but want open space. He referred to Section D. Population Density and Building Intensity and reference to one dwelling unit per existing parcel; and he stated he would like to see a provision that if the parcel is twice the size of the minimum density for its existing zoning, that you would be allowed to have that one additional residence. This would still be far more restrictive than what is allowed today, but would give flexibility for the property owner. He also stated he feels that the language needs to be clearer relative to what is allowed on a parcel versus a subdivided parcel. He referred to the "rural residential" issue and Andy Hauge's earlier comments that when Title 17 is reviewed that something will need to be done with those existing zoned parcels that are inconsistent with the zoning land use classification. He questioned whether we are protecting the two and one-half acre parcels that exist. Andy Hauge advised that those existing "rural residentials" are under the language about December 1, 2006 date that those parcels are there. Discussion was held. Andy Hauge advised that the language allows, even if the parcel is not zoned rural residential in 2007, the land owner to subdivide the land to a rural residential density at some point in the future. But they do not have the rural residential land use characteristics as far as the uses, they have to comply with the new zoning that will be applied to the property. We are only guaranteeing that the person who has the right to divide that down to five-acre parcels continues to have that right to divide those into five-acre parcels into the future, but there is no guarantee that the rural residential zone will continue to exist as a term or as a zone. Further discussion was held relative to the dwelling density issue. Kris Schenk provided input on the problems they have encountered when people try to divide their land to sell a dwelling and there is no way to legally create a separate parcel. Supervisor Pickard stated he would like more discussion on this issue and asked staff to bring back more information for allowing one additional dwelling unit, in addition to the secondary residence allowed by the State, when a parcel is at least twice the minimum parcel size for its existing zoning; and the Board concurred with this. Don Starchman noted that there is already some language for this in the Ag/Working Landscape land use classification. Further discussion was held relative to this issue. County Counsel noted that he has been approached by one developer that discussed doing this kind of development and leasing the underlying land on a long-term lease and allowing someone to build a structure on the land and the banks were looking at whether the long-term lease was sufficient security; so there are some creative minds that are looking at this.

6:58 p.m. Recess

7:07 p.m. Don Starchman continued with expressing concern with the issue of newly created subdivisions and appropriate easements for future through road connections to adjacent developable parcels. He stated he feels that this is a taking of a private property for the neighbors' use; and he stated that unless it can be shown that protection by looping the road is for the benefit of the developing parcel, he does not feel that a nexus can be found and so this could not be legally enforced. He noted that there is a Proposition on the ballot that could make it a requirement for the County to pay for those. County Counsel referred to a previous discussion on this issue and the problems with dead-end roads, and concerns where the easement didn't go from property line to property line. Kris Schenk provided input on the dead-end road issues that they are dealing with. He does not feel that this is a "taking" issue as easements are placed on parcels all of the time to get proper access to adjoining parcels. He feels that this provides for a reasonable ability for someone to have access to their property and to be able to meet fire safe standards. If there is better language to get to this goal, he is willing to look at that. Don Starchman stated he does not have any problem with the concept; however it is fire safe standards for the property and not fire safe standards for the neighbor. He commented on two land divisions where the families wanted to subdivide and met all of the requirements on site and didn't want extra easements; and in these cases he does not feel that the nexus requirement can be met. He expressed concern with the current wording and who will say where the road goes and whether it will affect building sites; and he feels it is too-open ended. County Counsel stated the language in the Plan "as appropriate" would include the nexus requirement.

Don Starchman referred to section F(2) Traffic Generation, and he stated he feels that there needs to be a higher threshold for home-based business. Home enterprise and rural home industry are the backbone of the economy of the County; and he does not feel conditional use permits should be required to create a job. Supervisor Bibby commented on the need to address concerns she receives with increased traffic for home-based business where there is a road association and the home-based business increases the maintenance impact on the road. Don Starchman suggested tripling the threshold; he feels that doubling it is way too low. He noted that we still do not have any reasonable expectations to be able to create a job in any kind of an industrial park or area; and he feels that this is something that we still need to come back to. Discussion was held relative to the threshold. Supervisor Stetson noted that doubling the traffic could create serious problems for some roads, and he suggested that perhaps percentage numbers should be considered. Andy Hauge suggested that they come back with information on the average numbers used for a house for further discussion of this issue.

Supervisor Turpin asked Don Starchman to provide input on the concern he had with the ridge top design requirements. Don Starchman stated he feels the Board addressed this at the last workshop and that the Board provided direction concerning the language; however, the wording in this document is still the same. As a practical and environmental matter, he feels that building on the ridge tops cuts down on the amount of cut and fill and is a more suitable location for the septic system. He also noted that for the most part, we only have hillsides and ridge tops in the County. He does not feel someone should make a decision of where he can build and he has a concern of who will make that decision and the impact that will have in terms of processing a permit, including grading permits. Supervisor Bibby asked if there is a mitigation measure for this. Andy Hauge noted that these regulations deal with “new” subdivisions and it doesn’t say that you are prohibited from building on the hilltop, but it goes through a series of criteria. The criteria are to encourage development to be done in a safe and environmentally sound manner and one that also might protect the views. This does not affect existing parcels.

Rita Kidd asked for clarification about the process for providing input on this Chapter. Chairman Stetson advised that he would like that anyone wishing to speak to the topic that is being discussed to provide input during the discussion of that topic as each chapter is being reviewed. Rita Kidd asked for clarification on the decision making process during this workshop. Chairman Stetson advised that during this workshop, the sense of the Board is being obtained on items that are discussed; and if the items need to be revisited, they will be; or if there is additional input, that can be provided during the process.

The Board continued with taking input on the hilltop design issue.

Ken Gosting, speaking as an individual, cautioned the Board to carefully review this issue. He stated that many communities with similar circumstances as Mariposa have found it to be an economic detriment once there was development on the hillsides. He noted that in Boulder, Colorado, the City of Boulder purchased the ridge tops so that there would not be a taking, but at the same provide for protection of the property values of the people in the low lands.

Supervisor Turpin asked how guidelines would be developed to give staff good direction on the ridge top design. Further discussion was held with Andy Hauge on this issue. Don Starchman referred to bullet number 4 relative to visual impact of the subdivision and its building sites. Supervisor Fritz provided input on this bullet, and advised that she does not feel that a neighbor should be able to object to a neighboring building site. Kris Schenk suggested deleting the last portion of the bullet; and the Board concurred with this change. Supervisor Turpin asked that the fifth bullet relative to the design of subdivision roads and building sites be made the first bullet because it is a high priority; and the Board concurred with this change.

Rita Kidd initiated discussion relative to the issue of “carrying capacity” of the land, and she stated she feels that this could be included in Section E. New Subdivisions. She noted that if there are a

large number of two and one-half acre parcels on the only buildable land, the unbuildable land is still used for the calculation as though it is fully buildable. She is suggesting that if the land didn't have any carrying capacity, the calculation needs to be on the basis of the smaller, more buildable property. She feels we have a recipe here for real congestion in the way this policy is stated in the Plan at this point. Discussion was held relative to the issue and potential examples. Andy Hauge provided input on the issue, and stated he feels the issue for the Board is how to define what "carrying capacity" is. He feels that what Rita Kidd is suggesting is that the density be reduced allowed on that parcel based on the fact that if the parcel could not handle those units in the beginning, they should not get them in the future. The clustering policy takes the other approach, which is saying if the land can't handle it, we are going to try and work with the owner to allow for those units. So this is a policy choice for the Board; and with enough money any parcel could be built on. Further discussion was held. Rita Kidd stated she feels that we need to set some standards for this; and perhaps include an implementation measure that says that we will establish those standards. She also noted that she feels that there are some really good reasons for clustering and for the smaller parcel size; but at the same time the land can't always have the capacity. Supervisor Bibby asked how she would arrive at and define "carrying capacity." Rita Kidd responded and stated she would be happy to provide information on wording for a definition. Further discussion was held. Andy Hauge noted that the General Plan sets up a number of policies that are in fact defining what the "carrying capacity" of the County is, part of those are the land use designations and you have the 40 and 160-acre parcels because there is recognition that those lands need those kinds of designations. And then there are the policies dealing with the ridge tops, sewer, water, the road systems, and soil conditions that do in fact define the "carrying capacity" of the County. So he feels that the General Plan builds this in and as a total is defining what the "carrying capacity" is. So each parcel is looked at and each parcel, the way this is written, has the opportunity to build every single lot that is defined by that land use designation. But then, it has to be proven up that the land capacity can meet build-out based on all of the other goals and policies and implementation measures of the General Plan. He feels that what Supervisor Pickard suggested is that the policies and goals be reviewed to make sure that they in fact define the "carrying capacity" the way Rita Kidd would like it defined in Mariposa County. Supervisor Bibby asked if Andy Hauge has ever seen a "carrying capacity" based on services that can be provided; and he responded in the affirmative and advised that he wrote a plan that was totally performance based.

Rita Kidd referred to Section E(4) Potable Water Supply and comments in the letter that she presented this morning that she feels that we need to differentiate the "buyer-beware" disclosure. She feels the requirement to record a disclosure statement is an "out" for a developer where water is not proven prior to sale. She feels that this is a "buyer-beware" statement essentially; and if you are building residential properties, that this statement may be out of line. She suggested that this be limited to non-residential properties. Supervisor Pickard noted that this is in addition to what is otherwise required in the five earlier steps to prove water. Rita Kidd stated she is okay with the language with this explanation.

Rita Kidd referred to Section E(5) Wildland Fire Hazard and Emergency Services and stated they would like to have a statement added that by law the County can have more stringent requirements than California Department of Forestry and Fire Protection (CDF), but not less. She referred to a statement made earlier today that this Board that sits here today isn't going to be the only Board that ever sits here, and that this Board is setting in motion a plan that future Boards can use and that we and the community can be sure that the words are there that help guide them. Over the last ten years, we have had differences of opinion between the County and CDF over what the State's regulations are. She cited a recent example where there are no water tanks required for part of the subdivisions in an area, but are required for others; and that is because those approvals got caught in that gap between differences of opinion over what was required. She feels it is critical that everyone who implements this General Plan knows that CDF's fire regulations prevail and that in the wildlands fire areas, that they have to be served according to those regulations and that the County doesn't have the prerogative of having somebody suddenly giving someone instruction to follow a different path. Supervisor Pickard provided input on his interpretation of this section that building will comply with State

standards of CDF and will also comply with Uniform Building Code that is enforced by our Building Department; and CDF has been charged by the State legislature to enforce the fire safe standard codes and that is their responsibility. Supervisor Bibby suggested adding "County" before Fire Department. Andy Hauge suggested also adding "County" before Building Department. The Board concurred with these changes.

Don Starchman initiated further discussion on the issue of clustering and direction to staff relative to the density bonus issue. He urged staff to look at Title 17 and he noted that there are three pages of requirements; and he stated he feels there are areas next to TPAs where these requirements could be met, but perhaps the services are not ready to be extended to them and yet packaged plants can be put in and water systems can be put in. He feels that this also creates a bit of a safety valve for the County for some of the development pressures. He agrees that this doesn't solve all of the problems, but it is another tool. Supervisor Pickard referred to his support for this, and he stated he believes that subdivisions like Lushmeadows, Ponderosa Basin and Mariposa Pines are examples of good subdivisions that he feels there is a demand for and they should be able to be considered in the future. He noted that changes in state law for septic system requirements may make smaller parcel size and clustering with higher density necessary in order to make some of the subdivisions viable and affordable. He feels that this may be an issue for future consideration in the General Plan. Don Starchman asked that there be some reference to this in the General Plan. He referred to the supplemental standards in Title 17 Section 17.108.100 and the language that is used and he feels it is well thought out. He feels that we could create even better subdivisions now with the requirements for the greenbelts and the common water and sewer systems. The small lot subdivisions in the past have created some problems and those concerns have been addressed with the changes. Supervisor Pickard noted that two and one-half acres is the smallest lot size that is allowed for clustering in this Plan. He noted that affordable housing is another issue, and with some incentives, perhaps smaller parcels sizes could be considered in the future; however, at this point he feels that we need to move forward with the adoption of this General Plan Update.

Don Starchman provided input on the concern he has with the Ag/Working Landscape as opposed to Natural Resources. He referred to Section A. Purpose for Ag/Working Landscape Land Use Classification and the definition; and to Section A. Purpose for Natural Resource Land Use Classification and the definition. He also referred to the differences in Section B. Extent of Uses for the two land use classifications. He questioned whether everything is turned around in the easterly and northerly part of the County on the map versus the actual land uses. He suggested that Supervisors Stetson and Turpin work with staff and look at the map to review these two land use classifications to determine whether the appropriate zoning is applied. He stated he doesn't want to take anything away from the Ag Exclusive (AE) zoning, but he feels that this needs to be reviewed. Supervisor Pickard agreed with looking at those areas further to see if anything was missed. Supervisor Turpin advised of his discussion with Andy Hauge on the concern over the potential loss of ag lands; and he noted that by looking at the new diagram, there may be a few pieces of AE or Mountain Preserve land. He asked if there is a way of adding language that would allow for those pieces of land, even if they are overlaid with Natural Resources which is a 40-acre minimum that they would not be able to downsize. Don Starchman noted that if there are contracts on the land, the contracts prevail. Discussion was held.

Supervisor Bibby referred to Section F(1) Separation between the Location of the Rural Economic Land Use Classification and the requirement for a minimum separation of three miles and a service population of 1,000; and she asked whether all of the uses that are designated as Rural Economic/Commercial meet this criteria. Sarah Williams commented that the examples the Planning Commission used when they established that criteria were Lushmeadows store and Woodland store and Triangle Market. Supervisor Bibby clarified that the developed area is not to exceed 35 percent of the total gross land area for the Rural Economic land use, including commercial, recreation and resort land uses. Supervisor Bibby asked how the one mile separation was reached for a minimum separation between a planning area or another Rural Economic land use classification if the site is located adjoining a recreation facility and separated by a topographic change. Supervisor Turpin commented

that he felt that consideration was given to the future potential of development around Lake McClure. Supervisor Bibby clarified that this refers to any and all recreational facilities.

Don Starchman stated he has no problem with protecting AE land, but he is concerned with the five criteria in Section G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification. He feels that the Board gave direction that this be simplified and that has not occurred; he feels it has been tightened even more. He expressed concern that we have such a large area included in this land use classification and that the criteria could not be met if someone wanted to reclassify a parcel; and with the requirement that the land can't be used for open space. He noted that there are no other lands within the proposed land use classification available for a destination resort proposal or a similar project. Yet, within the Plan we are encouraging destination hotels and tourism; and he feels that destination hotels are a big part of the future of tourism. He feels that we need to make it possible for these types of developments to be considered for approval. Andy Hauge noted that the intent is to preserve the Ag/Working Landscape; and the purpose of this General Plan also is to have the land that new uses radiate out from the TPAs and extra areas. Discussion was held. Don Starchman asked if the distinction could be made that there are exceptions for parcels outside of AE. Further discussion was held. Andy Hauge advised that if the Ag/Working Landscape in some of the areas was turned into Natural Resources, the implications would be additional development, traffic impacts and other things that would need to be reviewed to see what that really means. Anita Starchman Bryant provided input and noted that the majority of the dark blue area on the map is Forest Service land; and she advised that they are concerned with the parcels that are in the small green areas within the blue and are now caught up in this Ag/Working Landscape land use classification that is currently zoned 40-acre minimum. She does not feel that they would be able to meet the five criteria that have been discussed to be removed from this land use classification to develop a resort. Supervisor Bibby asked if there is a specific parcel that they are addressing. Anita Starchman Bryant responded that there are homes on some of the parcels that already have roads; and she provided additional input and stated she does not feel there is consistency. Supervisor Pickard noted that there is very little likelihood that a resort commercial development could occur on those parcels based on the criteria of the General Plan without being off of a State highway or a major County road. Don Starchman stated he feels that there should be set criteria for this as there are for the others. Supervisor Turpin referred to an example of land in Anderson Valley with good access and 40-acre minimum; however, they could not meet the five criteria to be able to develop. Kris Schenk noted that it is true that it would be very difficult to remove land from Ag/Working Landscape and a lot of parcels will not be able to get out because of physical characteristics of the property. However, they do want to encourage destination resorts at appropriate locations. So he suggested including an exception of some language that could be brought back for the Board to review to say that if you bring in a project for a destination resort and findings could be made as an exception, that as long as the land is not AEZ or TPZ land, then the Ag/Working Landscape would not prevent the Board from making findings that it should become a destination resort. Chairman Stetson asked staff to bring the proposed language back for the continued workshop, and he stated he would be willing to meet with Don Starchman on this matter. Kris Schenk emphasized that a project would need to be submitted for this to be considered. Further discussion was held relative to the issue and the land use maps.

Chairman Stetson thanked everyone for their participation in this workshop.

Supervisor Turpin referred to the land use maps displayed on the wall and asked what the dark red areas would be called – existing TPAs or study areas? Sarah Williams noted that some of the areas have adopted plans like Wawona, Fish Camp, Mariposa, and Coulterville. On the other maps the existing TPA land use designations are shown in red, with an exception of a small portion of Princeton Ranch that is proposed to be entirely with the expanded Mariposa TPA that is not shown in red; and the outer boundary of these are called planning study areas. Supervisor Turpin asked for clarification on whether the solid red color areas are being adopted now or the expanded study areas; and that they are two and one-half acre parcels. Andy Hauge advised that the adopted plan areas are already adopted, so they are just being carried forward. The areas outside of the adopted plan areas are being incorporated as

planned study areas. He also reaffirmed that they are two and one-half acres. Kris Schenk noted that the interior red areas reflect the existing Town Planning zoning.

Chairman Stetson stated he would like to start the continued workshop next week with reviewing issues from this workshop that remain; and then proceed with review of Chapter 10, followed by the rest of the Plan. Supervisor Pickard referred to the notice of the workshop on October 17th as being a continuation of this workshop and he noted that more input could be provided on Chapter 5.

Supervisor Bibby thanked everybody for their participation in this process.

9:00 p.m. The workshop to consider the revisions contained in the October 2006 Draft General Plan and Environmental Impact Report (EIR) was continued to October 17, 2007, 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 October 17, 2006



Time Description

9:15 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Chair;

Congressman George Radanovich and USDA Rural Development State Director Ben Higgins will present a Ceremonial Check to the Mariposa County Board of Supervisors for a Combined Total of \$5,761,000 in Loans for the Don Pedro Wastewater Facility Project

BOARD ACTION: Ben Higgins gave background information on the USDA Rural Development and loans for this project. He thanked the following members of his staff who were present for their work on this project: Jose Guardado and Rich Brassfield. Supervisor Turpin advised that staff and everyone's efforts with this project is appreciated. Supervisor Bibby expressed appreciation for the efforts that are put into rural communities. Congressman George Radanovich and Ben Higgins presented a ceremonial check to the Board, and thanked the Board for its diligent work on this project.

Bob Pickard, Supervisor District V;

Presentation of a Certificate of Recognition to Congressman George Radanovich in Recognition of Securing \$2.8 Million Dollars for Transportation Projects

BOARD ACTION: (M)Pickard, (S)Bibby, the Certificate of Recognition was approved and presented to Congressman Radanovich/Ayes: Unanimous. Supervisor Pickard acknowledged Dana Hertfelder/Public Works Director's efforts in this matter.

Input from the public was provided by the following:

Ruth Sellers thanked Congressman Radanovich for his success in securing the funding for transportation projects, and she advised that she continues to be an advocate for the roads in Mykleoaks Subdivision, and she referred to a petition that was submitted requesting work on these roads. She commented that federal funds are used in the YARTS program and she does not feel that everything is fine with this program and that the Board should look into this.

Eleanor Keuning stated she feels that Ben Hur and Old Highway need to be improved to provide for alternative ingress and egress to the County.

9:32 a.m. Recess

9:50 a.m. Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Paul Chapman referred to the closed session for the Fire Chief interviews and he advised that qualified people have asked to review the applicants. He feels that the Board needs to get someone qualified for this position.

Dick Hutchinson referred to the closed session for the Fire Chief interviews and he stated he feels that we need to fill the position with the best person that we can get that will work with the volunteers, the government and the public and know how to protect this community. He stated he feels the applicants should be reviewed by equal ranking; i.e., use chiefs from other departments that know the job. He stated he does not feel that it is the Board's job to pick this person.

Eleanor Keuning advised that the Mariposa Symphony Orchestra has a performance on Sunday and she encouraged everyone to attend.

Board Information

Supervisor Bibby advised that the Sheriff's Department utilized new fingerprinting equipment at the Contractors Fair last weekend.

Supervisor Fritz advised that she plans to attend the Gateway meeting in Yosemite on Thursday. She noted that the Harvest Festival is this weekend; next Tuesday the Chamber of Commerce will host its business after hours event at Alpine Builders for the dedication of the new shelter/safe house for Mtn. Crisis Services; and the 4-H dinner/awards banquet is scheduled at the Best Western on October 28th.

Supervisor Turpin advised that the Fly-in at the Airport the previous week was a tremendous success; and he advised that he attended the Contractors Fair and the Farm Bureau dinner/auction; and he met with the Groveland Ranger District relative the OHV routing.

Supervisor Stetson advised that he plans to attend the meeting of the Resource Advisory Council for BLM on Wednesday at 6:30 p.m. at the Government Center and it is open to the public. The issues to be discussed include the Sierra Resource Management Plan and EIR. He advised that the Midpines Community Advisory Committee is scheduled to meet on Thursday at 7:00 p.m.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 11. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 11 – lease agreement with Secure Alert for the use of TrackerPal equipment. Supervisor Bibby initiated discussion relative to equipment and costs and reimbursement. Gail Neal, Chief Probation Officer, responded to the questions. (M)Bibby, (S)Pickard, item 11 was approved/Ayes: Unanimous.

Gail Neal, Chief Probation Officer;

Presentation by Secure Alert in Response to the Adam Walsh Child Protection and Safety Act of 2006

BOARD ACTION: Gail Neal provided information on the Adam Walsh Child Protection and Safety Act of 2006; and she introduced Richard Nelson with Secure Alert. Mr. Nelson gave an overview of their ankle bracelet monitor and their software. He advised that they are the only company offering a combined cell and GPS technology. Discussion was held relative to the system and its operation.

Input from the public was provided by the following:

Ruth Catalan asked about the upfront costs for the equipment and the program. Mr. Nelson advised that there is no charge unless a system is activated for an offender.

David Butler asked about using different carriers for cellular service in different areas of the County. Mr. Nelson advised that they will review that option if obtaining cellular service is a problem.

Supervisor Bibby asked that a report be provided to the Board on how the system is working.

Lee Stetson, Chair;

Proclaim the Week of October 23 through 31, 2006 as "Red Ribbon Week"

BOARD ACTION: (M)Bibby, (S)Fritz, the Proclamation was approved and presented to Brian Muller, Undersheriff/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: (M)Turpin, (S)Bibby, Res. 06-488 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Chairman Stetson advised that CalTrans is looking at a mechanism with a field trial to allow specific vehicles, i.e., garbage trucks and buses that exceed the 28-foot limit over the bridges. He also advised that a team manager has been identified for the long-term fix committee, and he has asked for information on the first meeting. Ayes: Unanimous.

Approval of Minutes of September 18, 2006, Regular Meeting, Continued from September 12, 2006 (Board Clerk);

Approval of Minutes of September 19, 2006, Regular Meeting, (Board Clerk);

Approval of Minutes of September 21, 2006, Regular Meeting, Continued from September 19, 2006 (Board Clerk); and

Approval of Minutes of September 22, 2006, Regular Meeting, Continued from September 21, 2006 (Board Clerk)

BOARD ACTION: (M)Bibby, (S)Fritz, all of the minutes were approved/Ayes: Unanimous.

10:56 a.m. CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU (Services Employees International Union); Name of County Designated Representative: Rick Bolanos (Interim Budget/Personnel Manager)

BOARD ACTION: (M)Fritz, (S)Bibby, the closed session was held with Sandi Laird/Administration-Administrative Analyst, and Mike Coffield/Interim Budget-Personnel Manager present/Ayes: Unanimous.

11:34 a.m. - LUNCH

2:11 p.m. The Board reconvened in open session and Chairman Stetson announced that direction was given to staff as a result of the closed session.

Kris Schenk, Planning Director;

Continuation of Public Workshop to Consider the Revisions Contained in the October 2006 Draft General Plan and EIR, Accept and Evaluate Written Comments and Oral Testimony from the Public and Provide Direction for the Final Versions of the General Plan and EIR Volumes (Workshop Continued from October 11, 2006)

BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, and Andy Hauge/Hauge Brueck Associates, were present.

Kris Schenk advised of the distribution of revisions to Chapters 5/Land Use and 10/Agriculture and to the Glossary of the 2006 Draft General Plan Update with language changes as directed by the Board at the General Plan workshop held on October 11, 2006. He advised that these revisions were also posted to the website for Planning, and they are available for the public. He suggested that the Board begin with a review of Chapter 5, as revised, then go to Chapter 10, as revised, then go to Chapter 9/Circulation, Infrastructure, and Services; and then go to Chapter 11/Conservation and Open Space before going through the rest of the document. He noted that this will allow review of the chapters that contain most of the changes from the March 11, 2006 meeting and from the last workshop. Chairman Stetson asked that staff note the areas where there have been significant changes or issues that the Board wants to discuss as the document is reviewed.

Kris Schenk initiated discussion relative to the policy of land development regulations defining thresholds within which uses are complimentary to the concept of rural character and he asked for clarification of whether the Board wants "should" or "shall" to be used in Implementation Measure 5-1a(3). He advised that his recommendation is to use "shall" because the thresholds and CEQA (California Environmental Quality Act) determinations do not now have defined thresholds in them, and that causes a lack of certainty for people who want to know whether they will have to do an EIR (Environmental Review Report) or what kind of an initial study will need to be prepared for developing a project. Without a threshold, it is handled on a case-by-case basis. A threshold will provide consistency in the decision making, and the decisions on a project will be more defensible; and it helps people to design projects that are self-implementing. He advised that the thresholds would say what the standards are for things like water and roads; and roads is a very big issue, especially as we are going through the process of the development fees with the capital improvement program. The process to establish the thresholds would require the public hearing process and an ordinance for adoption.

A review of **Chapter 5 – Land Use** was held.

Chairman Stetson called for input from the public, and the following was provided.

Attorney Gregory Chappel stated he was representing John and Margaret Schroeder, and he presented a one-page handout concerning certain issues with the zoning of their property in the Natural Resource Land Use Classification. He advised that he spoke with Andy Hauge relative to his concerns; but today he is attempting to address the special language in Section 5.4.05 with the land use classifications, attempting to make those consistent with the current zoning. He referred to the information in his handout relative to the objective of the language to avoid down-zoning or other negative impacts on subdividing existing parcels assigned to this classification. He reviewed what he feels are internal inconsistencies with the minimum parcel sizes and potential impacts on future proposed projects. He recommended and encouraged the Board to continue to pursue the objective since many of the parcels assigned to this classification have a zoning that would be inconsistent with the rest of the parcels assigned to this same land use classification; and that there be further review on these and related issues; and to refer this matter back to County Counsel, the consultant, or independent counsel, to carefully review the matter and to attempt to come up with a definitive answer or as close as one can get to it regarding whether or not this effort is going to be successful. Andy Hauge advised of his review of these issues and he noted that they are continuing to evaluate this. Preliminarily, he feels that the language is consistent. But they want to make sure that there is not going to be a challenge in the future, and so they are adding the due diligence of examining the “what ifs” and making sure that the language is solid. Attorney Chappel asked if this matter is going to be further reviewed or if additional information is going to be provided to the Board on this. Andy Hauge advised that the next step, after the Board gives direction to prepare the General Plan for consideration of adoption toward early November, is that the Plan will be re-released and the final EIR will be released on the Plan. Attorney Chappel advised that he will communicate with Mr. Hauge further on this matter. Andy Hauge stated he would prefer that he communicate with County Counsel. Thomas P. Guarino, County Counsel, advised that many changes have been seen as the Plan has evolved through the workshop process, and there has been an ongoing process of reviewing each change. He noted that this is an issue that is being reviewed, and he will be working with staff and outside counsel to take another look at this issue. If further review raises any issues, that would be brought back to the Board’s attention.

Laurie Oberholtzer, representing MERG (Mariposans for the Environment and Responsible Government), advised that their big concern is that the Land Use Map not erode because they feel that a compromise has been reached on the Map. If any changes are made to the Map because of this wording issue, they would have concerns about that. Plus, she noted that we are supposed to be going from the general to the specific and not the other way around on the Land Use Maps.

Don Starchman, Starchman & Bryant Law Offices, referred to Section J. Ready to Build Land, and he expressed concern with the language for “individual onsite sewage disposal systems.” He also stated he feels that the title gives a false impression for this section. He noted that there has been discussion concerning the individual onsite sewage disposal systems, and he noted that another section calls for “approved areas for individual onsite sewage disposal systems.” He commented that we do not know what changes the State may make for sewage disposal systems. Instead of clarifying this, he feels that we are back to extending sewer lines to property lines; and he asked that the Board give some direction on this to reflect approved “areas.” Discussion was held. Supervisor Pickard stated he agrees with the suggested change, and he feels that the intent of this was to demonstrate that the property does have the carrying capacity to put a sewage disposal system in. Andy Hauge agreed and advised that they are just looking for verification that the applicant can demonstrate that they can provide sewage to the site and this Plan doesn’t define how that shall be done, and he advised that this section was added just to restate the headings. Supervisor Bibby suggested that the wording be changed to be consistent with Section E(3) and that both sections read as follows – “New parcels must have approved areas for sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.” and the Board concurred.

Supervisor Bibby referred to the last two sentences that were added to Section M. Existing Contracts and Agreements, and she asked how an exemption could be given to existing Williamson Act contracts. She suggested that the last two sentences be deleted, and the Board concurred.

Don Starchman referred to Section N. Existing Zoning Consistency and stated he feels that this is part of what Attorney Chappel was discussing relative to inconsistencies that still exist with the existing zoning consistency. He noted that there is reference to Agriculture/Working Landscape and Natural Resource land use, and he asked whether residential use should also be discussed so that everything is consistent. He feels that all underlying zones/diagrams should be consistent. He advised that he will come back to this when reviewing the individual breakdown on each one of those sections later in the document. Andy Hauge advised that residential was not included because the issue was of the five-acre lot size; and residential five-acre lot size in the residential land use designation is consistent and the density recommended. He clarified that the issue the Board was dealing with was for the Agriculture/Working Landscape and Natural Resource land use and trying to recognize those existing parcels with a land use designation that had lots under 160-acres or under 40-acres. Attorney Starchman asked what happened to Rural Residential and stated he still feels there are internal inconsistencies in the document and that this should be included. Andy Hauge advised that Rural Residential only allows 2 ½ acre lots if you are clustering if you have the appropriate engineered septic system and that is provided for in the General Plan, so that is an acceptable approach. Discussion was held. Attorney Anita Bryant, Starchman & Bryant Law Offices, stated she feels Rural Residential should be included in the list of land use classifications. Andy Hauge noted that the zoning name may change in the Plan; however, the Plan provides that the density can continue. He feels that Rural Residential and Mountain Home may be eliminated from Title 17 as zoning classifications unto themselves, and be modified in Title 17. Kris Schenk provided input on the make-up of the document, and he advised that if the Board sees something that is wrong and needs to be changed or if something isn't said somewhere appropriately, staff would support making those kinds of changes. But, we are trying to get to a document that will be indexed and readable and with references and not necessarily one that repeats itself in various places. Andy Hauge provided more background on why Rural Residential was not included in the Plan – from the earliest Planning Commission discussions, it was decided that they wanted development concentrated in our plan areas where the services are; and therefore, they did not want to see the expansion of Rural Residential in the County. If the County wants Rural Residential and that is considered a consistent use, the Board could consider that. Supervisor Turpin stated he wants to be sure that this Plan does not take anything away with the zoning changes.

Tolley Gorham stated he hopes that we are not going to try to get through this to save staff work or time and end up with a document that is not readable or clear. He referred to Section N. Existing Zoning Consistency, and he referred to the December 1, 2006 timeline that has been established. He stated that when he looks back to the EIR that says we have increased and decreased the various zones by significant acreage amounts, he is led to believe that those changes are absolutely in place as of December 1, 2006, which would mean that zoning has changed on those specific parcels where amounts of land use changes were made. If that is the case, he feels we have gotten ahead of ourselves. County Counsel responded that this is not what is happening. He feels that the changes referred to are different versions of the maps based on previous direction of the Board on the diagrams. The diagrams were reset to the new amount of acreage that was reflected by the change in the colors – in other words, some parcels were taken out of the various colors and some were put in, and the Town Planning Areas (TPAs) were reduced down. Andy Hauge advised that those are the land use designation acreages on the land use diagram - that is different than zoning. The language of Section N. talks about the zoning in place today; and December 1, 2006 was chosen because it was felt that they could not pre-determine the date that the Board would adopt the new General Plan. He does not believe that there are any zoning changes running through the County at the present time. The land use designations are what the numbers are talking about with the increases and decreases in acreage. County Counsel advised that this goes back to the separation of the diagram from the underlying zoning. The diagram is where you see the acreage changes, and that had to be done so that when the impacts were examined in conjunction with the EIR that they could make sure that the EIR supported the various acreage designations. He advised that a date certain is necessary for when things will occur, so the December 1st date was selected as the break point. Tolley Gorham asked that he be assured that the Agriculture/Working Landscape increase in land use of 30,000 acres is not the result of any land being changed to Ag Exclusive or Timber Preserve or anything like that – and he asked why changes

were made in the diagram and not in the zoning. County Counsel provided a further explanation and advised that no acreage went in or out of any zoning classification; and he advised that no land will move in or out of any zoning classification by the change in colors on the maps. That is just a policy of general direction of where the County wants to head. Supervisor Turpin stated he feels the changes in the acreage numbers more closely reflect the existing zoning than previous maps; and he noted that there are still some areas to be adjusted.

Ken Melton noted that he presented a written outline of concerns; and he referred to the wording in Implementation Measure 5-1a(2), and he stated he does not feel that “neighbor’s enjoyment of nearby property” should be included. He feels that is taking his property for the enjoyment of another without compensation. He suggested that it be deleted, or that language be added to state that it is compatible and doesn’t interfere with the rights of another or the rights of a neighbor. He agrees that what he does on his property should not interfere with the rights of another. Discussion was held. Andy Hauge noted that when subdivisions were addressed there were some areas of compatibility that were discussed. He feels that this is basically saying that when Title 17 is developed that any regulations take into consideration, not only the property you are dealing with, but adjacent properties. This would include issues such as noise, vibration, smells, and all kinds of things. He feels that this is saying to try and be compatible when you are looking at land uses that would be allowed on property as the zoning ordinance is developed. Ken Melton stated he doesn’t have an issue with compatibility with surrounding areas and zoning. The Board concurred with deletion of “a neighbor’s enjoyment of.”

Ken Melton referred to Policy 5-3a relative to new subdivisions, and he expressed concern with maintained road requirements. He doesn’t feel that a neighbor should be able to stop a subdivision from occurring if you have an easement through your neighbor’s property and they do not want to join a zone of benefit or something of the like, and if you have off-site neighbors and an easement that meets all of the other County requirements. He feels that if there is a method where the road can be maintained, but the property owner(s) that the road goes through are not required to participate, and the property owner(s) can not shut you down by non-participation, his concern would be alleviated. Discussion was held, and Andy Hauge provided input on the previous discussion and direction. County Counsel stated that as he reads this section, if you want to build a subdivision and the only access to your piece of land is through someone else’s land where there is an easement for roadway that is insufficient to qualify your piece of land from being subdivided and you can’t find a way from your piece of land to get to a maintained road, this section wouldn’t force that private party to give it up nor to give the party to develop any right to force that individual to allow an expanded use across their land. This is part of the market place and not part of the government regulation. The Board is setting its minimum standards for development for health and safety and other reasons; but if you want to build five houses somewhere you need to have access to a maintained road to meet the statement of standards. If someone owns that chunk of land in between, you either have to go buy it from them or work out an arrangement with them or find some alternative access. This policy is setting a standard for development of a subdivision in Mariposa County. Ken Melton stated he agrees with County Counsel and he feels that this would apply when the easement or access is not sufficient. However, he doesn’t feel that this applies here. He clarified that he is talking about an easement that already exists across property that meets all of the standards for a road to the project. He asked if there is a type of zone of benefit/maintenance program that can be placed on the entire road back to the maintained County road or State highway that would leave out the adjoining property owners if they didn’t want to participate. Supervisor Pickard asked, based on the current system, whether there is an ability to condition approval of the subdivision by maintaining an off-site road as a method of direct access to a County road. The Board concurred with flagging this issue to come back to it later in the process. Laurie Oberholtzer noted that they support the policies under Goal 5-3, and they feel that it is basic land use planning – subdivisions should not be approved out in the middle of no-where without appropriately sized and maintained roads.

Andy Hauge referred to the recommendation from October 11, 2006, to change the language in Section F(2) Traffic Generation from doubling to tripling the average daily traffic for a parcel within the Residential land use classification for requiring a conditional use permit for home-based businesses.

Supervisor Pickard referred to the list of Plan changes and issues that staff prepared as a follow-up to the October 11, 2006 workshop; and he asked whether that was distributed. Kris Schenk advised that

it was distributed and advised that more copies could be made so the public could follow the discussion. Supervisor Pickard suggested that the issues on the outline be reviewed. Chair Stetson requested that copies of the outline be made available for the public.

3:25 p.m. Recess

3:44 p.m. Chair Stetson initiated discussion relative to the workshop process; and he suggested that the rest of the public comments be taken on Chapter 5, and then the Board could review the workshop notes from October 11th and those issues that were flagged.

The Board continued with taking input from the public.

Ken Melton referred to Implementation Measure 5-3a(3), and stated he feels there needs to be a clarification and definition of what “road capacity” is; i.e., private roads, subdivision roads, County roads; whether it deals with weight and speed and how often it is maintained; and what is the capacity in terms of gridlock. Discussion was held. Kris Schenk advised that after the General Plan is adopted, if there is an issue of adequate standards, a matter will need to come to the Planning Commission and to the Board, with Public Works Director being involved, to define the associated issues having to do with maintenance for pieces of property between the subdivision road and the County or State road. Those are issues that cannot be resolved with a statement in the General Plan.

Ken Melton referred to Section E. New Subdivisions and creation of “ready-to-build” parcels, and he suggested that “infrastructure” be deleted. Discussion was held. The Board concurred with the requested change. Supervisor Pickard initiated discussion relative to the second paragraph in this section and reference to “basic infrastructure.” Ken Melton stated he feels the second paragraph should be deleted. Andy Hauge referenced previous discussion on the basic infrastructure requirements and noted that the original six or seven basic requirements have been reduced to three. He recalled that these were listed to assure that there are only three basic requirements – water supply, wastewater disposal and maintained roads. Supervisor Bibby suggested that sewage disposal replace wastewater disposal to be consistent throughout the document. No change was made to the second paragraph. Ken Melton referred to the last sentence in the third paragraph, and he feels the “deed-restricted to prohibit future land division of such parcels” takes future consideration out of the County’s hands. He suggested that there be some other way to restrict future development. He noted as an example that if a sewage disposal system is installed in the future, the Board may want to allow a higher density; and a deed-restriction would prohibit that. Discussion was held. County Counsel suggested that “deed” be deleted from the sentence; and on a case-by-case basis, a condition can be imposed that satisfactorily meets the needs of the County, and the Board concurred with the change.

Bart Brown asked about being able to rebut the changes that are being made as the document is being reviewed. Chair Stetson advised that the Board will re-review the issues if requested by others; and he advised that the changes are only being concurred to at this point and are not set in concrete.

Ken Melton referred to Section E(1) Road Capacity and Access, and he feels the requirement for “future through road connections to adjacent developable property” is a taking without compensation; and he asked where this language came from. Supervisor Pickard stated he feels that this language was in response to comments. Andy Hauge stated it is a mitigation measure for fire safety in the EIR. Supervisor Fritz noted that this was as a result of a discussion with a specific property owner who was unable to split the property because it was at the end of a dead-end road that exceeded the allowable length by a few feet. But if there was an easement, there could have been a through road; and CDF (California Division of Forestry and Fire Protection) offered to help support legislation to deal with these types of situations. Ken Melton stated he feels it should be up to the private parties to mitigate and not the County mandating it. Discussion was held. County Counsel stated this does not require easements on other people’s property. He noted that a typical example is that when you put in a road, you put a turn around at the end of it rather than having the easement go to the property edge. This is not requiring anything for the benefit of anyone else. It just allows flexibility and it is not a takings as written. Supervisor Turpin stated he can go along with the access for wildfire

access, but it should not be demanding – that should be up to negotiations between landowners. Andy Hauge noted that the California Fire Code addresses fire access. Supervisor Fritz advised that this matter is what CDF was interested in – this would alleviate some of the problem they have with the dead-end road issue and not being to get their fire trucks down the road and the people being able to exit at the same time. Ken Melton noted that an emergency egress could be provided to mitigate certain things; however, he feels that this section talks about access to developable property against your will. Kris Schenk stated this section would provide for the ability to have a through road rather than have a situation that now exists where someone can just say that they do not want anyone to develop in the future beyond their property so there won't be a through road and people won't be able to get out if there is a fire emergency. In the subdivision design, and that is why the words "as appropriate" are included, the Planning Commission won't think that it is appropriate for many properties, or the topography won't allow it. But when it can be done and it appears appropriate to have a connecting road so that there can be a future through road coming through from the subdivided property, it will be required. Otherwise, you would be allowing the subdivided property to block access to those future developable parcels that are on the other side because the State fire access requirements would not be able to be met. Kris Schenk further stated that he feels that this is good planning and it should be a subdivision design that allows access to the next person who may want to subdivide. Supervisor Pickard stated he could not support requiring someone else to give up a piece of land or an easement for a road. He feels that it should be up to the subdivider to negotiate an easement. Supervisor Bibby noted that some of this is addressed in the circulation section and has to do with mitigation issues; and she suggested flagging this issue at this point to be addressed with the circulation. Supervisor Turpin advised that he could support access for fire protection, with any other access to be negotiated. County Counsel advised that you would not need to have a developable piece of land behind the subdivision for the County to request that the easement extend to the property line, it could be a health and safety easement as a condition of approval for the subdivision. So it is not just for future development, but there are many reasons that make it a reasonable request with a nexus in relationship to the development. It may be that eventually the County will require others in that area to allow easements as well to tie into County roads so that the circulation plan operates properly and so that the maintained roads are available for access for emergency vehicles, etc. There are many reasons for this requirement and it is not solely so that someone else can develop their property. Even without this requirement, the County could ask for it when projects are submitted. Chair Stetson noted that this could be further considered with the circulation section as suggested by Supervisor Bibby.

Ken Melton referred to Section E(3) Individual Onsite Sewage Disposal Systems; and he asked that the Health Department be given more latitude by deleting the word "onsite" to allow for an easement for a system. This would allow for each case to be reviewed and the Health Department could still deny a request. However, the way it is written, he feels it prohibits the Health Department from having that ability. He asked if the Health Department was consulted for their input on this matter. Andy Hauge referred to the previous discussions by the Planning Commission and the Board on this issue; and he feels it got down to what guarantee you would have with an off-site system that it could be maintained and accessed without constraint. He believes that the Health Officer was involved in the discussion and it was Dr. Mosher's suggestion that it be onsite, so the decision was to keep it as an onsite requirement. Discussion was held. Andy Hauge noted that we are talking about the subdivision requirements. No changes were made.

Ken Melton referred to Section E(4) Potable Water Supply and he complimented staff for the last informational paragraph. He stated he would like language added for flexibility to drill a well at the time of sale as an option. He noted that this option currently exists and has worked well. He asked Mark Harris to provide information on his experience with drilling wells and issues he has encountered with developers, sales and homeowners and locations, etc. Mark Harris, well driller, noted that everyone has a different view of where everything should go when they are placing their wells; i.e., storage tanks, house, and septic. Sometime people change their septic location and that may alter where the well will go. It is expensive to change electrical or water lines, or to run the lines very far. He referred to his recent experience with drilling thirty wells for the Van Ness subdivision and advised that they didn't miss getting water on any of the parcels; but some parcels are tougher. He doesn't feel that the developer should be asked to put all of the wells in at one time before the map can be finalized.

The developer already has to put the roads in and get the power and the improvements take a lot of working capital. Some people want to buy property and drill a well later; and he feels that this should be allowed. Ken Melton asked that something be added to this section that would allow a buyer and a seller to reach agreement on the well location. Andy Hauge advised of CEQA discussions; and he noted that this language doesn't require the well to be drilled; that there are different ways to prove up water, but you need to be able to demonstrate that you have a potable water supply. He noted that there are two options listed in Section e. and drilling a well is one of those options. Discussion was held. Supervisor Pickard noted that the difference with this Plan is that the small subdivisions will be treated the same as the large subdivisions; and he noted that Section e. also allows for other satisfactory proof which may consist of a hydrogeological study of the area. Mark Harris stated he feels that most people would prefer to drill the well in escrow. Supervisor Turpin stated he would be okay with requiring a well to be drilled to prove that there is water on the subdivision, and the rest of the wells for the individual lots could be done prior to close of escrow. Andy Hauge advised that the language allows for that.

Ken Melton referred to Section E(2) Hillside and Ridge Top Design; and he stated he feels that the 15 percent needs to be clarified. He noted that a parcel could have slopes of different percentages. Supervisor Turpin agreed with using "average" slope of 15 percent. Supervisor Stetson suggested the wording be "parcels averaging in excess of 15 percent slope." Kris Schenk cautioned that the Board needs to be careful to not write development regulations into this particular principal. He expressed concern with averaging a parcel that consists of flat ground and the other half of 30 percent slope. He noted that there is a provision in the Mariposa Town Planning Ordinance that deals with complex slopes to address these kinds of issues. Ken Melton suggested that perhaps the 15 percent could be dealt with at the building permit stage and applied to the homesite. Supervisor Pickard stated he feels that this policy would take affect if you can't show a building site in areas where there are slopes in excess of 15 percent. But if you do have a building site, he doesn't feel that the Planning Commission is relegated to review the property. Ken Melton stated that if this is the case, he doesn't have a problem with this. If it is a matter of not being able to subdivide parcels that are 15 percent or not being able to subdivide parcels that you can't show building sites on an area of 15 percent or less slope, he feels that it is unclear the way this is written. He asked that this be clarified and if this is reviewed as Supervisor Pickard suggested, then he doesn't feel there would be a problem. Andy Hauge advised that there is policy that says that the Planning Commission will review subdivisions with slopes; and it doesn't prohibit development. He noted that a subdivision would probably be ten acres or more because of the five-acre minimum parcel size in most cases; and the goal is to make sure that cuts and fills are minimized, that there will be lot flexibility and maybe some clustering, the proposed building site will be reviewed to make sure that they are appropriate for the slope, it may require building setback from ridge lines if that is appropriate, visual impacts will be reviewed, and there should be proof of slope stability as a condition of the final parcel map.

Ken Melton referred to the second paragraph in Section B(3) Rural Economic/Recreation Subclassification relative to employee housing. He feels the cart is being put before the horse as they have no idea of where the employees may come from or whether or not they need housing. Once the demand is created, then he feels it would be appropriate for someone who is involved in developing apartments or housing to develop a project to meet that need. He feels that if employee housing is created and if there is not a demand for it, then it will be turned into rentals or overnight transient uses. He noted that Jerry Fischer created housing on his own without being required for his employees and the same with the SilverTip project. Supervisor Pickard questioned whether this would prohibit any future consideration for another type of inclusionary program or some other kind of a bonus program. Andy Hauge advised that this would not preclude a bonus program or other type of program. He advised of his involvement in a community where they built employee housing and it was available for any employee of the community that needed housing; and if it was not needed, it was used for rental property for the tourism – so it was done in a flexible way.

Don Starchman asked for clarification that when the Board reviews the points in the outline from the October 11th workshop that the public will have a chance to provide input at that time. Chairman Stetson advised that the public will have a chance to provide input at that time.

Laurie Oberholtzer stated they like the through road policy and they think that is really good planning. They like the hillside and ridge top design policy and feel that is really good planning. She stated that as a person who has sat on a Planning Commission of a city for 18 years, she feels that having a concise list in the Plan to follow when you have a hillside project is great, and it serves as a reminder of the items that need to be considered. She feels the potable water supply is basic to the foothill areas and they like that policy. She referred to the issue of deed restriction for clustering, and she feels that is basic to the issue of clustering so that the density is kept to what was approved and not allow the open space area to be built on in the future. She referred to Section D(2) Maximum Acreage and Minimum Lot Sizes and asked why any of the uses need to be 20-acres in size for rural commercial; and she stated she would like to hear discussion on this issue. Discussion was held relative to the deed restriction issue. Andy Hauge stated he feels that the deed restriction is probably the way to go, but if there is another way to achieve this that the Board is comfortable with, that would be okay. Supervisor Stetson clarified that if “deed” is omitted, that a deed restriction could still be applied; it would allow for other approaches. County Counsel advised that whatever restriction is proposed, it will need to be satisfactory for the Board to feel secure. He is not aware of many other mechanisms to accomplish the restriction. He advised that the affect of the change requires more on behalf of the applicant to demonstrate something of equal force. Supervisor Pickard asked about the development agreement as an option. The Board concurred with changing the wording to reflect “enforceably restricted.” Discussion was held relative to the 20-acre size issue for rural commercial, and how that size was reached. Laurie Oberholtzer noted that 20-acres could accommodate a 200,000-square foot shopping center which could contain a big hardware store, a big grocery store, and a bunch of little shops – and she does not feel that is what the Board would visualize as a rural economic use. So she does not feel that this size of parcel should be allowed at it doesn’t make sense. Supervisor Pickard stated he feels this size was used in case there is another type of use such as Tavis Corporation proposed in the future. Laurie Oberholtzer stated she was thinking of retail uses and not light industrial uses. Supervisor Bibby asked that more information be brought back on the discussion and thinking behind the decision to use 20-acres at the Planning Commission; and she suggested that information be brought back on the amount of acreage being used by the existing uses that meet this criteria. Discussion was held relative to considering the use of 10-acres for now, and the Board concurred with obtaining more information on this.

David Butler referred to ridge top development and restrictions (Section E(2) Hillside and Ridge Top Design), and he stated he feels all of the other restrictions need to be taken into consideration; i.e., setbacks and slope. He asked for clarification of the definition of “view corridor.” He stated he feels that roadside view can be just as obnoxious as or worse than a ridge top view. He asked where this policy is coming from and what the Board is after with this policy. He feels a downhill view can be as bad or worse than a ridge top view; i.e., views from the top of Guadalupe or Woodland Hill where you are looking down. He asked where the ridge top view starts, and who will make the determination of what is acceptable. He feels this is giving undue power to someone that has the ability to abuse or be coerced from a different group. Chair Stetson noted that the Planning Commission will review subdivisions with slopes intending to accomplish the objectives, and it doesn’t prohibit construction. David Butler stated he feels that this gives discretionary value to the planner. He feels it is forcing side hill development and that will create slope stability problems.

Supervisor Turpin referred to E(2) Hillside and Ridge Top Design, and he asked that the first bullet be a part of the first paragraph. The Board concurred with this change.

5:30 p.m. Dinner

6:12 p.m. Chair Stetson suggested that the Board review the General Plan changes or direction (33 items) that staff prepared during the public workshop from October 11, 2006. Andy Hauge reviewed the items and identified how and where the changes were incorporated into the latest revision:

- 1) made sure that the text is clear that subdivisions of parcels pursuant to the existing zoning designations must be assured
- 2) modify Implementation Measure 5-9a(1) to clarify that it only applies to the residential land use – it was decided not to change this because of the changes made in items 14 and 15.

- 3) research State law regarding Williamson Act restrictions and John Gamper's comments – is it against the State Law for property in the Williamson Act to be in the Residential Land Use designation? Andy Hauge advised that this is being researched by County Counsel, and he has recommended language that was presented for review with Chapter 10 in this workshop.
- 4) Ag/Working Landscape Land Use – extent of uses, and added text that Williamson Act land is subject to the terms and conditions of the contract
- 5) Ag/Working Landscape Land Use – population density and building intensity; changes were made to confirm that existing contracts are what are applicable
- 6) Ag/Working Landscape Land Use – extent of uses; agritourism is shown as a permitted use, but it is limited to being secondary to the primary use of agriculture. So there is still language for a conditional use permits on other agritourism uses on agricultural land.
- 7) Section I. Five-Acre Density and Rural Character – “land carrying capacity” language was added
- 8) a definition for “land carrying capacity” was added to the glossary
- 9) text for state law and secondary residences (state law, Government Code Section 65852, requires that local jurisdictions allow secondary residences on residential lands) was added to Section I. Five-Acre Density and Rural Character
- 10) reference numbers for other areas where ready to build is defined and described were added to Section J. Ready to Build Land. Andy Hauge noted that this was further modified during this workshop to include approved areas for individual onsite disposal systems.
- 11) discuss the suggested change of “should” to “shall” on Implementation Measure No. 5-1a(3) regarding thresholds. Andy Hauge noted that this was discussed earlier in this workshop.
- 12) recommendation to keep the new Policy 5-2b regarding prevention of premature urbanization of expansion of the Mariposa Town Plan until the Town Plan is updated – this has been incorporated as Implementation Measure 5-2a(3). Implementation Measure 5-2a(4) was flagged for further discussion – the Board concurred with keeping this in the document.
 Don Starchman stated he feels that we need to keep some sort of vehicle open for planned residential development/planned unit development for the areas that do lend themselves to a higher density use. He doesn't want to see the ability of this Board or future Boards to be restricted to be able to review projects in the future. He feels that both Implementation Measure 5-2a(3) and (4) were flagged for further consideration. He feels that if you are going to have a true clustering, there needs to be flexibility; and that we need to recognize that we do have in Title 17 a vehicle for planned residential development. He feels the growth will occur someplace; and he feels that areas like the Princeton property (which he represents) would lend itself to something like this and may be ready to go prior to a complete revision of a town plan area. He asked that the Board hold off on this item until discussion is held on clustering (item 32). Chair Stetson agreed with flagging this issue as requested.
- 13) come back and possibly delete new Policy 5-2c regarding expansion in the Mariposa Town Plan Expansion Area unless water and sewer from MPUD is available
- 14) discussion to add text to Goal 5-9 and Implementation Measure 5-9a(1) to clarify that this is for the residential land use designation only; and that this would be unless restricted by agreement, law, or contract. Later it was decided that item M on the Williamson Act would cover this.
- 15) add new Section M regarding existing contracts, restrictions, agreements and laws – this was already reviewed
- 16) add new Section N regarding existing zoning discussion – this was already reviewed
- 17) text has been added to clarify that Goal 5-10 applies to both minor and major subdivisions
- 18) added Implementation Measure 5-4c(2)
- 19) modified Implementation Measure 5-8a(1) by changing “should” to “shall” relative to collaborative planning with other public agencies
- 20) modified Implementation Measure 5-11a(1) regarding non-conforming uses Yosemite West
- 21) added new Goal 5-12, new Policy 5-12a, new Implementation Measure 5-12a(1)
- 22) corrected spelling error for “follow” in the last bullet in Section 5.4 Land Use Classification

- 23) added text in the last bullet in Section 5.4 Land Use Classification regarding policies for subdivision of parcels less than 40 acres which have multiple classifications
- 24) added “and organized recreation camps” to the last line of the third paragraph in Section 5.4 Land Use Classification
- 25) remove “historic patent” on Implementation Measure 10-6a(1) – this item was held for consideration with Chapter 10 Agriculture
- 26) further discussion of Implementation Measure 10-2a(3) regarding issuance of development permits to substandard sized parcels under Williamson Act Contract – this item was held for consideration with Chapter 10 Agriculture
- 27) further discussion of possibly allowing additional density when a parcel is at least twice the minimum parcel size. Andy Hauge advised that based on Planning staff review, there is a potential of about 1,415 parcels over ten acres in size outside of the planning areas, that based on the GIS system would be potentially available for that number of residential units that could be constructed with this additional density policy. Discussion was held. Supervisor Bibby stated she feels the purpose of the General Plan is to create accessible dwellings and ready to build, and she feels that this policy would by-pass that, and she can’t see the purpose for by-passing a land division. She noted that there is already allowance for a secondary dwelling. Supervisor Stetson asked how many of the parcels could reasonably be developed. Andy Hauge further advised that there are over 78,540 acres involved with the parcels; and he provided a breakdown on the parcels and improvements; and he suggested that at least some conditional review be required so that improvements could be situated in such a way that subdivision could occur in the future.

Don Starchman stated he would be surprised if more than ten to fifteen of these additional units were built per year. He doesn’t know what percentage of secondary residences we have, but he feels that we have cut way back – perhaps 10,000 plus on what would be allowed today. He feels the impact fees should be at the building permit stage and that the fees should cover this. He hopes that this would be a way to keep people from trying to subdivide every piece of property, and he does not see this as a problem. He noted that a main reason that we won’t see a lot of these requests is that the financing is not available for this. He does not feel that we need “big brother” telling us what to do if we want to put in something for the in-laws or our children. He stated he supports this.

Further discussion was held. Andy Hauge advised that if the Board proceeds with this, additional evaluation will need to be done as to where the parcels are located for review with circulation, etc. for the EIR.

Rita Kidd asked whether last week’s decision was to allow a second primary residence and then an accessory residence, or is consideration being given to allowing two secondary residences. She stated that it seems to her that if there is that allowance on anything over ten acres, that you are not really talking about single-family residential zoning when it comes to Title 17, but that you are talking about what is equivalent in the city of R-2 zoning, where you are saying that you are allowed to have two residences on a single parcel. So she feels that this has zoning implications in the future and definitely changes the policy because the policy currently says that you are only allowed that accessory residence on single-family residential parcels. She urged the Board to think about the impact of this before proceeding.

Don Starchman referred to Title 17 and noted its provisions for allowing a residence and secondary residence per five acres for Mountain Home zoning, etc.; so he does not feel that this is a change of existing policy. He noted that he wrote the Title 17 language. Discussion was held. Don Starchman noted that people have not built the additional residences, and that there are not that many secondary residences.

Ken Melton stated he does not support the proposed current numbers of being able to build on the parcels. He commented that the potential number of residences that would be allowed if parcels were subdivided is higher than what they are asking for with the additional density. The only thing that would not be addressed with this is the access road issue – everything else would be addressed with the building permit process. He noted that people may not want to subdivide to be able to build a residence for their family.

Supervisor Turpin asked how many of the parcels are in the Mountain Home zoning – staff will need to review. Kris Schenk advised that from a Planning perspective, they regularly see situations where people can not split a parcel to separate residences that were built on a parcel. He feels that if the Board proceeds with this, they will have people coming in that can't get financing; and the positive side is that it does provide opportunity. He advised that he is concerned about not knowing the outcome of the environmental analysis that will need to be done for this. But when Title 17 is being considered, the Board could consider this as a part of that study and package it with a General Plan amendment. Supervisor Bibby asked whether this would apply to all land uses. Kris Schenk advised that it would be up to the Board to determine what land use classifications would be appropriate for this kind of ability to have additional homes on a single parcel.

Laurie Oberholtzer stated they are having difficulty with this because they do not understand what the environmental impacts are – it hasn't been evaluated yet. But their inclination is to not support this proposal, but to support Supervisor Bibby on this issue. She feels this will take away the protections that you get with the standard land division process. She asked that if the Board goes forward with this, that there be a public noticing system so that the neighbors will be aware of the request for a new house. But she does not feel that this proposal is necessary.

Supervisor Turpin asked for clarification – if the General Plan is adopted with what is written today, will Title 17 change the potential of the five-acre density. Andy Hauge advised that a list could be kept of things to review in Title 17, and the Board concurred with adding this to the list. No changes were made at this time for the additional density.

28) further discussion of Section F(2) Traffic Generation criteria for home based businesses and conditional use permits – Andy Hauge advised that the recommendation was to triple versus double the traffic before a conditional use permit would be required. He advised that the average daily trip per dwelling unit today is about 7 ½ trips – one round trip is two trips in this calculation. He advised that an example of doubling the trips would be 15 trips to include delivery service and a supplier and a trip or two by customers; and tripling the trips would be 22 ½ trips to include three delivery service trips and a couple of supplier trips and six customer trips. The impact on a residential street would depend on how many home businesses are on the street; and how big and how busy the street is. Discussion was held.

David Butler stated he feels that traffic impacts from a home-based business are different than from a residence. He feels that residential traffic is time-based travel and will generally occur during the more congested time. The home-based business traffic will generally occur during the business hours when the roads are not used as much by the residences. So he suggested that the triple traffic base be used before it triggers a conditional use permit. He feels that most business will fall below an annual average, but may spike a little during the year.

Don Starchman stated he feels that under the proposed language, one employee, two delivery trucks and one customer will require a conditional use permit. He noted that the document states that home-based industry is the backbone of our economy.

Kris Schenk noted that the issues related to home-based businesses are not so much related to the number of trips per day as they are with traffic traveling over privately maintained roads. Supervisor Pickard suggested that consideration be given to looking at other options than the traffic count for addressing what the threshold should be. He noted that different kinds of businesses will generate different amount of trips, and there will be good neighbor situations where no one will complain. Supervisor Bibby noted the concerns received where there are privately maintained roads and impacts with the home-industry traffic with the dust and maintenance and width of those roads. Discussion was held.

Ken Melton used an example of a day care center, and he noted that if you take care of four children, you will exceed the allowed average daily trips.

Further discussion was held. Supervisor Fritz suggested that consideration be given to having a baseline for residential use and a threshold for the business. Supervisor Turpin asked for clarification of the definition of accessory dwelling and whether that would include an office or shop that is not attached to the house. Andy Hauge advised that an accessory dwelling is a

dwelling unit, so that would be your “mother-in-law” quarters. He advised that this section is for residential areas outside of planned areas and the purpose of this section is to try and define and maintain a rural character within the County. The home business is where the Planning Commission had the concern of generation of traffic that could become excessive. He does not have a solution and this might not be the right kind of approach, but he knows the Planning Commission was very concerned about excessive traffic generation destroying the rural character, and they were trying to come to grips with how they might be able to control that. Supervisor Bibby noted that this could be revisited in the future with a General Plan amendment. Supervisor Fritz asked when a home-based business would no longer qualify to be home-based and would need to move to a different zoning.

David Butler stated he feels that having a threshold with a number will give the “bean counter” something to work on, and it will work both ways. He feels that this gives the person living on the front-end of the road that is choking most of the dust a little bit of leverage with the home-based neighbor(s) to control the amount of traffic being generated.

County Counsel noted that the Board is only setting a threshold at which it will look at a conditional use permit, and it has a policy of encouraging these businesses. So when it comes time to consider a conditional use permit, the general theme will be to encourage the businesses. If a threshold is set and violated, he feels the process would be to advise the business to apply for a conditional use permit because the use is more intent than what was set by the threshold. He feels the issue is at what point the Board wants to have these issues come before the Planning Commission and the Board for a permit for the activity. Discussion was held. Andy Hauge noted that the language in the General Plan defines a home business as having one or fewer employees; a home enterprise as having greater than one employee; and a rural industry has a maximum of three non-family employees. Sarah Williams provided input on the costs and timeframes for processing conditional use permits. The Board concurred with allowing a tripling of traffic before a conditional use permit would be required. Supervisor Turpin asked that there be a clause regarding responsibility for road maintenance; and Andy Hauge advised that if that is required, it would be a part of the conditional use permit. Supervisor Bibby asked that this be added to the list of items to be reviewed during the first five years of the Plan to review whether there are any problems, and the Board concurred. Supervisor Pickard asked for clarification of whether the tripling of traffic applies to County-maintained roads, and was advised that it does.

29) removed text at the end of the 4th bullet in Section E(2) Hillside and Ridge Top Design, starting with the words “with consideration...” to the end of the sentence.

30) moved the 5th bullet in Section E(2) Hillside and Ridge Top Design to be the 1st bullet because it is a high priority. In earlier discussion today, the Board concurred with moving this bullet to the first paragraph.

31) added the words “County” before Building Department and before Fire Department in Section E(5) Wildland Fire Hazard and Emergency Services.

32) Supervisor Pickard had asked staff to review the Planned Residential Development (PRD) standards in Section 17.108.100. Supervisor Pickard believes subdivisions like Ponderosa Basin and Lushmeadows are good subdivisions and should be able to be considered in the future. He feels that changes in the state law for septic systems may make clustering with higher density and ability for community systems necessary in the future. It may be necessary to amend the General Plan in the future. Also, the need for affordable housing may make amendments to the General Plan necessary in the future. For now, 2.5 acres is the minimum for clustering. Kris Schenk noted that there was discussion on this matter at the previous workshop, and this was related to what was going to happen with AB 889.

Supervisor Pickard asked if the ability to include contiguous property to the existing Mariposa town planning area will be prohibited until the Mariposa Town Plan has been updated; and he asked whether this was direction or a part of the mitigation as a result of comments. Andy Hauge advised that the policy came from the Planning Commission and part of the direction for that policy was that the Planning Commission didn’t want the premature development of areas outside the existing town planning area to start developing and limiting the choices that can occur within a planning area. They want the plan area to be updated, and that consideration be given to

the uses and how they are arranged before developing outside of the plan area. Discussion was held. Andy Hauge noted that Implementation Measure 5.2a(3) may make it difficult to make the finding necessary to allow a new subdivision or PRD within the Mariposa planning study area.

Don Starchman stated he does not feel that this policy came from the Planning Commission, and he advised that it was not discussed by the Commission. Andy Hauge apologized and agreed, and he advised that this was a mitigation measure from the EIR. He advised that the issue did come before the Planning Commission about the development of the area which is now called the planning study area. Don Starchman questioned why future Board's should be precluded from considering future projects, and he stated he does not feel that this is good planning. Kris Schenk referred to the Princeton Ranch property and advised that the question comes up as to whether or not Mariposa TPA is a logical and reasonable area for development – the property is adjacent to the TPA for Mount Bullion and to the Airport. He suggested that it might make more sense with coordinating the systems that it be done in conjunction with the Mount Bullion TPA. Discussion was held. Don Starchman noted that the preferred provider for both the County and the developer is MPUD – so to consider placing the Princeton Ranch property with the Mount Bullion TPA negates that. He feels it should be placed with the Mariposa TPA, and he advised that they have discussed this with MPUD and they showed an interest in this.

David Butler referred to a parcel behind the Fairgrounds that is owned by his Mother, and he advised that he used to own a portion of it and then he lot-lined the rest of it to the parcel owned by his Mother. He advised that the TPA used to go over the West end of the property, and at that time he owned the Northern half of it. Leroy Radanovich appointed him to the Mariposa TPA Advisory Committee, and he was qualified to be a member of the committee because he owned property in the TPA. The property got taken out of the TPA when Mark Rowney (MPUD Manager) started doing the boundary for the water rights for the State for the South Fork and the property was taken out because a majority of it wasn't in the TPA. But as it evolved, it also got drawn out of the TPA and he wasn't around and wasn't aware of the changes. In 2004 he had a meeting with the Planning staff and noticed that the property had been taken out of the TPA and MPUD boundary areas. He asked about it and was showed the new General Plan TPA proposed map and that map reflected that the property was included back in the boundaries, so he didn't have a problem. Tonight he is finding that the property is not included in the proposed map. He feels that these changes make it difficult for residents to follow. With the proximity of the property to the Fairgrounds and commercial property and the light industrial uses, there are road issues. They own the right-of-way, and that right-of-way came from the State of California in 1963 when they took it away off of Stockton Creek. They are not restricting any access, they are just asking that approaches meet County road standards and they issue an easement for the use of the road so that they can control the maintenance. He does not feel that the slopes will allow the maximum density of 2 ½ acres allowed in the TPA, but it will allow the adjustment of where to put them and that is all they are trying to protect.

33) adding findings for converting Agriculture/Working Landscape land use and developing new exception for destination resort under the Rural Economic land use classification. If a parcel is not Agriculture Exclusive Zoned or Timber Preserve Zoned, then the County could consider the amendment; but there must be a project to consider the amendment. Andy Hauge advised that a new second paragraph was added to Section G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification. He also advised that the third paragraph was modified to be specific that the General Plan requires these findings to be made by the Board of Supervisors for Agriculture/Working Landscape for these other areas – i.e., to support the changes made in the new paragraph. He advised that he believes that this is what the Planning Commission had intended because the Rural Economic is very carefully and finely defined with some criteria; and they realized that there are pieces of land in areas that couldn't be anticipated today when doing the Land Use Maps. Kris Schenk advised that he feels that this language meets what he feels is a good solution to the issue that was discussed at the last workshop.

Don Starchman advised of an item related to this issue that was raised in a letter from Steve Allison concerning having at least the flexibility of being able to take land out of Agriculture Exclusive as long as parcels as large or larger are put back in; i.e., an exchange where you have property that is zoned Residential that will impact neighbors more so than if a switch were done with other land that is zoned Agriculture Exclusive. He advised that the five criteria would not allow for an exchange. This suggestion is not asking for any entitlement, but would just allow for a chance to come before the Board to request an exchange. Discussion was held. Don Starchman suggested that a requirement could be added that the land to be placed in Agriculture Exclusive be as good or better than the land that is requested to be exchanged. He noted that there has only been one request prior to the current situation in the last 24 years. Supervisor Bibby clarified that the letter was signed by Deni Smith and it may have been forwarded on Steve Allison's behalf. Discussion was held relative to the need to maintain compatibility with the land uses.

Rita Kidd stated she agrees with Don Starchman, and she referred to their letter presented on October 11, 2006, wherein they said they would have no objection to language that said no net loss of agricultural land and that they would in fact agree with any wording that achieved an exchange of agricultural and residential land where it makes sense – especially in areas where it protects agricultural land.

Rita Kidd referred to the issue of carrying capacity, and stated she feels that we need very specific mitigation measures and very specific policies with regard to carrying capacity. She referred to the letter that she sent over the weekend and reviewed key points. She stated she does not feel that it is clear that the policies will prevent a density calculation from resulting in an excess of 2 ½ acre parcels, nor that the density will be based on the carrying capacity of parent parcels prior to subdivision. She reviewed the information she provided on concepts concerning carrying capacity, and the questions they previously raised in two comments on the draft EIR and the answers they received concerning: 1) the sloping topography in the County creating constraints for development and it being unrealistic for the County to calculate residential build-out densities at 100 percent of the parcel's development potential; and 2) using a specific scenario, by default the minimum number of dwelling units is zero and the minimum density for new subdivisions is five parcels... Supervisor Pickard noted that he received the information by email and he asked for an opportunity to review a hard copy of the information. The Board recessed for the information to be copied.

7:52 p.m. Recess

8:10 p.m. Rita Kidd continued with her discussion concerning the concept of land carrying capacity. She feels it is the topography of the land in today's policy documents and ordinances that determine carrying capacity. But, in spite of no change in terrain, some lands are reclassified simply as residential land use in the updated General Plan. They feel that means that the density calculation methodology in the updated General Plan's policies when reviewed without Title 17 clauses would allow a significantly higher density residential development than would be permitted without benefit of today's built-in mitigation factor. She noted that they raised this issue in two questions on the draft EIR with regard to densities and with regard to the adequacy of the EIR in evaluating growth and growth potential based on density policy. She stated she feels that it is very clear from the responses to that, that the intent is that carrying capacity is the factor that will determine density, and she quoted from the Plan. She feels there is a problem with the updated General Plan's shift in density policy as written in that it has potential for a decidedly larger environmental impact than has been evaluated in the EIR because there is no concrete policy on this issue stated in the updated General Plan. Since the Title 17 rewrite could take up to three years, they believe that the necessary guiding language to support the rewrite is absent. She requested an additional mitigation measure in the Land Use Element, Section 5 that says the carrying capacity with the land will be considered in determining density calculation for 2 ½ acre parcels; and they asked for the addition of three implementation measures under that policy. She asked that the County establish standards for calculating the carrying capacity of the unsubdivided land for which an application for subdivision has been submitted. She asked that the carrying capacity

calculation be based on terrain, soils, slope, outcrops, and circulation limitations and availability of water and suitability for waste water management. They feel that the carrying capacity of portions of the unsubdivided land which are greater than five acres should be factored into the density calculation and the remaining parcel that results from calculating the maximum number of 2 ½ acre parcels when density factors are applied should be inclusive of carrying capacity of portions of the unsubdivided land. If a given portion is greater than five acres, it should have a deed restriction that permanently prevents future subdivision of the remaining parcel. Based on earlier discussion today, that would be an enforceable restriction and not limited to a deed restriction. She referred to the mention of the rationale for applying this calculation for the 2 ½ acre densities, and suggested that a discussion be held to determine whether the comments that are in the EIR are what the Board intend. They believe that the EIR was based on the premises that are in those answers.

Discussion was held. Andy Hauge advised that the environmental document and the calculations of land and policies are very similar to what has been proposed here as a policy and as implementation measures. He advised that if every piece of property were built out to the allowed density, we would be looking at a population of over 100,000 (actually 130,000) in the County and that was the existing General Plan population number. With the goals and policies and implementation measures of the General Plan, the constraints of all of the systems (circulation, environmental, land, water, and sewer systems) have to be considered in approving projects.

Rita Kidd stated she would agree if we look at what has been done historically; however, she does not feel that those days exist anymore. She feels that we will find places that are like the scenario that she presented last Wednesday, and she does not feel that there has been an evaluation of that situation and how likely it is; i.e., where you have a 160-acre parcel. Assuming the 80-acres that is buildable has circulation, septic capability, potable water capability, etc., that those things exist on that 80-acres, you could have findings that would allow for full build-out of the full density based on five-acre minimums in 2 ½ acre parcels at the foot of that hill with no regard for the fact that the entire 160-acres wouldn't carry that. She stated this is her concern, and she feels that is MERG's concern and has been since the very beginning. They believe that this leaves them vulnerable when those conditions can be met without any consideration for the initial carrying capacity of the land that we have recognized historically. She stated they feel that this is probably the most serious density and environmental issue before the Board; and she feels it how this is handled that will dictate how the agricultural lands and natural resource lands are protected. They are not opposed to the cluster allowance and that density calculation. She reiterated that they would be interested in hearing the Board's discussion on this matter.

Further discussion was held. Supervisor Stetson asked staff, that to the degree that Title 17 is hoping to carry a concept of carrying capacity, whether that same definition could be rendered when Title 17 is looked at for revision. Andy Hauge advised that the policies that the Board has worked on in Chapter 5 require setting thresholds in Title 17, along with the other policies, so it absolutely carries forward and he feels expands upon the protections that are currently within Title 17.

Laurie Oberholtzer asked for clarification of the question that Supervisor Stetson asked; and she stated her concern with zoning is if we have 2 ½ acre clustering policy in the General Plan, she feels that will be a by-right kind of thing. She is not sure that there will be any ability to adjust that when it comes to the zoning criteria. Andy Hauge advised that there has to be terrain problems and other issues for clustering; but with clustering as the Plan is now written, you still have to be able to have sewage capacity on the property, water on the property, appropriate access, and those are going to be tough things to do in this County on 2 ½ acres. He does not see 2 ½ acre parcels as guaranteed, but something that you will see once in a while. Laurie Oberholtzer noted that the terrain is similar in Nevada County and clustering is occurring everywhere where the overlay allows for it. Andy Hauge asked how they are doing this, and asked if they are doing a packaged sewer system and other things like that. Laurie Oberholtzer advised that they are three to five-acre lots where they can have septic and well on the individual parcel.

Discussion was held relative to the need for the developer to meet the criteria. Supervisor Bibby asked staff to respond to a scenario and how Planning would review the carrying capacity and clustering issues. Kris Schenk responded that they would pay considerable attention to the limiting factors and they will be doing more site visits. They would need to be convinced that the 2 ½-acre

parcel design is superior for, not just that it is a cheaper way to build, the overall layout of the property. He suggested that this issue be flagged for staff to provide a report back to the Board after a couple of clustering subdivisions have been processed, and for further review.

Laurie Oberholtzer suggested that the wording in Section D. Population Density and Building Intensity, be changed to reflect 2 ½ acres of gross land area minimum parcel size “may” be considered. She suggested that we ensure that, when the new zoning ordinance and zoning map are adopted, that we don’t automatically give these areas a Planned Development Overlay. Otherwise, she feels that things can slip through the cracks and all of the criteria might not be reviewed. Andy Hauge advised that the current language is State law and it has to be black and white. But, he noted that there is text under the subdivision area that says the Planning Commission “may” go up to 2 ½ acres and you have to meet the criteria of the General Plan.

David Butler noted that it will be the burden of the developer to show why clustering is better for the land, and he feels that this needs to be addressed for this County especially. He noted that we have seen the impacts from too many animals on five-acre parcels where the grass is stripped off and erosion results. He noted that there is a benefit of having open space with clustering, the service portion of the development for the roads is going to be better; the longevity for the buyers that move into the area will be better because we are a retirement community, and he agrees with the developer having the burden to show that it is a better project.

Supervisor Bibby asked about regulating the maintenance of the open space. Kris Schenk advised that when going through the development project, enforceably restricted space will be for some designated purpose, and there would have to be maintenance of the provision. Discussion was held and he clarified that this would be different from a remainder parcel.

Rita Kidd suggested that if there is mitigation based on the carrying capacity of the land, you don’t have to have a five or ten-acre parcel, you just have fewer 2 ½ acre parcels, and you have a larger remainder which is the issue that she raised on Wednesday. She feels you have a better quality of life for those 2 ½-acre parcels that are the outcome of that calculation. She feels there is a point where the County may not want to continue the proliferation of the five, ten, and twenty-acre parcels on land where you could cluster and you could share water and wastewater. She reiterated that they believe there is a carrying capacity to that overall land and to the County as a whole; and they are not opposed to clustering. They feel that the ability to share infrastructure is much greater in that regard, and the issue is the number of the 2 ½-acre parcels. Discussion was held. Supervisor Stetson suggested that this issue be flagged for further consideration, and Rita Kidd agreed.

Larry Zurker stated the term “carrying capacity” bothers him as he feels it is being used in a way that is not the way that it is defined scientifically. Carrying capacity can be changed by technology – the same piece of land can carry different things. He cited an example that if you take a lifestyle of people in the United States; our carrying capacity is such that it would take 5.8 planets if everybody in the world lived the way we do. So not everybody can have our style of living; and we certainly are exceeding our carrying capacity now. He feels it has a lot more to do with slope, it has to do with air quality, vegetation, and with social and cultural and economic factors. He agrees with what he hears being said as Mariposa is writing its own definition for carrying capacity and the items being discussed relate to the sustainability and the regenerative nature of a piece of land. He feels the Plan should be looked at carefully to see if maybe that wording couldn’t be added, because being able to sustain a use is important. Being able to do things that regenerate are important. He referred to the home-based businesses and traffic impacts; and he noted that these types of businesses are one of the things that lessen the footprint that we have on the environment and that does make carrying capacity less. He stated Planned Unit Developments mean that the burden is on the developer, it is not an entitled thing. He feels the County should be asking for an inventory and analysis of the site, and that should include everything from slope to vegetation, social and cultural. When the Plan is developed, it should fit the site uniquely. If it is a good Plan, it should be adopted. The most important thing is that we want a rural context, and everything else should relate to that and give flexibility to be able to make a decision and justify it. He noted that one mobile home on a five-acre site is not a beautiful thing, some clustering might be better. He advised that taught for 37 years and never heard the term carrying capacity used with land, it is a scientific concept. But, he was told that the National Park Service is using it.

Laurie Oberholtzer provided input relative to the carrying capacity issue, and she stated she feels a compromise could be for the Board to take out the steep-sloped lands from what is allowed to be factored into the density credit. They know that the slopes over 20 percent are not developable. She is concerned that we are down to the less-developable properties and then credit is given for a piece of land that doesn't have any building capacity and they can transfer that technically permitted density off of the slope down to the flatter area and get more units than they would have gotten without the clustering policy. They are concerned with the overall numbers and growth potential in the County.

Supervisor Pickard initiated discussion held relative to topography-challenged parcels and the clustering concept; and he stated he feels this was to take into account for those parcels that did have slopes where smaller parcel sizes could be reconfigured without increasing density, but redesigning the parcel size – they wouldn't get anything extra. Andy Hauge agreed that this is how the policy is set up; and he advised that if you have land, you have the ability to prove-up that you could actually develop the land. The difference is that the policy right now is that the Board says that if you have land, you have the ability to prove-up to build all of the units that are allowed on the land no matter what the slope. Realizing that even when you do that with 2 ½-acres, there are constraints to the property and in the environmental document, our assumptions are that you will not be able to develop all of the land. What he hears MERG asking for is that you recognize that you can't build all of the land and build that into the General Plan and into Title 17, and pull those out of the calculations, and he noted that Laurie Oberholtzer mentioned 25 percent. It is a different philosophy from what the Board has done to date. He also noted that we do not have a density bonus in the General Plan at this time. Discussion was held. Kris Schenk advised that they would review how a project would be designed as a baseline, and they would compare the design and the environmental protection and the service factors and the public benefits of the project. They would want to know if the design using 2 ½-acre parcels would be a better design and accomplish a better purpose overall on a number of factors, and that is what they would present to the Planning Commission.

Rita Kidd noted that two other speakers spoke on this issue on Wednesday – one from the National Park Service and Chris Casto. She urged that this issue be flagged for further review; and she noted that the concept of carrying capacity is finding its way into General Plans all over this state and on the very basis by which she has identified the issue. She agrees that it is a scientific concept and has not been carried into the land use field.

Further discussion was held. Supervisor Pickard noted that these issues can always be revisited in the future. Supervisor Bibby stated that throughout the Plan, she has reservations on the County being able to continue to provide the level of service that has been provided, especially as outer areas grow and development is increased in rural locations. She sees sustainability being dictated by the future financial ability of Mariposa County, and it may not be determined by parcel size, it may just be determined by financial status of the County. Chair Stetson stated he feels that the Board is concurring with giving direction to keep what we have in existence now, and with asking staff to come back with a sense of sustainability and/or the definition necessary to accomplish some of the objectives that is agreed should be pursued. And, he noted that this issue can be revisited during the processes for the Plan.

Supervisor Fritz asked for clarification of what was agreed to with the issue of being able to exchange residential and agricultural lands as long as there is no net loss of agricultural land. Andy Hauge advised that no changes were made, and stated that in his discussion with the Planning Director, they feel that this is an issue that they need to look at further. Supervisor Bibby suggested that John Gamper provide input on this issue. She noted that this has been a way in other jurisdictions to swap out less desirable land and use the high-use and quality agricultural land for development.

John Gamper stated the “no net loss” approach is somewhat like carrying capacity; it has a different term of reference. If you are talking about no net loss and you are converting farm land/agriculturally zoned land to a residential land use classification; no net loss would say that you need to mitigate for that loss and protect in perpetuity this land that is being exchanged. There could be numerous unintended consequences that could be problematic for the neighbor if someone is allowed to just swap land that is designated Agriculture Exclusive for land in a Residential land use classification. People with Williamson Act contracts, are committed to a long term in production agriculture.

David Butler noted that there is a lot of designated Agriculture Exclusive land in the higher elevation that is not good agricultural land, but would make real good residential land. He noted that the land may have County road frontage, accessibility to the State highway systems, and closer proximity to services; and so he does not feel that this should be discounted totally. He also feels that this may relieve some of the pressure that is being felt on the lower elevation. There may be a residential parcel that is located among Agriculture Exclusive land that has circulation problems that could be exchanged. He noted that the land in the Mount Bullion/Bear Valley area is tough ground for carrying capacity when it comes to livestock and agricultural use.

Discussion was held. Andy Hauge noted a thought for coming to a conclusion with this matter and in thinking about some of the spottiness of some of the lands around the community, that there might be some wisdom in looking at some kind of a transfer program to consolidate the agricultural lands to protect them. He suggested that as Chapter 10 is reviewed, a policy could be considered to look at this to enhance the agricultural lands and not just a “no net loss.” He stated he feels a closer look at the lands will need to occur; and something could be included in the Plan that this is something that will be looked into and studied and come back for future consideration – more work needs to be done to develop the criteria. Chairman Stetson suggested that discussion be held on this matter with Goal 10-2.

Kris Schenk asked for clarification that the changes that have been discussed is the direction to staff for Chapter 5; and that the Board is ready to move to the review of Chapter 10 Agriculture. Supervisor Bibby noted that some of the wording when referencing Williamson Act in Chapter 5 sets forth language that in the future may need to be changed with changes in criteria for Williamson Act by the State or the County; so she suggested that the language include wording to be “consistent” or “compliant” with the Williamson contract so that there is flexibility for incorporating the changes so that the General Plan does not become inconsistent. Andy Hauge agreed, and stated he thought they caught all of those areas and they will review again, because the laws will change. Chairman Stetson asked that direction be given to staff to bring back everything that the Board has flagged as well as this issue for Chapter 5; and he asked that the information be made available to the public. Supervisor Turpin noted that the flagged items will be considered with the review of Title 17, and he asked whether any of the items need to be brought back for Chapter 5 for this General Plan process. Kris Schenk advised that staff will report back to the Board on the flagged items in the future, perhaps with the annual report on how things are going with the General Plan and some of it may be a part of the Title 17 process; however, he doesn't feel that there is anything that needs to be considered further for this General Plan process. Discussion was held relative to the process for considering the flagged items. Kris Schenk advised that the items could be considered in the future for General Plan amendments. Supervisor Bibby noted that the environmental impact will need to be reviewed for some of things that were flagged to be revisited. Andy Hauge advised that the EIR will be rewritten based on the changes the Board has discussed. County Counsel asked for clarification of the status of the items that the Board asked that staff review and bring back information, and he asked when that would occur. Supervisor Pickard agreed with Chairman Stetson's request for staff to prepare a summary of the changes discussed during this workshop; i.e., a recap of what is going to the Planning Commission. Kris Schenk advised that the next step in this process is for a public hearing before the Planning Commission, and then the Board will hold its public hearing which is scheduled for December 6th. County Counsel clarified that nothing is scheduled to come back to the Board after this meeting until December 6th. Discussion was held. Kris Schenk advised that they are not aware of anything at this point that needs to come back to the Board before the hearing.

Supervisor Pickard initiated discussion relative to the town planning areas and the comment that was received from David Butler. He asked that staff review the status of the land that Mr. Butler referred to as having been in the town planning area and then was taken out. He feels that if there is any documentation to verify that it was in the town planning area, it should be included. He asked for direction to staff to make sure that the parcel is where it ought to be. Kris Schenk advised that, from staff's point of view, it makes sense that if the property was a part of the town planning area and they can find documentation of that, then it would be reasonable to include it. The Board concurred. Supervisor Stetson asked whether it is possible that any other land was moved in or out of the

boundaries. Andy Hauge advised that there may be more things that people want in or out of the boundaries; but, we are close to a point where the Board will need to say what is going to be evaluated for the Plan. He noted that per discussion with the Planning Director, it is felt that the first update of the General Plan (after its adopted) needs to be set early in the process so that there is a date certain that they can tell people that we are coming back for the Board to review things.

9:29 p.m. Recess

9:42 p.m. A review of **Chapter 10 Agriculture** was held.

Kris Schenk advised that new pages were provided reflecting changes from the discussion held during the workshop on October 11th. He advised that the changes were in the following three general areas:

- 1) language that made clear the distinction between existing and future contracted lands; the concern was that when the General Plan took affect whether it would apply policies that could be interpreted to affect existing Williamson Act contracts. He feels that this language makes it clear that it will not affect existing contracts, but it will provide guidance for the process that we will be going through to amend contracts.
- 2) there was reference in the earlier policies to historic patent parcels; and that language has been superseded with new language that talks about all parcels shall comply with the Agriculture Exclusive Zone criteria.
- 3) there was some specific discussion around Policy 10-2a(1) – consistency to make sure that the language that was in that section was fully consistent with the changes that are in the version for the Agriculture/Working Landscape Land Use Classification.

Input from the public was provided by the following on Chapter 10:

Don Starchman referred to Section D. Maintaining the Rural Character of the County; and he advised that there is still language in the section that "...the General Plan places a great emphasis on ensuring that substandard agricultural parcels are not recognized through the certificate of compliance process during the tenure of the contract..." He feels that if this language is included in the new contracts, it will be covered by those contracts; and an appellate process has determined that those certificates will be issued for existing contracts, and they are required to be issued under State law. He noted that there was discussion in Chapter 5 and codified today, that lands under Williamson Act contract are subject to the conditions and terms of the contract. He does not feel that there needs to be additional requirements placed on the contract; and he does not feel that it is appropriate for this restrictive language to be included in the General Plan. He referred to item number 25 that was discussed earlier under Chapter 5; referencing Implementation Measure 10-6a(1) and the removal of "historic patent" and the text toward the end of the sentence. He noted that "historic patent" was removed as directed by the Board. However, the language at the end of the sentence was not removed as he feels the Board directed. He referred to Implementation Measures 10-2a(2) and 10-2a(3) on the revised pages; and he stated they should be written the same way; i.e., prohibit lot line adjustments on parcels that are subject to Williamson Act contract unless they comply with terms of the Williamson Act; and prohibit development permits on Williamson Act contract parcels unless they comply with the terms of the Williamson Act contract. He does not feel that this is the place to address the contract other than saying that you will enforce those contracts, and he has no problem with that.

County Counsel referred to Implementation Measure 10-6a(1) and the instruction sheet prepared by staff; and he noted that it was the Board's direction to omit the verbiage at the end sentence as noted by Don Starchman. He advised that he overlooked taking that language out when he removed "historic patent." He advised that it would be consistent to correct that portion of the Implementation Measure. In looking at Implementation Measures 10-2a(3) and 10-2a(2), he feels that this is something a little different than merely the construction of residences contrary to the Williamson Act contract. This is developing policy with respect to how lot line adjustments are going to be handled and substandard sized parcels will be handled. Those issues are not contained within the contract (Williamson Act). The contract language doesn't say you can get a lot line adjustment under a particular circumstance or that you can do something with a substandard sized parcel. He feels that these are development

standards with respect to these lands. Andy Hauge agreed. County Counsel referred to the other text change that was requested in Section D. Maintaining the Rural Character of the County; and he advised that it would be his recommendation that this be modified to be consistent with the earlier actions of the Board concerning modification of existing contracts with respect to certificates of compliance. He agreed that it could be reworded to state that it shall be the policy of the Board that future contracts have the condition that applicants have to agree with any new contract to not apply for a certificate of compliance during the lifetime of that contract. This would be consistent with the other change that was made stating that it only affects future contracts and not existing contracts. Discussion was held. Andy Hauge agreed with the recommended revisions to make this consistent with the Board's earlier direction, and the Board concurred.

Don Starchman asked where the language is that states that the condition is only in respect to new contracts. Andy Hauge advised that this is language that will be added. County Counsel referred to Chapter 5, Section M. Existing Contracts and Agreements; and reiterated his suggestion that this be modified to state that it doesn't apply to existing Williamson Act contracts.

John Gamper asked about the 1997 existing contracts that have restrictions on the recognition of certificates of compliance.

County Counsel advised that he does not know if the 1997 contracts have this language; but there was a Board resolution that said that this should be a condition in the newer contracts and it took effect in 1997. Sarah Williams stated she thinks it is 1997 contracts and on that have this condition, and it is based on Board action each and every year on those contracts. County Counsel advised that if a contract today has a provision that you can not ask for certificates of compliance, nothing that he has said this evening would change that. If the earlier contracts that didn't have the language with respect to certificates of compliance are still in effect, then they would be unchanged by any changes that are being recommended this evening. Further discussion was held. Supervisor Bibby asked for clarification that this will still allow for the County and State to have the ability to update contracts; and for the County to update, modify, and issue new agreements. County Counsel responded in the affirmative; and he advised that if the Board wanted to come back next week or next month and say that it is non-renewing all contracts unless a new contract is entered into with new terms, the Board would still have the prerogative to do that. That would remain unaffected by this. Discussion was held. County Counsel advised that the record and this Board has been made quite clear that it is the intention of this section that contracts can be modified. The Board concurred with being consistent and agreed with the changes suggested by County Counsel.

Don Starchman referred to the remaining two issues: Implementation Measures 10-2a(2) and 10-2a(3); and he stated it is his stand that the County can make those requirements, but that you can only make them for Agriculture Exclusive property. He does not feel that the County can discriminate against just properties within Agriculture Exclusive that have Williamson Act contracts. There should not be a separate set of rules for Williamson Act contracted land and another set of rules for Agriculture Exclusive land. He feels that it would be better to have the language in both of those Implementation Measures that says that lot line adjustments and development permits will not be issued unless they are in compliance with the contract. He advised that they have no problems with honoring the contracts.

County Counsel advised that if it is the Board's desire to be clearer that this is the policy with respect to all parcels, which it is as he understands it, the Implementation Measures could be changed to read that lot line adjustments, including adjustments of Williamson Act contracted parcels; and substandard parcels, including parcels under the Williamson Act, and that would cover all parcels. This would also maintain the emphasis on wanting to maintain Williamson Act compliance.

Don Starchman questioned whether this is really where the County wants to go. He cited an example of an 80-acre or 120-acre Agriculture Exclusive parcel that is substandard and questioned whether the County wants to say that it will not issue a development permit to any of these types of parcels. He noted that under Title 17, substandard parcels have been allowed to have permits. He also noted that there is language in Title 17 relative to lot line adjustment and provisions that as long as it improves the situation on both of the affected parcels, that it will be approved. He advised that they are not asking for anything additional. He agrees that if it can be shown that it is in violation of the

contract, then they are not entitled to a development permit or lot line adjustment. But he does not feel that a separate set of rules should be set up.

Discussion was held. Supervisor Pickard asked if it is necessary that these two Implementation Measures be included in the General Plan. Don Starchman stated they were not in the last version, and he does not feel that the Board directed this change. Supervisor Pickard asked if these were a result of mitigation from comments on the EIR. Andy Hauge advised that these Mitigation Measures have been in the document for awhile. County Counsel stated he does not see in the environmental mitigation that Implementation Measure 10-2a(3) is absolutely necessary. Implementation Measure 10-2a(2) is more a discussion of how lot line adjustments will be handled regardless of whether the land is under Williamson Act contract or not. He feels that Implementation Measure 10-2a(2) is more consistent with where the Board wants to go for avoiding the loss of agricultural lands. Implementation Measure 10-2a(3) really doesn't accomplish this by standing alone. He feels that both of these are restatements of existing policy. Kris Schenk agreed that they were intended to make sure that the General Plan has clear statements of what the intent is based on the testimony they received from Department of Conservation, Farm Bureau, and from all of the people that provided testimony; and he feels that these do reflect the care with which they take when they review these issues. Supervisor Bibby noted that this language is close to the disclaimer on the certificates of compliances, but it includes a warning that you may not be issued a development permit.

John Gamper, with the California Farm Bureau, stated they feel very strongly that the General Plan policies should reflect the fact that the Williamson Act is different than Agriculture Exclusive zoning. It is not discriminatory, it has a ag preserve overlay over the Agriculture Exclusive zoning; and there are statutory requirements and there are contract requirements. He appreciates all of the strong policies in the beginning of the discussion in Chapter 10 to nurture the agricultural sector; and to preserve agriculture and aid it owners, which the Williamson Act does. He noted that the viability of agriculture is dependent on conserving and managing resources for the future and the Williamson Act helps do that. It is the fundamental principle of the General Plan to retain Agricultural/Working Landscape and you can not do that without the Williamson Act in this County. He feels that unless we have policies that reflect the County's goal to protect the Williamson Act and to protect real estate consumers from getting burned on buying property and then not being able to build a house on the property, or if they do and then they come back later and find out that they are in material breach of the contract – he feels that we need to have a bright light on this thing that we are going to do this right and our policies and General Plan are saying we are going to do it right because it meets all of the goals and objectives of what our General Plan is all about in the agriculture element. He urged the Board to keep these Implementation Measures in the Plan. He also stated he was surprised at the recommendation to delete “under common ownership” in Implementation Measure 10-2a(3) because a substandard parcel that is under Williamson Act contract shall not be issued a development permit unless it is managed with other contiguous contracted parcels. A management agreement may be of much shorter duration than the 20-year Williamson Act contract, so if they are not under common ownership, he feels there could be a problem of a material breach of contract where a development permit has been allowed on a substandard parcel without a joint management agreement. He feels that if certificates of compliance are issued for historic parcels that are substandard size, you are just saying that as long as the parcel is managed contiguously with the others, a development permit can be issued. He feels you could end up with two houses created by a certificate of compliance and a material breach of contract and massive fines. He urged that “under common ownership” be retained.

County Counsel referred to the “common ownership issue” and the problem he sees with that is that we have parcels now under a single contract that are not under common ownership. He has not had an opportunity to fully evaluate what impact this will have on existing circumstances. If this wording is left in the General Plan, situations will need to be reviewed on a case-by-case basis. He feels that Implementation Measure 10-2a(2) is a substantial movement towards controlling some of the difficulties when people want to reconfigure substandard sized parcels or other parcels under the contract. It gives some ability to handle what is happening with those parcels. He feels that Implementation Measure 10-2a(3) is really in part controlled by 10-2a(2) because often it is the substandard size parcel that they want to adjust lines with other parcels. He agrees that these two Implementation Measures together have a greater impact than just one of them alone on what you can

do to deal with some of the developing issues. He noted that there is some undeveloped case law on what you can do with historic patent parcels; and there are two theories that exist. He feels that the General Plan should set policies that are squarely within what we believe is to be the enforceable law today, and allow the flexibility as those laws become clearer with what you can do, if it is the Board's desire, to strengthen what it is doing with the Williamson contracts.

John Gamper advised that his fear is that we are institutionalizing any General Plan past mistakes, and he does not feel that we want to do that. He feels that we should move forward and not make the same mistakes again where we are allowing development permits for residential structures on contracted land on substandard parcels. He stated that if the land is not under common ownership, he does not feel that you can build another structure on it.

Don Starchman stated he feels that Mr. Gamper pointed out what he feels is a major problem this, because when he talked about substandard parcels, he talked about parcels less than 40-acres. He feels that if we define substandard parcels as being parcels less than 40-acres, that matches the old Williamson Act contracts and the new ones and there isn't a problem. Right now, "substandard parcels" isn't defined; so he feels the simplest thing is to say that we will be in compliance with Williamson Act contracts. Otherwise, "substandard parcel" needs to be defined and he suggested that it be a parcel of less than 40-acres as referred to by Mr. Gamper.

County Counsel advised that under current law and our current contracts, people are not supposed to be building residential dwellings or getting building permits unless they are meeting the requirements of the overlying Williamson Act contract. Whether or not, that has been enforced vigorously enough in the past, or too vigorously depending on your point of view, is a fact that we have to deal with going forward. But that statement does not need to be put in the General Plan, for it to be true and for it to be required. The issue is to what extent the Board wants to put people on notice that the law is the law and that is the policy decision for the Board. Supervisor Bibby referred to an issue (Hibpshman) with AB 1492, and asked about the size of the parcel; and Sarah Williams advised that the parcel was 55 acres.

John Gamper referred to the issue of size of the substandard parcel; and he noted that if you build a house on a 40-acre piece of contracted land, and there are numerous ones in the County, and there is no agriculture on the property, he feels that is a material breach of contract. He feels that the issue is whether the primary use of the property is agriculture and whether the house is incidental to that agricultural use. He feels that the Board needs to address the issue of residential construction on contracted land where there is no agriculture.

Don Starchman noted that as Mr. Gamper pointed out, the issue is not parcel size, it is being in compliance with the contract. He feels "substandard" means absolutely nothing. Within the Williamson Act contract, there are three numbers: 40-acres which is the minimum and is also the minimum set by State law for non-prime agriculture; 100-acres which is the minimum set in the contracts for preserves, but we have allowed people in the County to piggyback onto some other contract that was contiguous to it to bring in parcels smaller than that. So he questioned that if someone was allowed to come in with 80-acres to a Williamson Act contract, that now we are not going to allow them to have a building permit? He feels this gets down to whether they had the agricultural use on the land, which is back to the contract. The third number is the 160-acres which is the underlying zoning for the Agriculture Exclusive. He questioned which of these numbers is being referred to when discussing "substandard." He agrees that Implementation Measure 10-2a(3) does not belong in the Plan. In regard to Implementation Measure 10-2a(2), if it is the Board's desire to not allow lot line adjustments in the Agriculture Exclusive properties in the future unless they come up to 160-acre minimum parcel size, then this is something that should be adopted for the whole Agriculture/Working Landscape, not just for the Williamson Act contracted land.

County Counsel commented that if the Board wanted these two Implementation Measures for the new Williamson Act contracts, these could be included as policy direction for where it wants the new contracts to be. He understands that contract issues will be coming to the Board as a separate agenda item. He suggested that how you arrive at whether the policies will be implemented for everybody by non-renewal and asking for new contracts or just new contracts that are entered into, can be a policy direction for what the Board is going to do going forward. He feels Implementation Measure 10-2a(2) could be amended to apply to all lot line adjustments with the understanding that we

are dealing with all of the agricultural lands that are covered under this section with this policy. With Implementation Measure 10-2a(3), he noted that there is the existing difficulty of substandard sized parcels that have been allowed to be under Williamson Act contract; and if that policy is enacted going forward for the new contracts, those substandard sized parcels will be addressed by going in the direction of saying you have to enter a new contract or be out. If parcels don't qualify, they will be removed. Otherwise, the problem will still be there and will have to be dealt with on a case-by-case basis. He summed up by recommending that Implementation Measure 10-2a(2) should include "under the Williamson Act" revision; and Implementation Measure 10-2a(3) should be revised to say that it is the policy of the Board that substandard sized parcels under new Williamson Act contracts shall not be issued development permits.

John Gamper stated he is confused by the addition of new contracts in Implementation Measure 10-2a(3) because existing law does not allow for residential structures on existing Williamson Act contracts. He feels that if this issue is flagged, it should be specified that a building permit will not be issued for a substandard parcel. He noted that the zoning is 160-acres for the Agriculture Exclusive and you have to have a minimum of 100-acres to get into the Williamson Act. So you could have a 80-acre parcel and add it to someone else's to get to the 100-acres. But he feels that to allow a 40-acre ranchette on non-contracted land, in a 160-acre zone, is a material breach of contract if there is no agricultural activity on the land. He noted that a couple of horses in a back yard is not agriculture, and he feels that this matter needs to be addressed.

County Counsel referred to Implementation Measure 10-2a(2) and recommended that lot line adjustments, including those under Williamson Act contract, shall result in parcels that are in compliance with the underlying land use designation, including minimum parcel size. The Board concurred with this recommendation.

County Counsel referred to Implementation Measure 10-2a(3) and recommended that it be the Board's policy that substandard sized parcels under new Williamson Act contracts shall not be issued development permits unless they are managed with other standard contiguous parcels. Discussion was held. Supervisor Bibby commented on her review and suggestion that the best way to monitor contracts is that there be one Williamson Act contract per parcel due to future changes with divorce, death, and change in ownerships, etc. County Counsel advised that this is an issue, and he agrees that it would be easier to manage if the requirement was a contract for each parcel and that is something that the Board can ask for going forward in the process. But he does not know if this type of policy is something that is commonly reflected in a General Plan document. He noted that it is a clear direction from the Board to tighten up the policies on how the Williamson Act contracts are handled in this Plan. Andy Hauge noted that Sarah Williams suggested, and there has been other committee discussions concerning this issue of one contract per property owner. Sarah Williams noted that there has been discussion about one contract per property owner for contiguous parcels. She advised that the Agriculture Advisory Committee has made some recommendations on amending the policies to implement the Williamson Act to help resolve the problems that have resulted with multiple property owners per contract. The Committee has also addressed the issue that Don Starchman was discussing with the three parcels sizes; and they have come up with recommendations that were related to productivity of those different parcels. They were reluctant and did not want to say that the minimum parcel size for an agricultural preserve or a Williamson Act contract was just 160 or 100 acres. They wanted to establish some gross income criteria so that there was still the ability to have some of the smaller parcels under contract if those properties were being used for more intense agricultural activities. Further discussion was held. Sarah Williams advised that the recommendations for the amended agricultural policies will be brought to the Board and it will need to go through a public hearing process. She feels that the issue of the substandard sized parcel is best addressed by what the Agricultural Advisory Committee is recommending, which is a sliding scale criteria related productivity. County Counsel expressed concern that a general policy is being crafted for the General Plan to meet what the Board thinks is going to be the recommendations coming to it at some time in the future; and he suggested that an option is for policy direction to be given for standards to be developed for how substandard sized parcels under contracted land are dealt with.

David Butler asked whether there will be a vehicle that can be placed in the General Plan that will deal with some substandard parcels that are created through death or divorce, but they are not

contiguous to another parcel owned that qualifies. He noted that with some of the early contracts, a substandard parcel could be brought in as long as you were the owner of a larger qualifying parcel, even if the parcels were not contiguous. Discussion was held. Sarah Williams noted that the Board has in the past considered non-contiguous parcels and it is problematic when portions of those then sell and are transferred.

County Counsel referred to Implementation Measure 10-2a(3) and asked for clarification of whether the Board wants policy direction to develop standards or something that will give a standard tonight to deal with this. The Board concurred that standards shall be developed for issuance of development permits for substandard sized parcels under Williamson Act contracted land.

David Butler reiterated his previous concern about dealing with existing contracts. Discussion was held. Supervisor Pickard responded that the revised standards would apply for new contracts after they are adopted.

Laurie Oberholtzer referred to Implementation Measure 10-2a(1) and she advised that there is an inconsistency with the wording concerning reclassification of uses in Chapter 5, Section G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Land Use Classification. Andy Hauge agreed that the wording should be identical, and he will fix it; and the Board concurred.

John Gamper advised that he has been asked by the County Farm Bureau to express their sincere reservations regarding the size of the study plan area for Catheys Valley on the map and the provisions that are contained in the Plan relative to community plan areas. He advised that the issue is that there is a great deal of agricultural preserve land and a Agriculture Exclusive zoned land underneath the planning study area on the diagram map, and the language in the second to the last paragraph in Section D. Maintaining the Rural Character of the County says that we want to protect agricultural land and it is stated throughout the findings how important it is to protect farming and ranching in the County. But then it goes on to say that the community planning area and special planning areas are not necessarily for residential development. Once the community or special plan is developed, then all of the policies regarding protection of farming in these zones is off, based on whatever is in that community or special plan. So they are concerned about the future of this large area and protection of agricultural lands. He advised that he has suggested language for this paragraph and for the following paragraph.

Discussion was held concerning this matter and the review process. Supervisor Bibby noted that protection of agriculture is important to the Catheys Valley community. County Counsel stated he feels that there is some confusion over the planning study area and the planning area. He advised that, per his discussion with the Planning Director, a planning study area does not qualify as the planning area within the General Plan – it is just the area that is going to be looked at. Any land that is going to end up in a planning area, still has to meet the requirements of the General Plan for handling agricultural lands and other lands. Supervisor Bibby clarified that they can be more restrictive, but not less. County Counsel advised that the standards that are within the General Plan itself are setting the baseline, so the only thing that can happen is they would end up being more restrictive with respect to those lands, unless the General Plan is changed as a whole. Supervisor Bibby stated that if all of the agriculture and Williamson Act land were taken away from the study area and if the community isn't given a say over that, it will be less restrictive. And, you take away the opportunity of being more restrictive. County Counsel noted that for appointing members to the committee for the Catheys Valley area, that the smaller the planning study area is, the more concentrated the pool of people will be that is drawn from for membership and that will impact their attitudes. People that live in residential areas are going to have a different view. Further discussion was held. Supervisor Bibby noted that the old town planning area boundary consisted of 823-acres, and the current proposal consists of 18-acres of commercial, with 8-acres of reserve for that future development or fair share for home-based businesses to be able to locate – a total of 26 acres. Everything else is there today and they want to be more restrictive on the agricultural land. County Counsel noted that it is important to recognize that a planning study area doesn't carry the connotations as “the planning area.”

John Gamper referred to the last sentence in the last paragraph concerning preservation of agricultural land and residential development; and he asked that it be modified. In his discussion with MERG, they suggested that the paragraph be deleted.

Discussion was held relative to the requested change. Supervisor Pickard agreed with recognizing the importance of agricultural land in the County, and he noted that it is also important that we have a place for people to live.

Rita Kidd stated MERG agrees with Mr. Gamper. They are not sure what is being accomplished with the last paragraph and whether it has any value. In regard to concerns about the size of the Catheys Valley community plan, she appreciates that it was made clear that it is a study area. She referred to the Santa Inez Valley, which has four unincorporated cities; and advised that they started with a study area of 225,000 acres and ended up with a planning area that still contained the four towns and 76 square miles. She noted that the Martis Valley ended up with a community planning area of almost 90 square miles. So, she feels that the size of the Catheys Valley's planning area is insignificant when compared with these other two areas; and they were equally concerned about very similar situations – that you have a local area to manage the compatibility between the critical agricultural lands and residential lands that can encroach on the economy of agricultural interests. She feels that being able to keep the Catheys Valley plan together in the size that it is today as a study area will give them an opportunity to really have policies in place that protect that agricultural interest. Supervisor Bibby clarified that the request is not to take out the Williamson Act and agricultural land from the study area. Rita Kidd referred to their May meeting with the Farm Bureau, and she noted that they have not stipulated in areas like Catheys Valley's community planning study area, that some portion of that advisory committee is mandated to represent agricultural interests. She feels that this will also be an issue in Hornitos as they begin to form their community planning area advisory committee; and she feels that we need to have by-laws that stipulate that.

Following further discussion concerning the last sentence, the Board concurred with deleting the sentence. Supervisor Turpin clarified that red areas on the maps will be adopted; and any other areas are strictly study areas and we are not adopting them because those plans have not been submitted to the Board.

Andy Hauge noted that the Board still needs to review the new policy or provide direction to establish a policy to develop the potential to transfer Agricultural/Working Landscape and Residential lands, perhaps with Policy 10-2; or it could be added to the "wish list." Discussion was held. Supervisor Fritz stated she feels there should be a vehicle to allow for the transfer. Supervisor Pickard agreed with the development of a standard, but with the inclusion that it would be an enhancement to agricultural lands as well. He advised that he is aware of a situation where he feels that if it could be corrected by having a policy to allow the exchange of land that it would be a tremendous benefit to the public and preserve agriculture.

John Gamper advised that they have reviewed the map of the specific property that they feel is being mentioned, and according to their sources, they feel that the land that is proposed to be swapped from Residential to Agriculture Exclusive has no where near the same quality. Supervisors Bibby and Pickard asked for information on the specific property that he referred to. Chairman Stetson reminded the Board that they are trying to establish policy and not to resolve a specific land dispute during this process.

Cathie Pierce, Mariposa County Farm Bureau, advised that what they are concerned about is that in some of the land exchanges that the land will not be of equal value. She stated the case that is being discussed is the Dunn ranch – she borders both sides of the ranch and has been there her entire life. She knows the land; and the part that is being discussed is Agriculture Exclusive ground and it is very open and it is very flat. For many years it was permanent pasture and had a big sprinkler system. The back part that they are talking about trading it with is brushy and more rocky and it is not open – she does not feel that the land is equivalent; therefore, they have a problem because it is not of the same quality.

Don Starchman stated he feels the Board is headed in the right direction; and suggested that the Plan state that a policy shall be developed.

County Counsel asked if it is the Board's direction that a policy shall be developed. Supervisor Bibby stated she wants to see the goal included that the exchange results in equivalent or better land for agriculture. Andy Hauge noted that Goal 10-2 which is to avoid the loss of agricultural lands in the Agriculture/Working Landscape; and the policy is that agricultural lands should be retained. He suggested the Implementation Measure 10-2a(4) could be added for this. County Counsel suggested that the language be added that the County shall develop a land exchange policy that includes no net loss in the quality of the agricultural lands. Then the standards could be developed with the specifics. The Board concurred with this change.

Kris Schenk asked for clarification that the other mitigation measures in the Rural Character Protection alternative are okay; and the Board concurred. Discussion was held. Andy Hauge noted that the alternative five measures were not included as there wasn't direction to do that – those measures on Table 2-5 still need to be reviewed for Chapter 10. Supervisor Pickard initiated discussion relative to the mitigation measure in Alternative five Rural Character Protection that there shall be no net loss of agricultural lands. Andy Hauge advised that this was the rewrite of Policy 10-2a. Supervisor Bibby asked about defining "prime" agricultural land. Andy Hauge advised that the State's definition would be used, and he doesn't feel that there is any "prime" agricultural land in the County. Kris Schenk advised that his recollection is that this was a mitigation measure that was requested by the State agency comments.

Rita Kidd suggested the policy be prefaced with a statement that says there shall be no net loss of agricultural lands in Mariposa County.

Supervisor Pickard asked about a recent program in Merced County where they set up a farmland mitigation bank. Andy Hauge said he wasn't familiar with that, but he could look into it.

Laurie Oberholtzer stated she feels you can always be tougher than what the State agencies are asking; and she noted that the foothill counties do not have the "prime"/internationally perfect agricultural lands; and she stated she feels adding the local agricultural land into this is a good idea.

Andy Hauge referred to the existing policies and changes that were discussed, and stated he feels it is the Board's choice of which way to go. Supervisor Pickard stated he feels the existing language should be retained, and the policy substantiates that. Supervisor Turpin asked what would happen if a curve on a highway needs to be widened and it involves Agricultural Exclusive land. Andy Hauge noted that the existing policy says that agricultural land should be retained; it doesn't say "no net loss" and he doesn't feel that there was ever an intent that widening the highway would qualify under this. County Counsel advised that the current language provides sufficient flexibility to address those types of issues.

A review of **Chapter 9 Circulation, Infrastructure, and Services** was held.

Kris Schenk advised that the areas where there are language changes involve the areas of discussion of state highways capacity. There is discussion of County roads and there probably needs to be more discussion on this. He advised that there are mitigation measures that talk about airports and specifically our local Mariposa Airport; and discussion of infrastructure and a higher level of services for certain parts of the County in those policies.

Input from the public was provided by the following on Chapter 9:

Tony Kidd, a Catheys Valley resident and MERG Board member, read their letter into the record. He advised that MERG is committed to maintaining Mariposa's rural way of life. They thanked the Board and the Planning Department for including Rural Character Protection as one of the General Plan's alternatives, and they the residents of the County will benefit from adoption of this alternative for the long run. They feel that the new General Plan as written has policies that are more accepting of a low level of service and more traffic on the County's rural roads. They are opposed to having the rural road standard at a level of service "D." He noted that other foothill counties have a level of service "C" for their rural roads; and this is a road standard which is defined as mostly stable flow of traffic. They feel that the level of standards needs be increased to ensure the safety of the residents; and they recommend that rather than using the average daily flow of traffic when considering

the allowable density of land development along County rural roads, that new language should be added that requires a peak daily a.m. and p.m. flow of traffic for the analysis. He referred to Section 9.2.02 Summary of Major Findings, O. Roadways, that states that land use planning and decisions will determine the need for road improvements. He advised that it is their recommendation that changes be added to this section that the achievable road service level for a given rural road must have a limiting effect on the total number of homes that will be allowed access. This limitation would remain in effect until the condition of the road is improved. They feel that considering the quality of the road will provide a higher level of protection to the visitors as well as the residents.

Discussion was held relative to the level of service and the “C” versus “D” standards. Andy Hauge advised that this objective will not be met for building homes on existing parcels; however, it could be met for new development and new subdivisions. He advised that the quality of the road issue is taken up with the road standards that Public Works is working on. Dana Hertfelder, Public Works Director, advised that there is an existing standard and improvement standards for new road construction. However, minimum standards for County roads need to be developed, as they have not been specifically identified. He stated he sees the issue being more of capacity versus levels of service. He noted that levels of service mostly apply to state highways and looks at delays and length of time, and do not address the issue of road surface and width. Andy Hauge reviewed the goals and policies in this Chapter and advised that they begin to deal with the quality and what this Plan requires. Kris Schenk noted that the policies discuss adequate capacity, but there is no definition in the Plan of what adequate capacity might involve. When he discussed this with the Public Works Director earlier, they feel there could be a definition which would make it clearer that we are not just talking about level “A,” “B,” “C,” “D,” and “E” and one way of defining it would be to say that adequate capacity means a road which meets current County improvement standards for existing and proposed project traffic increases. The standards would still need to be developed through ordinances. Dana Hertfelder advised that the biggest issue facing the County is the width issue which would have more to do with capacity and safety than the level of service. He noted that if the definition for capacity is used that it meets current County improvement standards for the given ADT (average daily traffic), that will have the effect of possibly restricting development on certain County roads which currently do not meet any minimum width standard. The minimum width standard in the Improvement Standards is 18-foot wide, or two-nine foot travel lanes. Supervisor Pickard noted that there is allowance to mitigate this. Dana Hertfelder noted that changes have to be proposed as a part of the project for the subdivision; and a simpler solution is the route the County is pursuing with the study to implement the impact fees – these fees would be set aside to improve the roads up to the standard that would be necessary. Dana Hertfelder advised that capacity could be established by using a traffic study and level of service; by establishing a minimum width (and perhaps even road surface condition – whether it is paved or dirt doesn’t seem to matter as much as width) for County roads that meet the capacity and use that as a baseline – but that would impact the ability to develop on certain roads and he does not see something less than a width of 18-foot wide (two-nine foot travel lanes) as a minimum requirement. He noted that portions of Old Highway and Allred Road, and others would not meet this requirement. So until there is a mitigation measure, the ability to develop will be impacted. Further discussion was held. Dana Hertfelder noted that the only place where there is a current traffic congestion problem in the County is where Highway 49 South merges with Highway 140 in the morning; and on Eighth Street when people are dropping the students off for school. Dana Hertfelder advised the County does not have the ability currently to require off-site improvements to County roads for minor subdivisions; and he feels that this will be the area of greatest impact.

Laurie Oberholtzer noted that they recommended in their comments on the EIR and on the General Plan that the Board adopt both a level of service standard and local roadway standards. Because we are a rural area, they feel it is important to go beyond just a level of service. She stated this usually involves making up standards that work for our community – there are a lot of samples being used by different rural communities that adopted their own standards. She feels it makes sense for the main arterials, the State highways and larger roads in town, to use level of service also. She noted that in reviewing the EIR, it looks like we only have one non-highway road that will go to level of service “D” in the Plan – Greeley Hill Road. They feel a level “C” standard should be adopted for the non-highway roads. She noted that the impact fee program is not discussed in the General Plan. Andy

Hauge advised that it is in Alternative five. Laurie Oberholtzer stated that the reference is Alternative five is for highways, and she feels it should be included in the General Plan, as well as for any other public facilities.

Supervisor Turpin asked for clarification relative to the Public Works Director's recommendation concerning the level of service and road standards. Andy Hauge advised that the current policy says that the Board will adopted comprehensive standards for all County roadways; and the intent is that includes width and construction type, etc.

David Butler stated when we talk about rural character, we can remember the rural roads and still have some of them – i.e., Ben Hur Road and Buckeye Road. But he feels that as we improve those, we will also increase the speed and that will increase major accidents. He does agree with the Public Works Director on development fees. If development in the long run can't carry itself, then maybe it doesn't belong here. But he feels that the fees paid for a specific area should stay in that area to help work on those roads. He noted that we do not have gridlock and that is a problem with trying to say that the roads are substandard – perhaps quality wise, they are. And perhaps we would like to see wider roads.

Tony Kidd stated he does not mind all the curvy roads, they control the speed by themselves. He feels that part of the problem is continuing to develop the land along these roads and putting more and more people onto these roads – this results in more traffic, speeding and more accidents. He is not advocating fixing the roads; he is advocating for not developing along the roads until the road is improved to handle the increase in the traffic.

David Butler noted that there isn't currently a speed policy on our rural roads. He suggested that perhaps this needs to be reviewed – perhaps a 40 mph speed limit countywide.

Dana Hertfelder provided input on the speed limit restrictions and his research. He advised that it appears that the County probably can establish an overall speed limit. He noted that the existing speed limit for most rural roads is 55 mph or whatever speed you can safely travel; and that is generally what it comes down to – most of the accidents that occur usually involve unsafe speed and in most cases that is less than 55 mph. But unless the speed limits are enforced, they will not be effective. He noted that speed limits won't make up for a narrow road. He used Old Highway as an example, and he advised that there is no real accident history that would suggest that to date that the road has been unsafe because of its narrow nature; however, each time more traffic is added to the road, you increase the likelihood that there will be accidents due to the nature of the road. He could not say at what point this becomes an issue. Supervisor Bibby stated she feels that there would be more accidents if people didn't have to actually leave the pavement to avoid the oncoming car. Supervisor Pickard suggested that a way to fix this is for new development to pay its way and he feels that is a theme that the Board has been working toward with developing the impact fee program; and he asked whether there is a tool in this circulation element that needs to be addressed. Dana Hertfelder stated he feels that Chapter 9 sets the framework for developing a minimum County standard which can be looked at and applied to roads to make sure that they either currently have sufficient capacity or what would need to be done to improve the capacity. He feels that would allow for development, if not immediately, then eventually on most County roads. He noted that there will still be problems in certain areas with width because the County does not have the right-of-way on all of our roads; some are just prescriptive right-of-ways. Discussion was held. Andy Hauge suggested that the definition of adequate capacity be included in the Glossary.

Supervisor Bibby noted that Section T. Solid Waste needs to be updated to reflect the construction of the co-composting facility and the increase in years in the useful life of the landfill. Andy Hauge advised that he will work with the Public Works Director to update this section.

Further discussion was held relative to defining "capacity" as a road which meets current County Improvement Standards, including width for existing and proposed projects. Supervisor Turpin noted that the standards being required for new subdivisions are much greater. Dana Hertfelder provided input on the current standards, and stated the width could be reviewed to determine whether that level of a road is needed. Supervisor Stetson clarified that going forward, no new level "D" roads would be created.

A review of **Chapter 11 Conservation and Open Space** was held.

Input from the public was provided by the following on Chapter 11:

Len McKenzie, representing MERG, stated he was also speaking on behalf of the interests of the Yosemite Area Audubon; and he read their statement into the record. He commended the Board, particularly the Planning Department and Planning Director Kris Schenk, for following through on the commitment to develop the Rural Character Protection alternative. They appreciate that this alternative requires that most of the implementation measures replace the optional “shoulds” with mandatory “shalls.” They feel this is environmentally superior to the alternatives presented in the draft Plan. However, they feel that Alternative five doesn’t go quite far enough in protecting the agricultural landscape and environmental values of Mariposa County. This is providing much stronger protection for the County’s environmental sustainability, its biological diversity, its wildlife populations and habitats, its watersheds and wetlands, scenic qualities and its open space including its agricultural lands. He noted that the Central Sierra Environmental Resource Center has pointed out in its comments on the Plan that this alternative would provide far more consistency with legal direction and the intent of CEQA requirements. He will not duplicate the comments provided by the other members of MERG, but he shares their concerns and views. He appreciates the comment made by Larry Zurker earlier tonight in his reference to environmental sustainability. “Keep Mariposa Rural” has been MERG’s mantra for some time; but they would also say that if there is an over-arching theme in the General Plan, it should be one of environmental sustainability. He noted that State law requires the protection of natural resources, and Alternative five Implementation Measure 11-4a(1), will help the County to comply with this mandate by stipulating rather than reviewing the preparation of an environmental conservation program. He suggested that this Implementation Measure be strengthened by specifying a timeframe for near-term rather than intermediate-term completion of the conservation program. They believe that Implementation Measures 11-4a(3) and 11-4a(4) in this alternative should specify target dates for completion and implementation. They also believe that Implementation Measures 11-4a(6), (7) and (8) should require assessments of cumulative impacts of the resources specified – not just site specific surveys, but also surveys that evaluate the cumulative impacts on those resources. They concur that these measures are needed to meet CEQA requirements. They believe that Implementation Measure 11-4a(7) should not be limited to breeding raptors and migratory birds; but that as a matter of stewardship that active nests of all nesting species should be protected until the nesting cycles are completed. He referred to Implementation Measure 11-4a(8), and they believe that to allow removal or destruction of up to 75% of sensitive plant communities is much too generous; and they recommend that the upper limit be reduced to 50%. He suggested that the language in Implementation Measure 11-4a(9) for a comprehensive vegetation community map for a proposed development site be amended to specify native vegetation. He stated that project sites that are no longer populated by native plant communities need not be restricted to the 25% limit. They asked that a timeframe for implementation of this measure be specified and that mitigation be required for impacts on habitats of sensitive wildlife species. They believe that Implementation Measure 11-4a(10) is crucial to assure adequate protection of wildlife; and that Implementation Measure 11-4a(11) is mandatory as laws require no net loss of wetlands. They feel that the proposed mitigation measure in Impact BR-8 in the draft EIR concerning build-out of the proposed General Plan possibly resulting in the net loss wetlands, etc., must be added to the final EIR to assure compliance with this mandate.

Len McKenzie made one comment on Chapter 13 – Regional Tourism that he feels is related to natural resources. He feels that this Chapter should strongly acknowledge, that not withstanding the attraction of Yosemite National Park, that protection of this County’s rural character and natural assets is essential to increasing and sustaining destination tourism to the County. He noted that visitors don’t come to Mariposa County to see development. They recommend that this section also place increased emphasis on the potential for agri-nature tourism and specifying additional implementation measures to further that potential. He noted that the Harvest Weekend in the Country is scheduled for this weekend and he encouraged participation. He again urged the adoption of the Rural Character Protection Alternative – the “smart growth” alternative that will enable us to realize the goals and policies articulated in the General Plan.

Discussion was held. Andy Hauge noted that prior versions of the General Plan had short-term, mid-term and long-term timeframes; and those have been removed through the revisions. In the final

EIR, he has recommended that timeframes be put back in the Plan. He noted that the difficulty and challenge is determining the timeframes and the financial implications will need to be reviewed, as well as the staff commitment implications of those commitments. Kris Schenk stated he does not know if staff will be able to get back to the Board with the timeframes before the next draft Plan comes out. Andy Hauge suggested that the timeframes be placed in the EIR; and at the time of adoption, the Board could look at them. Kris Schenk advised that they are anticipating that when County Counsel has finished his review of the mitigation measures that it will be necessary to indicate when they feel that will be accomplished. Supervisor Stetson asked about the input provided relative to the upper limit for sensitive plant communities that could be lost and how a determination would be made. Andy Hauge advised that there could be a policy that the 75 percent is changed down to 50 percent; and that is in the Alternative five implementation measures. Discussion was held.

Len McKenzie stated that perhaps he misinterpreted the wording in the statement: “if avoidance of more than 75 percent of the identified community is deemed unfeasible” and he asked for clarification of whether that means that if it is impossible to avoid more than 25 percent. He was reading it to mean that you could remove up to 75 percent. Andy Hauge noted that the measure reads “that measures will be implemented to prevent the loss of greater than 25 percent of the given area.” County Counsel clarified that “avoidance” means that above 25 percent you are triggering some sort of inquiry. You have to keep 75 percent, so 50 percent would be a lesser standard. Len McKenzie rescinded his requested change on this issue.

Discussion was held relative to the request concerning the breeding of raptors and migratory birds. Andy Hauge noted that California is on a major migratory path and that is the reason that special preference is given. Raptors are hard to maintain, so they are also given special preference. Supervisor Bibby asked who will do the site specific surveys; she asked for clarification of defining native species; and she asked about wildlife migration and what is considered wildlife; i.e., wild pigs. Andy Hauge advised that people will probably need to be hired to do the surveys; and that information will be recorded both with the County and with the State data bases. He advised that native plant species are listed and documented; and he advised that the concern is that there are a lot of non-native species being brought in and there are invasive species being brought in – so this is to protect those native species and maintain those populations in Mariposa County. Supervisor Turpin noted that Fish and Game covers the wildlife issues and they have the opportunity to comment on every subdivision. Andy Hauge advised that inclusion in the Plan places it as a County policy.

Rita Kidd advised that the reality is that when developments are proposed and an EIR is required, there is documented information already about Mariposa County that people that are hired will be able to do the surveys and pin point things. She referred to Mr. Fortner’s EIR for the Vallecito project and noted that that kind of documentation was clearly created for that development. There were references to native species that in order for development to take place, that they would have to have some relocation and some protection and that they were in fact protected species. Supervisor Bibby noted that this applies to all development and not just major projects. Rita Kidd referred to three minor subdivisions on Old Highway; and she noted that had they been dealt with cumulatively, it would have been a 27-parcel major subdivision. She feels the direction to look at all subdivisions is really smart.

Supervisor Turpin referred to Table 11-1(c) – maintain construction vehicles and equipment according to manufacturers specifications; limiting equipment idling time to no longer than 20 minutes; scheduling on construction trip to non-peak traffic hours; and minimizing the length of construction truck trips; and the rest of the requirements. He asked for clarification of whether this means that you can’t haul materials to the County; and he stated he feels that we need to be realistic with these issues. He noted that businesses are under a lot of regulations already. Discussion was held. Andy Hauge advised that these are standard mitigation measures for projects to meet air quality.

Supervisor Bibby referred to wood stoves and fireplace issues, and she asked whether this is mandated by the State. Andy Hauge advised that these are mandatory by the State, they have to do with overall improvement of air quality in the State.

Laurie Oberholtzer noted that they are tired and asked if the meeting could be continued as they feel that these are important policies. The Board continued with the meeting. She stated she feels the air quality policies are standard and on the low side of what she sees in other general plans, and she noted that they largely relate to new development. She advised that the biotic issues are also

for new projects and new subdivisions. She noted that these are all mitigation measures that are recommended in the EIR. She asked that the Board consider their comments when the biotic issues are reviewed.

Discussion was held relative to the proposed mitigation measures.

David Butler referred to the vegetation issue, and he noted that you can't kill 75 percent of the vegetation and keep it down. He cited an example on Highway 140 past Aqua Fria where there is 1400 acres that the Soil Conservation worked with his family, and have worked with others, trying to get it back to better condition for agricultural purposes, and the vegetation grows back. So he feels the implementation of this is nothing more than a constraint and trying to slow progress down.

Len McKenzie pointed out that this is a reference to sensitive native plant communities and it is very clear that there are communities with species of special concern, and not necessarily the hillsides of chamise and other types of brush. He noted that the site surveys have been done for the past several years and he believes they have been contracted for by the Planning Department. Sarah Williams advised that the contracts have only been done for project specific cases.

Supervisor Pickard stated he feels the last two sentences should be removed from Section 11.2.02 Summary of Major Findings, A. Scenic Resources, in the second paragraph to be consistent with the earlier discussions concerning view shed issues. The Board concurred with deleting the two sentences. He asked for clarification of the reasoning for the recommended mitigation measure. Andy Hauge advised that it is mitigating impacts that were found in the EIR. Supervisor Turpin stated he does not feel that the County should go any further than what is already mandated by the State. Further discussion was held relative to the issues and minimizing the length of the trips for construction. County Counsel advised that the Board previously directed for these measures to come back with the minimum that the County could do to comply with the various air quality and other regulations. He advised that this implementation measure is not saying that you will tell a person that they have to procure something from a certain vendor, or go to a certain place; it is saying that when you set up your construction project, you will need to show the County that you are doing something to minimize these impacts. He advised that the County will not be dictating that things be done in a certain way; but asking that business be handled in a manner that is more prudent.

David Butler stated he feels that adoption of something like this will give ammunition for the "bean counters" to monitor and govern what is going on. He referred to his experience with storm water control measure monitoring requirements in the Bay Area. He stated he feels that this is like loading a shotgun for someone to shoot you with it. He does not feel that we should be constrained further than what is required by state law.

Further discussion was held relative to the proposed mitigation measures for construction.

Ken Melton stated he agrees with Supervisor Turpin, and he feels it is absurd to mandate more than what the State requires. He feels that this came from one person who decided that these should be the mitigation measures – he feels it is just an opinion and is not law. He agrees with doing the minimums that the State mandates.

Supervisor Bibby referred to the temporary work on the Ferguson rockslide and the impacts these measures would have had on that project. County Counsel stated staff is looking for a policy direction, and he advised that they are required to address points and develop measures to mitigate them for the General Plan. The standard that has come forward is one that is used widely, and it may not be the best and it may not fit as the Board prefers. If the Board wants to direct staff to go back and come up with something else, staff does not feel that there is something readily canned or readily available to do that. Something would have to be crafted to address the air quality issues and the other issues that CEQA does require be addressed. Kris Schenk added to County Counsel's input and advised that if the Board finds that the proposed mitigation measure isn't going to be practical, they could prepare a finding of overriding consideration with findings stating why this is not appropriate to be adopted as a part of the General Plan. Supervisor Bibby asked if there is something that meets the needs of rural communities in unincorporated, non-urban areas; especially with reference to wood stoves and fireplaces. She also asked about the mitigation measure for the biomass program in cooperation with the County. Andy Hauge advised that this is generally going to be an education program, with the County working with the community in things that they can do versus burning.

Laurie Oberholtzer referred to the development related measures and she asked whether the Mountain Counties Air Basin Air Quality Management Plan has a menu of mitigation measures that could be referred to. She stated that this might be a way to handle the development measures. Andy Hauge advised that he could research this.

Further discussion was held relative to the mitigation measures and proposed requirements. County Counsel suggested that perhaps instead of the specific requirements, and he referred to Mitigation Measure 11-1c(1), that if the measure were to list things such as dust mitigation, then you could let the developer propose what measures would be appropriate for that project. Supervisor Turpin stated that this is required today by law. County Counsel stated that there needs to be something in the General Plan that addresses it; and it could be worded to require dust mitigation measurements that meet State law would address the point and set the standard. He further noted that you could have dusty material handling that meets State and OSHA requirements. Andy Hauge suggested the language be to implement a program that reduces pollutant emissions from construction activities and then generalize the list, and he stated that's going to place the burden on the County to develop standards for the code of ordinances and establish thresholds. The specifics would come back later and they could review what the Air Basin requires. The Board concurred with this suggestion.

Ken Melton stated he feels that CEQA covers all of this as far as projects are concerns.

Supervisor Bibby referred to Implementation Measure 11-4a(10) which states that the County shall analyze projects on a site specific basis for their potential to substantially block or disrupt wildlife migration or travel corridors; and she asked if this applies to wild pigs. Discussion was held as to whether the wild pigs are a native species.

David Butler stated he feels this issue is covered under Fish and Game.

Len McKenzie suggested inserting "native" in front of wildlife.

Discussion was held. Supervisor Bibby asked what happens when the wildlife travel corridors change. Andy Hauge advised that they have been mapped for the most part, and this is saying that when the County is reviewing development projects, it will try to avoid the disruption of those corridors. Andy Hauge stated he does not believe that the State law covers this specific issue.

Laurie Oberholtzer stated she feels that this is one of those macro planning things that you really can do on a land use level. She noted that she is an environmentalist who is not that wild about clustering because she feels it adds more people. However, a reason to do clustering is to preserve wildlife corridors and open space. So she feels that this fits into that policy.

Supervisor Turpin questioned what "maintain paved highway in a clean condition" means.

David Butler referred to the wildlife corridor and migration issue, and advised that in discussing this matter with the Federal trapper for Mariposa County, the topic of mountain lions came up. He was advised that they have collared mountain lions with GPA trackers in the back side of Fresno and tracked them going over the top of the Sierra Nevadas in the dead of the winter. He advised of an incident where a problem lion was trapped near Yuba City and was taken to Susanville; and two weeks later he was killed in Marin County by a car. He questioned how you could mitigate a wildlife corridor for this. He noted that there are bears in the San Joaquin Valley now. He feels they are using the riverbeds and the creeks for their corridors and those are mandated for protection.

Supervisor Bibby asked how wild fire protection and fuel reduction will play into this; i.e., burning of brush piles and the mitigation measure. Supervisor Pickard suggested that the Board review each item and give direction to staff on which ones the Board wants to proceed with. Supervisor Turpin again stated that he feels that State law covers all of the items. Supervisor Bibby referred to the mitigation measure that control measures be adopted to reduce pollutant emissions from outdoor burning and asked how that would be done and still deal with the brush pile to meet fuel reduction. Andy Hauge stated he feels that the suggestion to look at the Mountain Counties Air Basin's mitigation measures to see how they compare with the proposed measures in the Plan would be appropriate. He noted that a control measure could be to not burn while it is raining. Supervisor Pickard again suggested that direction be given to staff that these mitigation measures come back reflecting whatever the minimum State standard is; and wherever necessary that there be a finding of overriding consideration stating why this is not appropriate to be adopted as a part of the General Plan. County Counsel advised that with respect to the air district issues, he suggested that direction could be given to come back with the minimum standards to meet the Mountain Counties Air Basin requirements, and

that staff could bring something back. For the other issues, the comments in the environmental study have to be responded to. In order to meet CEQA requirements, when an impact is identified, there has to be something identified as a mitigation measure. These measures were designed to stay toward the minimum requirements; however, direction could be given to staff to review and revise the measures to the minimum that would still meet CEQA requirements.

Anita Bryant referred to the noticing requirements for holding another workshop on this matter – she suggested that if a notice is placed in Friday’s newspaper, we could have another meeting a week from Monday. County Counsel advised that the Gazette informed the County that it isn’t doing public notices in their Friday paper. Anita Bryant stated a continuance would give an opportunity for the Board to review the changes that are being talked about before the public hearing on December 6th.

Further discussion was held relative to the mitigation measures and response to comments. Supervisor Bibby referred to Implementation Measure 11-2b(3) concerning construction of a project and if an acre of land is disturbed that compliance with Federal and State legislation is required; and she asked for clarification. Andy Hauge advised that this was recommended as a water quality measure; and he believes that this was a response to a State comment. Supervisor Bibby asked that it be reflected that this is in response to a State Water Quality comment. Supervisor Pickard agreed that the requirements that are required by the State should be noted as such. Andy Hauge advised that they could include notes for those measure required by the State; and a brief review was held of the measures relative to native plant species.

Chairman Stetson suggested that Chapters 1 – 4 be reviewed next, and then the remaining Plan. Supervisor Pickard asked about continuing the workshop. Chairman Stetson suggested that there be a short recess; and that a continuance could be discussed.

Rita Kidd stated she feels that everyone is tired and that the workshop should be continued.

1:25 a.m. Recess

1:34 a.m. Chairman Stetson advised that the Board is going to try to finish the workshop versus continuing it.

A review of the following chapters was held: **Chapter 1 – The Mariposa County Setting; Chapter 2 – Issues Important to Mariposa County Citizens; Chapter 3 – Guiding Principles of the Board of Supervisors; and Chapter 4 – General Plan Administration.**

Supervisor Pickard referred to the cover page of the Plan and asked that his name be changed to show Robert “Bob” Pickard; and the Board concurred with the change.

Supervisor Turpin referred to Section 2.3.14 Private Property Rights in the General Plan; and he suggested that the end of the second sentence of the first paragraph, after the Issue paragraph, be deleted – the portion that states: “...in balance with the rights enjoyed by others in the County.” Discussion was held. Supervisor Bibby asked about deleting the second paragraph in this section. The Board concurred with deleting the last portion of the sentence.

Supervisor Pickard returned to the cover page of the Plan, and suggested that all of the department heads be listed, as well as the previous Board members and Planning Commissioners that contributed to the development of this Plan. Andy Hauge advised that if the Board concurs, the list of these people could be placed on the second page.

Supervisor Turpin referred to Section 3.2.13 Plan for and Ensure the Delivery of Infrastructure; and suggested being consistent with the language for the approved sewage areas. Andy Hauge provided input and advised that this statement is just saying that you have to dispose of your sewage. No change was made.

Laurie Oberholtzer referred to the issue of planned build-out population (Table 1-4: Residential Buildable Vacant Land), and asked how that will be handled with the new Land Use Map. Andy Hauge advised that the Table will be updated to reflect one number versus a range.

A review of **Chapter 16 – Safety** was held.

Supervisor Bibby asked about addressing the natural occurring asbestos. Andy Hauge asked if the Board wants a policy to deal with this or just to recognize it in the Settings section in Volume 3. The Board concurred with the mention of it in the Settings section.

Supervisor Bibby referred to Policy 16-1a and advised that Andy Hauge clarified for her that non-residential “development” shall be within acceptable fire department response time limits and coverage areas, etc.

Supervisor Bibby referred to the second bullet in Implementation Measure 16-1b(1) concerning requirements for a connecting circulation system and emergency access maintenance; and she asked how this is addressed. Kris Schenk suggested that a phrase could be added to reflect “connecting and maintained.” The Board concurred with this change.

Supervisor Bibby referred to Implementation Measure 16-2b(1) concerning continuing work with the Mariposa Fire Safe Council, and she noted that there is limited funding and there is a possibility that the Council will be asking for General Fund dollars. She suggested that this be changed to include County Fire. Andy Hauge noted that this is not a commitment to fund this, just to work with the Council. County Counsel suggested that language be added to reflect “or other appropriate agency or group,” and the Board concurred with the change.

Laurie Oberholtzer referred to Implementation Measure 16-3a(2) and (3), concerning identifying capital improvements, etc., and asked if this means that a fee structure would be adopted. If so, she suggested that adoption of a fee structure be included in both measures for new development to pay its way toward these needs. Supervisor Stetson noted that the previous item addresses creation of a strategic plan. Discussion was held. Laurie advised that they are concerned that the issue of development fees does not occur throughout the Plan for services offered or supplied.

County Counsel suggested that a reference could be included that the County will develop a capital improvement program to determine fees. Andy Hauge advised that something could be added in one place for this versus repeating it throughout the Plan. The Board concurred with directing that this be included in the appropriate place in the Plan. Andy Hauge advised that it would probably be best to place it as an implementation measure in the Administration element to develop fees to implement the General Plan.

A review of **Chapter 13 – Regional Tourism** was held.

Supervisor Bibby referred to the third paragraph in Section 13.2.02 Summary of Major Findings, A. Expansion and Integration of County Regional Tourism Opportunities; and concerning the existence of additional recreational tourism opportunities. She suggested this Section be updated to reflect that the Art Park, Amphitheater and Skate Park are done; and the Board concurred with this change.

Supervisor Pickard asked if the Board were to consider a countywide road improvement program, would that need to be consistent with the General Plan, and as to whether the General Plan allows the Board to consider this. Andy Hauge advised that it would need to be consistent, and that the General Plan allows for consideration of this. However, it doesn't specify a countywide road maintenance program; and the Board concurred with adding this as an item to be studied. Andy Hauge advised that this could be added in Chapter 9 under circulation.

Supervisor Turpin referred to the Glossary of Terms, item 93. Maintained road; and the definition; and he suggested that reference be made to all federal roads. Dana Hertfelder suggested using federal agencies.

Supervisor Turpin referred to the Glossary of Terms, item 140. Road or street; and he stated he feels that this is contradicting what was discussed before in the Plan with maintained roads. Discussion was held. The Board concurred with deleting this term.

Supervisor Turpin stated he feels that a definition of “paved road” needs to be included in the Plan as this term is used in the Plan. Discussion was held. Kris Schenk referred to Chapter 5, Section

E(2) Frontage on Maintained Road; and he advised that these are standards that apply to Rural Economic land uses and this section refers to “paved road.” He suggested that “paved road” could be replaced with language to reflect a road meeting adopted County Road Standards.

Laurie Oberholtzer asked for clarification of whether all of the mitigation measures in Chapters 12 through 15 are being accepted; and she was advised that they are.

Supervisor Bibby referred back to the Rural Economic issue and stated she thinks the roads should be paved, especially with commercial and recreational uses, and they will be servicing a thousand people. Dana Hertfelder advised that generally the road should be paved, and he advised that one of the problems is that there is no definition for a paved road. He further advised that almost in every case our standards would require a paved road, with requirements based on ADT.

Don Starchman referred to Appendix C – Future Consideration regarding the Implementation Measure that home enterprises shall be an accessory use on parcels of 2.5 acres or more, etc. He stated he feels that this should be consistent with the previous direction for traffic generation in Chapter 5. The Board concurred with revising this to be consistent as suggested.

Supervisor Bibby noted that Supervisor Turpin pointed out that the Implementation Measure relative to the Fire Safe Council in Appendix C – Future Consideration needs to be consistent with the previous direction in Chapter 16 to include other appropriate agency or group. The Board concurred.

Supervisor Pickard referred to the safety mitigation measure for new construction and fire resistant construction material in the EIR, Alternative 5; and he asked if this is a requirement if you are in a 9 or higher ISO area. Andy Hauge advised that this is including, but not limited to, so it would be a requirement. Supervisor Pickard suggested that this be a suggested use versus a requirement as there are other ways of keeping a home safe from fire. Andy Hauge suggested changing the wording to “...encourage the use of fire resistant...” The Board concurred with this change.

Kris Schenk asked for concurrence that the direction includes that staff continue to make technical and editorial corrections wherever they are necessary in the documents; and that staff continue to make changes as recommended by Counsel to make sure that the measures are appropriately framed, so there might be some additional language. Supervisor Bibby asked that changes be defined by underline and strikeouts. The Board concurred with the direction. Andy Hauge advised that the next version, with the changes, will be referred to the as the “November” version of the Plan.

Supervisor Pickard thanked all of the people and staff for taking the time to go through this document during this workshop.

Supervisor Turpin asked how Chapter 11 – Conservation and Open Space, will be addressed. Andy Hauge suggested that a new section be added to the Chapter that will discuss State regulation in the body of the text, so that in the environmental document, he can refer back to the State regulation and not have to create new mitigation measures or duplicate mitigation measures. He advised that there will be recommendations for measures that would further enhance things such as encouraging the use of solar for residential power.

Supervisor Turpin referred to the historical sites and things that we should be doing to protect them; and he asked whether there needs to be a timeline on this. Andy Hauge advised that County Counsel has advised that timelines are needed on all of the things to make this a more solid document. So they will come back and make recommendations on timelines. He noted that the Board will see the revised document in early November when it goes to the Planning Commission. He suggested that if the Board has questions about the revised document, that members could provide comments to the Planning staff. He noted that the public hearing on the Plan is scheduled before the Planning Commission for November 17th.

Chairman Stetson agreed with Supervisor Pickard and thanked everyone for their participation. The workshop was concluded.

Chairman Stetson advised that this meeting is being continued to Monday, October 23, 2006 at 1:00 p.m. for a closed session for Fire Chief interviews.

CONSENT AGENDA:

- CA-1 Approve an Agreement with the Fair Agricultural Association for use of the Building to Hold Mass Influenza Immunization Clinics this Season and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health Officer); Res. 06-479
- CA-2 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign a Declaration of Intent not to Contract for Emergency Medical Services Appropriation (EMSA) for Fiscal Year 2006-2007 (Health Officer); Res. 06-480
- CA-3 Adopt a Resolution Establishing the Tax Rate on the Bass Lake Joint Elementary School District Bond for the Secured Property Tax Roll of 2006-2007 (Auditor); Res. 06-481
- CA-4 Adopt a Resolution Establishing the Tax Rate on the Yosemite High School Bond for the Secured Property Tax Roll of 2006-2007 (Auditor); Res. 06-482
- CA-5 Approve Sheriff's Office Staff to Donate Accrued Vacation Time to the Sick Leave Account of a Sheriff's Office Employee (Sheriff); Res. 06-483
- CA-6 Appoint Ruth Catalan to the Mental Health Board to serve as a Member-at-large, Term Expiring October 17, 2009 (Human Services Director)
- CA-7 Appoint Tony Amundson to the Mental Health Board to serve as a Member-at-large, Term Expiring October 17, 2009 (Human Services Director)
- CA-8 1) Accept \$10,000 in Anticipated Grant Revenue and 2) Approve Budget Action Increasing Revenue and Appropriations Accordingly in the Community Action Fund (\$12,500) 3) Approve Budget Action Transferring Funds within the Housing Authority Fund (\$16,752) 4) Authorize the Purchase of a Vehicle 5) Authorize the Human Services Director to Sign the Agreement with the State Department of Community Services and Development (4/5ths Vote Required) (Human Services Director); Res. 06-484
- CA-9 Approve an Amendment to the Agreement with Value Options for Mental Health Services for Children Placed Out-of-County and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Human Services Director); Res. 06-485
- CA-10 Approve an Agreement with the State Department of Mental Health to Provide Community Mental Health Services to Mariposa County and Authorize the Human Services Director to Sign the Agreement (Human Services Director); Res. 06-486

CA-11 Approve a Lease Agreement with Secure Alert for the use of TrackerPal
Equipment and Authorize the Chairman of the Board of Supervisors to Sign the
Lease (Chief Probation Officer); Res. 06-487

2:20 a.m. The Board recessed and the meeting was continued to Monday, October 23, 2006, at
1:00 p.m. for Closed Session: Public Employee Appointment; Position: Fire Chief Interviews.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

October 23, 2006

(Meeting Continued from October 17, 2006)



Time Description

1:05 p.m. The continued meeting from October 17, 2006, was called to order at the Mariposa County Government Center with Supervisors Fritz and Pickard excused and arriving after the following action.

CLOSED SESSION: Public Employee Appointment; Position: Fire Chief Interviews (Interim Budget/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held with all members present/Ayes: Stetson, Turpin, Bibby; Excused: Fritz, Pickard.

4:45 p.m. Chairman Stetson advised that direction was given to staff as a result of the closed session.

4:46 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

October 24, 2006



Time Description

9:06 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Paul Chapman referred to Consent Agenda item 3, and he stated that during the Final Budget Hearing he feels that the Board was informed that the Airport should be an enterprise fund and other funds should not be added to this budget.

Board Information

Supervisor Bibby advised that she met with a citizens group on last Thursday relative to issues concerning Mt. Bullion and the study area, and they are interested in forming a committee as soon as the General Plan is adopted.

Supervisor Fritz invited everyone to attend the Mountain Crisis Services dedication of their new shelter, with the event to be held at Alpine Builders this evening. She advised that she plans to attend the San Joaquin Valley Regional Association of California Counties Conference on November 1-3 in Yosemite; and the San Joaquin Valley Rail Committee meeting on November 9th in Hanford.

Supervisor Turpin thanked the Board members and staff for getting through a marathon workshop for the General Plan the previous week. He advised that he plans to attend the Air Board hearing on Wednesday in the Government Center, and they will be addressing diesel emissions; and he plans to attend the San Joaquin Valley Regional Association of California Counties Conference next week in Yosemite.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 2 and 3. Supervisor Turpin pulled items 2, 3, and 4. (M)Bibby, (S)Fritz, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – upgrade of statewide computer system for Welfare and draft Consortium-IV Joint Powers Agreement. Following discussion, the matter was continued to later this date for discussion with the Human Services Director.

Consent Agenda item 3 – application for State Aeronautics grant for the Airport for fire fighting system and electrical upgrade. Discussion was held with Dana Hertfelder, Public Works Director, relative to the cost estimate for the project; and he advised that he will come back to the Board for direction on the matching funds and for action to award the contract if the grant is approved. (M)Pickard, (S)Turpin, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 4 – allocation of an Administrative Analyst for the transportation planner function and budget action. Discussion was held with Dana Hertfelder, Public Works Director, relative to the request. Carl Casey, Public Works Administrator, responded to questions relative to the salary and reimbursement from the State. (M)Turpin, (S)Fritz, item 4 was approved/Ayes: Unanimous.

Dr. Mosher, Health Officer;

Approve an Agreement with the State of California for JRSA Bioterrorism Hospital Preparedness Grant in the Amount of \$144,688, Authorize the Chairman of the Board of Supervisors to Sign the Agreement

and Approve Budget Action Increasing Revenue and Appropriations in the HRSA Bioterrorism Fund (\$144,000) (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dr. Mosher relative the agreement, and he clarified that the amount is \$144,688 versus the \$144,000 shown on the agenda. Chairman Stetson called for input from the public and none was received. Dr. Mosher advised that they are starting the flu clinics this date. (M)Bibby, (S)Fritz, Res. 06-497 was adopted approving the agreement and budget action/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

Approve Contract with G&C Enterprises for Replacement of the Old Jail-Sheriff's Dispatch Roof in the Amount of \$69,949 and Authorize Budget Action Transferring Funds from the General Fund Contingency to Fund the Project and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder concerning the request.

Input from the public was provided by the following:

Ruth Catalan questioned the recommendation for the replacement of the roof.

Paul Chapman asked if any consideration was given to putting a patch on the flat roof.

Dana Hertfelder responded to the questions. (M)Fritz, (S)Pickard, Res. 06-498 was adopted/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that Supervisor Pickard worked with him to help arrange a meeting that will occur in two weeks to begin the process for working toward a long-term fix. (M)Bibby, (S)Fritz, Res. 06-499 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Discussion, Direction, and Possible Action Relative to Endorsing the Concept of a Consortium of County Counsel Attorney Fee Reduction Program (County Counsel)

BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel, relative to the request, the process, and concerns with impacts on County Counsel's time. (M)Fritz, (S)Bibby, the Board concurred with County Counsel attending a meeting to obtain more information on the proposal and to report back to the Board/Ayes: Unanimous.

9:57 a.m. Recess

10:12 a.m. Cheryle Rutherford-Kelly, Human Services Director;

PUBLIC HEARING – 1) Conduct a Public Hearing Regarding the Submission of a \$162,162 Community Development Block Grant (CDBG) Application for 2006 to Fund Mother Lode Job Training for Low-Income Employment and Training Services; and 2) Approve the \$162,162 2006 Community Development Block Grant (CDBG) Application to Request Funding from the State Department of Housing and Community Development of Housing and Community Development to Support these Community Programs; Authorize the Chairman of the Board of Supervisors to Sign Application

BOARD ACTION: Cheryle Rutherford-Kelly presented the staff report; and she responded to questions from the Board relative to the status of receiving letters of support for the grant; and relative to concerns with the timeframes and process for the grant application and whether it would affect other County applications in the future if the process requirements are not met.

Input from the public was provided by the following:

Leann Hatton, Mother Lode Job Training, advised that she wrote the grant and attended the training and was advised that they would be docked points for not meeting all of the requirements, but it was recommended that they still submit the grant.

Paul Chapman asked about the effectiveness of the Mother Lode Job Training program, and he questioned why the program pays for car insurance for the participants.

Gwen Nitta, One Stop Manager for Mother Lode Job Training, provided information on the number of clients they have served and their success and the vocational skills training. She advised that the cost of having automobile insurance is an issue for people to be able to get to work. She responded to questions from the Board relative to reimbursement for travel out of the County; relative to job placement; and relative to the grant application.

The public portion of the hearing was closed and the Board commenced with deliberations. Cheryle Rutherford-Kelly responded to questions from the Board relative to the administration of the grant by the Community Action Agency and acceptance of the funds by the County; and she advised that this will come back to the Board for acceptance of the grant if it is awarded. She responded to additional questions from the County relative to the grant process and administration. (M)Pickard, (S)Bibby, Res. 06-500 was adopted authorizing submission of the grant application as requested/Ayes: Unanimous. The hearing was closed.

Consent Agenda item 2 - upgrade of statewide computer system for Welfare and draft Consortium-IV Joint Powers Agreement (JPA). Discussion was held with Cheryle Rutherford-Kelly, Human Services Director, relative to this matter. Supervisor Pickard asked that information be provided relative to the Consortium-IV JPA and the CMSP program. Supervisor Turpin asked if the 40% membership requirement to have a quorum in the by-laws was correct. Thomas P. Guarino, County Counsel, advised that 40% has been used with very large organizations when it is difficult to get people together for meetings. Cheryle Rutherford-Kelly stated she wants to give County Counsel an opportunity to review all of the documents and to provide input. The Board concurred with referring this matter to County Counsel for review and for the matter to be brought back as a timed item.

10:44 a.m. Recess

10:45 a.m. Lee Stetson, Interim County Administrative Officer;
PUBLIC HEARING – Design Phase to Develop Two Possible Planning and Technical Assistance Grant Applications to Submit to the State Community Development Block Grant Program for the Purpose of Developing a Drainage Study for the Town of Mariposa

BOARD ACTION: Marilyn Lidyoff, Administration-Business Development Coordinator, presented the staff report and advised of the Housing and Community Development Department grant reporting requirements. She clarified that the request is for two grants: 1) \$35,000 for the drainage study for the town of Mariposa; and 2) \$35,000 to conduct the CEQA/NEPA process for both the towns of Mariposa and Coulterville for developing a drainage study. She responded to questions from the Board relative to the NEPA process and how long the CEQA/NEPA studies would be effective; relative to the status of budgeting for the County's match; and as to the timelines.

The public portion of the hearing was opened and input was provided by the following:

Paul Chapman questioned the need to study drainage, and he stated he feels there are projects with a higher priority. Marilyn Lidyoff responded that the purpose of the study is to look at planning for the future. Supervisor Turpin noted that the results of the study can be used to qualify for funding for the projects.

The public portion of the hearing was closed and the Board commenced with deliberations. Marilyn Lidyoff responded to questions from the Board relative to the cash match requirement. (M)Turpin, (S)Fritz, Res. 06-501 was adopted authorizing submission of the grant applications as requested/Ayes: Unanimous. The hearing was closed.

CLOSED SESSION: Liability Claims: Claimant Name: Caron Cavalero; Claim Number: C06-13; Name of Agency Sued: JPA, A12AA, County of Mariposa, et al (County Counsel); and

CLOSED SESSION: Liability Claims: Claimant Name: Timi Petersen Claim Number: C06-14; Name of Agency Sued: JPA, A12AA, County of Mariposa, et al (County Counsel)

BOARD ACTION: County Counsel advised that these closed sessions were not needed.

11:03 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. County of Mariposa v. Total Waste Systems, Inc. (County Counsel); and

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Rick Bolanos (Interim Budget/Personnel/Risk Manager)

BOARD ACTION: (M)Bibby, (S)Pickard, the Closed Session for conference legal counsel was held at this time; and the Closed Session with County labor negotiator was held following lunch/Ayes: Unanimous.

11:25 a.m. – LUNCH

1:40 p.m. The Board reconvened in closed session.

2:21 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

Kris Schenk, Planning Director;

A) PUBLIC HEARING – Land Conservation Act Contract Cancellation Application No. 2006-268; County of Mariposa, Proponent. Request for Cancellation of a 3.5-acre Portion of a 40.01-acre Parcel within Williamson Act Contract No. 23; APN 001-260-033 Located at 2237 Ranchito Drive in Don Pedro Area.

BOARD ACTION: Supervisor Fritz commended Sarah Williams for her written staff report on this matter. Sarah Williams, Deputy Planning Director, presented the staff report; and she presented suggested revisions to the draft formal resolution. The other Board members thanked staff for their work on this project. Sarah Williams responded to questions from the Board relative to the written correspondence received; relative to the process for the cancellation of a Land Conservation Act contract; relative to protest procedures; relative to the Agricultural Advisory Committee's review of this matter; and relative to the number of service connections that the original wastewater system was designed for versus the actual number being served. Dana Hertfelder, Public Works Director, responded to questions from the Board relative to the need for the wastewater system project; review of land in the area for the system; and relative to decommissioning the old plant when the new system is operational.

The public portion of the hearing was opened and input was provided by the following:

Calvin Gile stated he is a homeowner and is concerned with the location of the plant – he feels it should be located on the other side of the 40-acre parcel. He advised that they never received any site plans and asked that the plant be moved further west. Dana Hertfelder responded to the concerns and advised that following review of the property by the environmental consultant, the decision was made to use the proposed location; and he advised of landscaping plans to minimize the aesthetic issues.

Paul Chapman commented on the Board's original purchase of land for this project that was under Williamson Act contract; and he stated he does not feel that the findings can be made for cancellation of the contract as there is land in the area that is not under contract. He feels the County has options to take the golf course area under eminent domain; wait for the Land Conservation Act contract to expire and build the plant in 20 years; or drop the idea of the plant and leave things as they are.

Cathie Pierce, representing the Mariposa County Farm Bureau, commented on her visit to the property on October 12th. She advised that it was their understanding that this land would be kept in grazing; however, she did not observe any evidence of cattle being on the property since the County took ownership. She questioned why it is not being used for grazing. Supervisor Turpin noted that there were cattle on the property last year and that it is used annually for grazing. Cathie Pierce stated she feels that if the land is not going to be used for agriculture, that the contract should be cancelled for the whole parcel. She also stated she feels that there should be a complete paper trail of the history of this project in the package, including the letters from the State Department of Conservation, which help

to show how we got to this point. Sarah Williams responded that the staff report was written for the cancellation issue. Cathie Pierce stated she feels that ground could have been used for this project that was not in ag preserve; and that agriculture is paying a price for the County not being on the ball. She referred to the Department of Conservation letters.

Calvin Gile advised that he saw cattle on the property this past spring; and he noted that the people living there made this choice for a wastewater treatment facility and they are paying for it.

Chris Porter, Vice-President of Deerwood Corporation, advised that this project is essential and was approved by a vote of 87%.

Dennis Bunning, speaking as an individual, noted that "influent" should be used in place of "effluent" in the formal resolution where it refers to the matter coming into the system. He stated he feels this will be a substandard plant at level 2 and should be a level 3. He suggested that consideration be given to placing the plant at the existing site and using the 80-acres for getting rid of the effluent.

Dana Hertfelder responded to the concerns relative to the location of the plant and the type of plant that was selected.

Cathie Pierce stated that, as a taxpayer, she feels that the entire County has paid for this ground. She noted that this cancellation was a compromise with the County, the Farm Bureau and the Department of Conservation; and they are not here in opposition to the cancellation, they are just making observations.

The public portion of the hearing was closed and the Board commenced with deliberations. Supervisor Bibby asked that Public Works and the Assessor review and monitor the status of the use of the property for compliance with the Williamson Act contract. Becky Crafts, Assistant Assessor, responded to a question from the Board as to how the \$35,000 valuation of the 3.5-acres was arrived at. Dana Hertfelder responded to questions from the Board relative to the landscaping plans for the project; and long-term maintenance. Supervisor Bibby stated she feels there are many issues that still need to be addressed concerning compliance with the Williamson Act contract; operation of the facility and what will happen if the State says that the effluent can no longer be sprayed on the land in the future; and what will happen at the end of the current grazing lease. Dana Hertfelder noted that it is rare for the State to come back and modify a plant's operation after it is permitted. Supervisor Turpin clarified that both 40-acre parcels are under non-renewals of their Williamson Act contracts.

(M)Turpin, (S)Pickard, Res. 06-502 was adopted, with the suggested revisions, granting tentative approval to the cancellation of the Land Conservation Act contract and directing staff to record appropriate notice with the County Recorder; making findings pursuant to State Law; establishing conditions to be met prior to final cancellation; and certifying to the County Auditor the amount of the cancellation fee that shall be paid to the County Treasurer upon cancellation; and direction was given for the landscaping plans to be carried out. The motion was amended, agreeable to the maker and second, to include direction for the previous letters from the Department of Conservation to be incorporated. Ayes: Unanimous. The hearing was closed.

B) Discussion and Direction Regarding General Plan Final Adoption Schedule, and Possible Additional Workshop for the Board to Review the Planning Consultant's Revisions from the October 17th, 2006 Public Workshop

BOARD ACTION: Discussion was held with Kris Schenk relative to the workshop and hearing schedule. Supervisor Bibby asked that consideration be given to showing in the General Plan how the comments got there and by which agency or whether it is a State requirement. Supervisor Pickard suggested that another workshop be scheduled for December 5th to focus only on those revisions directed by the Board as a result of the October 17th workshop in preparation for the public hearing. County Counsel provided input relative to being able to continue the workshops and public hearing to the next day if more time is needed. Chairman Stetson called for public input on this matter and none was provided. The Board concurred with scheduling an additional workshop on December 5, 2006, at 1:00 p.m. as suggested; and with holding the public hearing on December 6, 2006, at 2 p.m. and 6:00 p.m.

CONSENT AGENDA:

- CA-1 Approve an Agreement with California Department of Motor Vehicles for the Purpose of Obtaining DMV Records using On-line Access through Department of Technology Services and the Health and Human Services Agency Data Center and Authorize the Human Services Director to Sign the Memorandum of Understanding and Social Security Number Addendum (Human Services Director); Res. 06-489
- CA-2 Adopt a Resolution to Receive Information about the Need to Upgrade the Statewide Computer System for Welfare and Request that County Counsel Review the Draft Consortium-IV Joint Powers Agreement and By-laws and Provide Comments to the C-IV Governance Workgroup (Human Services Director); The Board concurred with referring this matter to County Counsel for review and for the matter to be brought back as a timed item.
- CA-3 Approve Allocation and Application for GAA 2006/2007 and State Aeronautics Matching Funds for the Mariposa Yosemite Airport Fire Fighting System & Electrical Upgrade Project #03-08, and Authorize the Public Works Director to Execute Documents for these Applications (Public Works Director); Res. 06-495
- CA-4 Adopt a Resolution Authorizing the Allocation of an Administrative Analyst to Perform Most of the Functions of Transportation Planning; Un-fund the Transportation Planner Position; and Fund the Administrative Analyst Position by Approving a Budget Action Transferring Funds within the Transportation Planning Budget (\$38,000) (Public Works Director); Res. 06-496
- CA-5 Approve Budget Action Transferring Funds within the Roads Budget for Roads Special Projects Increasing Revenue and Expense by \$5,000 to Cover the Cost of Road Repairs for Flood Damaged Roads (\$5,000) (4/5ths Vote Required) (Public Works Director); Res. 06-490
- CA-6 Approve Purchase Order with Mountain Aire in the Amount of \$4,043.00 for Repair of the Climate Control System for the Mariposa County Courthouse Records Vault (Public Works Director); Res. 06-491
- CA-7 Adopt a Resolution Rejecting Claim No. 06-13 Filed by Carol Cavalero for an Undetermined Amount and Authorize the Chairman of the Board of Supervisors to Sign the Notice of Rejection (Interim Budget/Personnel/Risk Manager); Res. 06-492
- CA-8 Adopt a Resolution Rejecting Claim No. 06-14 Filed by Timi Petersen for an Undetermined Amount and Authorize the Chairman of the Board of Supervisors to Sign the Notice of Rejection (Interim Budget/Personnel/Risk Manager); Res. 06-493
- CA-9 Approve Agreement Pierce's Disease Control Program/Glassy-Winged Sharpshooter No. 06-0516 with California Department of Food and Agriculture (CDFA) for Fiscal Year 2006-2007 (Agricultural Commissioner); Res. 06-494

3:42 p.m. Adjournment in memory of Melvin E. Yost, Frank Castillo Sanchez, Howard Greenhalgh, Jonathan Powell, Sr., and Les Lord.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

October 30, 2006

Special Meeting

Folder _____ Time _____ Description _____

8:47 a.m. Special Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Lee Stetson, Chair;

Presentation of a Resolution to V. Michael "Mike" Coffield for his Contributions to Mariposa County as Interim County Administrative Officer/Budget/Personnel/Risk Manager

BOARD ACTION: (M)Fritz, (S)Pickard, Res. 06-503 was adopted and presented to Mike Coffield/Ayes: Unanimous. Mike Coffield thanked the department heads and staff for their support. Jim Allen, Sheriff, commended Mike for his service and willingness to help. Board members thanked Mike for his service.

Public Presentation: The Public May Only Address the Board on Items Listed on the Special Meeting Agenda – none.

8:59 a.m. CLOSED SESSION: Public Employee Appointment; Position: Fire Chief Interviews (Interim Budget/Personnel/Risk Manager) (Continued From October 23, 2006)

BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held/Ayes: Unanimous.

10:12 a.m. Chairman Stetson advised that direction was given to staff as a result of the closed session.

10:13 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA November 14, 2006



Time Description

9:10 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Lee Stetson, Board of Supervisors, Chairman;

Welcome Reception for New County Administrative Officer – Richard J. “Rick” Benson

BOARD ACTION: – Chairman Stetson introduced Rick Benson, the new County Administrative Officer.

9:12 a.m. Recess for reception

9:44 a.m. Lee Stetson, Board of Supervisors, Chairman;

Proclaim the Month of November, 2006 as “National American Indian Heritage Month”

BOARD ACTION: (M)Bibby, (S)Fritz, the proclamation was approved and Connie Waldron accepted it on behalf of the Merced River Chapter of the Daughters of the American Revolution and the Equal Opportunity Committee of Yosemite National Park/Ayes: Unanimous.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Paul Chapman referred to the following Consent Agenda items: item 1 – detour of traffic for the Merry Mountain Christmas Parade/he feels this will not bring tourists to town; item 2 – agreement with the Arts Council/he does not feel that these funds should be expended; item 3 – agreement with Michael Habermann to represent the County at the International Tourism Exchange/he feels this is a high cost at taxpayer expense; items 8 – change order with Richard Townsend Construction, item 10 – amendment to agreement with RRM Design, and item 12 – amendment to agreement with Roger Stephens Engineering/he feels the regional recreation complex project is dead and the funds should not be expended; item 11 – agreement with Cascade Software Systems/he feels there are less expensive programs; and item 22 – agreement with the United States Department of Agriculture for rental of office space for helicopter operation at the Airport/he does not feel that the County can afford this.

Eleanor Keuning noted that Leonard Road was graded and she thanked the Board. She welcomed the new County Administrative Officer. She noted that she didn’t attend the Sierra Business Council event due to the high cost. She commented on a proposal for a drive-up pharmacy and expressed concern with pollution impacts caused by idling vehicles.

Board Information

Supervisor Bibby attended the First 5 meeting on Monday, and she noted that their meetings are open to the public. She thanked the community for support of the Halloween trick or treat events. In recognition of Veteran’s Day, she thanked the veterans and their families for their service. She advised that she plans to attend the Economic Development presentation in Catheys Valley this evening.

Supervisor Fritz advised that the District IV meeting was cancelled so that she could attend the Economic Development presentation, and she urged the public to attend. She advised of a letter received from Gene Mickel relative to the October Fly-in event at the Airport and the number of people

that came from out of the area to attend this event and the Rotary Wine and Art Festival. She attended the Amtrak planning session meeting and the San Joaquin Valley Rail Committee meeting on Thursday in Hanford and is still working on getting the County a seat on the committee. She advised of the upcoming Soroptimist rummage sale and craft fairs. She advised that she will miss the Board meeting scheduled for November 28th to attend the CSAC (California State Association of Counties) conference.

Supervisor Pickard advised that he attended the San Joaquin Valley Regional Association of California Counties conference that was hosted by Mariposa County. He attended the Pacific Rim Conference that was hosted by the Yosemite Sequoia Resource and Conservation Development Council.

Supervisor Turpin advised that he attended the San Joaquin Valley Regional Association of California Counties conference in Yosemite. He noted that they had a ground breaking event for the new wastewater treatment facility in Don Pedro. He attended the Red Cloud Friends of the Library meeting and the meeting with the Don Pedro Equestrian Trails committee. He plans to attend the Economic Development meeting this Thursday in Coulterville.

Supervisor Fritz provided information on the Festival of Lights event being planned by the downtown merchants for the holidays.

Supervisor Stetson advised that he attended the Sierra Business Council meeting and the San Joaquin Valley Regional Association of California Counties conference. He thanked Supervisor Fritz and Leroy Radanovich, Interim Tourism Coordinator, for attending the Amtrak and San Joaquin Valley Rail meetings. He advised that he plans to attend the El Portal Advisory Committee meeting this evening, and the Economic Development presentation on Wednesday at the Government Center.

10:06 a.m. Jacque Meriam, Librarian;

PUBLIC HEARING - Approve the Increase in cost for InterLibrary Loans (ILL)

BOARD ACTION: Jacque Meriam presented the staff report for the request, and she responded to a question from the Board relative to insurance coverage for shipping. The public portion of the hearing was opened and there was not public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Bibby, (S)Fritz, Res. 06-504 was adopted approving the requested increase in cost for the InterLibrary Loans/Ayes: Unanimous. The hearing was closed.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING – Proposal to Amend the Common Boundary Line Between Mariposa County and Tuolumne County Situated in Portions of Sections 11, 12, 13 and 14, Township 3 South, Range 14 East, Mount Diablo Base & Meridian, Mariposa County, State of California

BOARD ACTION: Dana Hertfelder provided the staff report, and he advised that no written protests have been filed. He responded to questions from the Board relative to the process, notification process, and recommended action; and he advised that the recommended action is for the adoption of a resolution directing that the Ordinance be brought back. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. (M)Turpin, (S)Pickard, Res. 06-505 was adopted directing Public Works to bring back an Ordinance to amend the boundary line between Mariposa County and Tuolumne County as recommended/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby. The hearing was closed.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled items 10 and 12. Supervisor Bibby pulled items 13, 21, and 23. Supervisor Turpin pulled item 13. Supervisor Stetson referred to item 24 and noted that this is the 4th amendment to the contract with Mike Coffield. (M)Pickard, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 10 – amendment to agreement with RRM Design for Master Plan Services for the Regional Recreation Complex. Discussion was held with Dana Hertfelder, Public Works Director, and he advised that this amendment is to extend the timelines for the project and does not entail any additional funding. He advised that the draft plan has been completed and is being reviewed by staff and they will return to the Board with the final Master Plan. (M)Pickard, (S)Fritz, item 10 was approved/Ayes: Unanimous.

Consent Agenda item 12 – amendment to agreement with Roger Stephens Engineering for the Regional Recreation Complex. Discussion was held with Dana Hertfelder, Public Works Director, relative to the request. (M)Pickard, (S)Turpin, item 12 was approved/Ayes: Unanimous.

Consent Agenda item 13 – agreement with Schaaf & Wheeler to develop a drainage study for Coulterville. Discussion was held with Dana Hertfelder, Public Works Director, and Marilyn Lidyoff, Administration-Business Development Coordinator, relative to the status of the drainage study project for the town of Mariposa; and relative to this request. (M)Turpin, (S)Pickard, item 13 was approved/Ayes: Unanimous.

Consent Agenda item 23 – amendment to contract with Abbott & Kindermann for legal services related to the SilverTip project and budget action. Discussion was held with Kris Schenk, Planning Director. (M)Pickard, (S)Bibby, item 23 was approved/Ayes: Unanimous.

Consent Agenda item 21 – rejection of claim filed by Bryce Johnson. This matter was continued to later this date.

Lisa Edelheit, SEIU, thanked the Board for the recent labor negotiations with SEIU.

Approve a One-Year Memorandum of Understanding (MOU) with the Service Employees International Union, Local 535 (SEIU) Effective November 1, 2006 (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Turpin, Res. 06-522 was adopted approving the MOU. Board members thanked everyone that was involved in this process. Chairman Stetson called for input from the public and none was received. Ayes: Unanimous.

10:38 a.m. LOCAL TRANSPORTATION COMMISSION

(Chair – Lyle Turpin, Vice-Chair – Dianne Fritz)

A) Public Presentation – none

B) Adopt a Resolution Adopting the Transportation Planning Overall Work Program for Fiscal Year 2006-2007 and Authorize the Executive Director to Submit the Overall Work Program and Sign the Necessary Agreement

COMMISSION ACTION: Dana Hertfelder, Public Works Director, introduced Katie Martin who filled the Administrative Analyst/Transportation Planner position in the Department. Discussion was held relative to the Overall Work Program. (M)Pickard, (S)Stetson, LTC Res. 06-7 was adopted approving the Program/Ayes: Unanimous.

10:50 a.m. Dana Hertfelder, Public Works Director;

A) Authorize Payment of the Entire Outstanding Principal of \$45,000 and Accrued Interest (to the Date of Payoff) for the Certificates of Participation (COP) Purchased by the USDA Rural Utilities Service for Financing the “Reserve Capacity” of the Yosemite West Wastewater Facilities Project

BOARD ACTION: Discussion was held with Dana Hertfelder. Chairman Stetson called for input from the public and none was received. Dana Hertfelder advised that staff will bring back a review of the price of the Equivalent Dwelling Units (EDU’s) in the future. Carl Casey, Public Works Administrator, provided input relative to the EDU’s. (M)Pickard, (S)Fritz, Res. 06-523 was adopted approving the request/Ayes: Unanimous.

B) Waive First Reading and Introduce Ordinance Amending Section 12.20.06 of Chapter 12.20 of the County Code Entitled “Signs Prohibited on County Property”

BOARD ACTION: Discussion was held with Dana Hertfelder relative to this matter; and he advised that this would allow for a request they received for the Teleki Ranch historic sign to be considered for replacement. (M)Pickard, (S)Bibby, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Chairman Stetson called for input from the public and none was received. Ayes: Unanimous.

11:10 a.m. Recess

11:24 a.m. Gail Neal, Chief Probation Officer;
Appoint Members to the Mariposa County Juvenile Delinquency Prevention Commission and Designate the Juvenile Justice Commission to Serve in Such Capacity Pursuant to Welfare and Institutions Code Section 233 and Approve Budget Action Reducing General Contingency to Cover Costs for Members of the Commission Pursuant to WIC Section 231 (#2625) (\$2,625) (4/5th Vote Required)

BOARD ACTION: Discussion was held with Gail Neal. (M)Fritz, (S)Bibby, Res. 06-524 was adopted approving the recommended actions/Ayes: Unanimous.

Rick Benson, County Administrative Officer;
Review Proposed Bylaws and Directors of the Yosemite/Mariposa County Tourism Bureau and Provide Direction to the Interim Tourism Coordinator

BOARD ACTION: Discussion was held with Leroy Radanovich, Interim Tourism Coordinator; and he advised that they will not ask for dissolution of the Tourism Advisory Council until there is a smooth transition. He further advised that he plans to come back to the Board in December relative to the transition. Discussion was held relative to the proposed membership – the two members of the Board of Supervisors would serve as ex-officio members, and Leroy advised that one non-voting representative of the National Park Service would be added. Thomas P. Guarino, County Counsel, advised that he needs to further review the issue of two Board members serving on the Bureau when the non-profit organization is formed as there will be an agreement between the County and the Bureau for services to be provided. Further discussion was held relative to the bylaws. Supervisor Bibby noted that the proposed bylaws should be consistent in the use of Council and Bureau.

Input from the public was provided by the following:

Paul Chapman referred to the membership, and he stated he does not feel that the membership represents a good cross-section of the County.

The Board concurred with proceeding with the process of privatization of the Tourism Bureau; and the Board members thanked Leroy Radanovich for his efforts in this matter.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/Interim County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that he and Supervisor Pickard and the County Administrative Officer attended a meeting with CalTrans in Stockton to address policy issues with Director Ajise and others on the temporary route to try to remove the vehicle length restrictions and to work on a permanent fix. He also advised that he attended the first meeting of the long-term fix committee, and they will continue to meet on the second Monday of each month. He provided information on the update of the geo-technical items and the additional monitoring and he advised that there has been no significant movement of the slide for about 30 days. However, that could change with the winter storms. He advised that Director Ajise is agreeable to coming to the Board to provide updates, with the next update to be around the first of the year. Discussion was held relative to the vehicle length restriction issues. (M)Bibby, (S)Turpin, Res. 06-525 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

Approval of Minutes of September 26, 2006, Regular Meeting (Clerk of the Board);

Approval of Minutes of October 3, 2006, Regular Meeting (Clerk of the Board); and

Approval of Minutes of October 10, 2006, Regular Meeting (Clerk of the Board)

BOARD ACTION: (M)Bibby, (S)Fritz, the minutes were approved, with a correction to the October 10^m minutes/Ayes: Unanimous.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for December 26, 2006 (Chairman Stetson)

BOARD ACTION: (M)Bibby, (S)Pickard, Res. 06-526 was adopted canceling the meeting for December 26^m/Ayes: Unanimous.

Discussion and Possible Action to Cancel the Board's Regularly Scheduled Meeting for January 2, 2007 (Chairman Stetson/Vice-Chair Bibby)

BOARD ACTION: (M)Turpin, (S)Fritz, Res. 06-527 was adopted canceling the January 2nd meeting/Ayes: Unanimous.

Discussion and Possible Nomination of a Board of Supervisor to Submit an Application for Membership on a Public Advisory Committee for Recreation Fees on Federal Lands in California (Supervisor Turpin)

BOARD ACTION: Supervisor Turpin initiated discussion and advised that he has an interest in serving on this Committee. (M)Pickard, (S)Bibby, Supervisor Turpin was nominated to serve on this Committee. The motion was amended, agreeable with the maker and second, to include direction to request that the Regional Council of Rural Counties (RCRC) send a letter of support for the nomination/Ayes: Unanimous.

CLOSED SESSION: Liability Claims; Claimant Name: Laurie McQueen; Claimant Number: C06-15; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: County Counsel advised that this closed session was not necessary.

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Case to be Discussed: County of Mariposa v. Total Waste Systems, Inc. (County Counsel);

CLOSED SESSION: Conference with County Labor Negotiator: Name of Employee Organization: SEIU (Service Employees International Union); Name of County Designated Representative: Rick Bolanos (County Administrative Officer);

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel); and

CLOSED SESSION: Liability Claims; Claimant Name: Bryce Johnson; Claimant Number: C06-12; Name of Agency Sued: County of Mariposa (County Administrative Officer)

BOARD ACTION: (M)Pickard, (S)Bibby, the closed sessions were held after lunch/Ayes: Unanimous.

12:26 p.m. Lunch

2:16 p.m. The Board convened in closed session.

2:58 p.m. The Board reconvened in open session. Chairman Stetson announced that direction was given to staff as a result of the closed session matters.

Adopt a Resolution Approving a Settlement Agreement with Total Waste Systems, Inc. and Authorize the Chairman of the Board of Supervisors to Sign the Agreement; and Approve Second Amendment to the Solid Waste Franchise Agreement and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (County Counsel)

BOARD ACTION: Discussion was held with Thomas P. Guarino, County Counsel, and he recommended that the Board authorize the Chairman to sign the Agreement and approve the Second Amendment contingent upon Total Waste Systems paying the agreed sums no later than November 27, 2006; and if they fail to pay and to sign the agreements, the agreements are withdrawn. (M)Pickard, (S)Turpin, Res. 06-528 was adopted approving the requested actions as recommended by County Counsel. Following discussion relative to the dates in the agreements, the motion was amended, agreeable with the maker and second, to authorize County Counsel to make any necessary corrections to the agreements/Ayes: Unanimous.

Approve an Agreement with Allen, Proietti & Fagalde, LLP to Represent the County of Mariposa and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Counsel)

BOARD ACTION: Thomas P. Guarino, County Counsel, advised that this request is an authorization to initiate suit if settlement funds are no received by November 27, 2006, as stated in the previous action. (M)Pickard, (S)Turpin, Res. 06-529 was adopted approving the agreement/Ayes: Unanimous.

Consent Agenda item 21 – rejection of claim filed by Bryce Johnson. (M)Pickard, (S)Fritz, item 21 was approved/Ayes: Unanimous.

CONSENT AGENDA:

CA-1 Approve the Detour of Traffic from State Routes to Utilize Mariposa County Roadways for the Duration of the Merry Mountain Christmas Parade Scheduled for Saturday, December 9, 2006; Authorize the Chairman of the Board of Supervisors to Sign a Letter Approving the Detour of Traffic (Tourism); Res. 06-506

CA-2 Approve Agreement with Mariposa County Arts Council for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Tourism); Res. 06-507

CA-3 Approve Agreement with Michael Habermann to Represent Mariposa County at the International Tourism Exchange, Berlin Germany in March of 2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Tourism); Res. 06-508

CA-4 Approve Budget Action Transferring Funds within the Tourism Budget to Increase Professional Services (\$8,300) (Tourism); Res. 06-509

CA-5 Approve a Letter of Appreciation to Ron J. Morehead, Owner of the Miners Inn Restaurant, for Offering a Designated Room at the Restaurant to Serve as the Loan Office for the U. S. Small Business Administration to Implement the Economic Injury Disaster Loan Program for Small Businesses (County Administrative Officer)

CA-6 Approve a Letter of Appreciation to Joe and Kathy Connolly for Expressing Gratitude to the Mariposa County Fire Department, Chamber of Commerce and Community for a Wonderful Experience While Visiting Yosemite National Park and the Town of Mariposa (County Administrative Officer)

CA-7 Approve the California Department of Veterans Affairs Subvention Certificate of Compliance and Medi-Cal Certificate of Compliance for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Certificates of Compliance (Community Services Director); Res. 06-510

CA-8 Approve Change Order No. 1 with Richard Townsend Construction for the Mariposa Regional Recreation Complex Waterline Project and Authorize the Chairman of the Board of Supervisors to Sign the Change Order (Public Works Director); Res. 06-511

- CA-9 Accept Resignations from Walter Rowland and Helen Yates from the Yosemite West Maintenance Advisory Committee (Supervisor Stetson)

- CA-10 Approve Third Amendment to Professional Services Agreement with RRM Design for Master Plan Services for the Regional Recreation Complex and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-518

- CA-11 Approve Agreement with Cascade Software Systems for Software Maintenance and Support for Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-512

- CA-12 Approve Second Amendment to Professional Service Agreement with Roger Stephens Engineering for the Purpose of Providing Utility Services for the Mariposa County Regional Recreation Complex (Public Works Director); Res. 06-519

- CA-13 Approve Agreement with Schaaf & Wheeler, Consulting Civil Engineers for a Planning and Technical Assistance Community Development Block Grant (PT/A CDBG) to Develop a Drainage Study Exclusively for the Town of Coulterville and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (County Administrative Officer/Public Works Director); Res. 06-520

- CA-14 Accept the Resignation of Karen Keyser-Shank from the Alcohol and Drug Advisory Board (Human Services Director)

- CA-15 Appoint James Tucker as a Member-at-large to the Alcohol and Drug Advisory Board for a Term of Three Years Expiring November 14, 2009 (Human Services Director)

- CA-16 Appoint Debbie Smith to The First 5 Commission to Serve as the Representative from the Department of Human Services (Human Services Director)

- CA-17 Appoint Carla Shelton to The First 5 Commission as a “Local Child Care Resource” Representative, for a Term of Three Years Expiring November 14, 2009 (Human Services Director)

- CA-18 Adopt a Resolution Approving the Submission of an Application to the Office of Justice Programs ~ U. S. Department of Justice ~ Bureau of Justice Assistant ~ Southwest Border Prosecution Initiative to Receive Funds for Federally Initiated and Referred Criminal Cases (District Attorney); Res. 06-513

- CA-19 Adopt a Resolution Approving Children’s Medical Services (CMS) Plan and Budget Justification for Fiscal Year 2006-2007 for California Children’s Services (CSS), for Child Health, Disability Program (CHDP), for the Health Care Program for Children in Foster Care (HCPCFC) and Authorize the Chairman of the Board of Supervisors to Sign the CHDP and CCS Children’s Medical Services Certification Statements for Fiscal Year 2006-2007 (Health Officer); Res. 06-514

- CA-20 Adopt a Resolution Rejecting Claim No. C06-15 Filed by Laurie McQueen for \$360.27 and Authorize the Chairman of the Board of Supervisors to Sign the Notice of Rejection (County Administrative Officer); Res. 06-515

- CA-21 Adopt a Resolution Rejecting Claim No. C06-12 Filed by Bryce Johnson for an Undetermined Amount and Authorize the Chairman of the Board of Supervisors to Sign the Notice of Rejection (County Administrative Officer); Res. 06-530
- CA-22 Approve Agreement with United States Department of Agriculture for Rental of Office Space for Helicopter Operation at the Airport Fire Station and Authorize the Chairman of the Board of Supervisors to Sign the Agreement; Approve Budget Action Increasing Revenue and Appropriations within the County Fire Budget (\$6,999) (4/5ths Vote Required) (Fire Chief); Res. 06-516
- CA-23 Approve First Amendment to the Contract with Abbott & Kindermann, LLP, for Legal Services Related to the SilverTip Project, and Authorize the Chairman of the Board of Supervisors to Sign the Amendment; Accept a Deposit in the Amount of \$10,000 from the PacificUS Real Estate Group for SilverTip Project Legal Services to Account No. 349-0259-308.11 and Approve Budget Action Increasing Revenue and Appropriations (\$10,000) (4/5ths Vote Required) (Planning Director); Res. 06-521
- CA-24 Approve Third Amendment with V. Michael “Mike” Coffield to Increase Hours to Authorize up to 25 Additional Hours for Transitional Meetings and Provision of Budget/Personnel/Risk Management Duties Through November 5, 2006 and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (County Counsel); Res. 06-517, and it was clarified that this is the 4th Amendment

3:06 p.m. Adjournment in memory of Richard Dewey Paquette, Dorothy Lee (Ohlrogge) Wells, Mildred Eva Hoyt, Josiah “Joe” Knowles, Jr., William R. Fluharty, Ira Chase, and Thomas Russell Holt.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA November 28, 2006

Time Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center, with Supervisor Fritz excused due to jury duty and arriving later in the meeting.

Pledge of Allegiance

Lee Stetson, Board of Supervisors, Chairman;
Resolution and Tile Plaque Recognizing Bob Lowrimore Upon his Retirement from Mariposa County Fire Department

BOARD ACTION: (M)Bibby, (S)Pickard, Res. 06-531 was adopted and presented to Bob Lowrimore, along with a tile plaque/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. Bob Lowrimore thanked the Board and his office staff for their support.

Recess: 9:12 a.m.

Reconvene 9:31 a.m.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Sheriff Jim Allen reported that Merced Pathology will discontinue doing autopsies for Mariposa County on Thursday. He advised that the Undersheriff was in Stockton yesterday working with Delta Pathology Group who is willing to do Mariposa's autopsies starting Friday, but are only willing to do them in Stanislaus County. Merced County Sheriff/Coroner is in the same predicament. There is a shortage of Forensic Pathologists in Merced County. Mariposa County is currently paying \$895 for a basic autopsy with the second level of autopsy approximately \$1,500 and the Forensic, most complex autopsy approximately \$2,090. Mariposa averages about 35 to 40 autopsies per year. Sheriff Allen informed the Board that currently we pay Merced County \$20,000 a year. He sent them a 30 day notice yesterday which will leave a \$10,000 balance in the budget until mid year budget. Sheriff Allen advised they will continue looking for a less expensive route, possibly a doctor willing to move to Merced to perform autopsies. Stanislaus County is planning on building a new coroner facility; their County Administrative Officer sent Sheriff Allen a letter regarding scheduling a meeting in January of 2007 to discuss a multiple county facility. Supervisor Bibby thanked Sheriff Allen for getting on this and asked that the Board of Supervisors be kept up to date.

Sheriff Allen advised that there are 2 deputies returning to Mariposa County Sheriff's Department and on Friday he will be swearing in a new deputy that has recently graduated from the academy.

Introductions

Chair Stetson introduced Bill Moore the new Safety Officer for Yosemite National Park.

Board Information

Supervisor Bibby advised that she would be traveling to Sonora for the Mother Lode Job Training Committee meeting and mentioned that Mariposa County has 2 vacancies, if anyone is interested they are looking for business representatives in the public sector to volunteer. She briefly explained the agenda discussions regarding employment for the communities in Tuolumne, Amador and Calaveras on this Committee.

Supervisor Pickard advised that he had attended a Strategic Planning meeting with National Resource Conservation Service in Davis to work on the California and National Strategic Plan. He advised that he brought to their attention and would like to focus on soil conservation, water and species for fuel load reduction. He then advised they discussed air quality, water quality and quantity issues and feels one of the focus's missing from NRCS, at least in California is the heavy fuel loading. He had a planning meeting in the form of a conference call regarding legislation that has come as a result of the California Resource Conservation Development Council's strategic plan to look at alternative energy. The issues discussed were wind, hydro and biomass alternative energy. On Wednesday Supervisor Pickard will be meeting with the Department of Finance and the Business, Transportation and Housing Secretary, which involves CalTrans. Items to be discussed will be AB473 funding, the funding for the Ferguson rock slide and our county as a result of the San Joaquin Conference in regards to being a self help county and noxious weed issues.

Supervisor Turpin advised that on December 8th and 9th the Friends of the Red Cloud Library will be sponsoring a Christmas Home Tour in Greeley Hill and Coulterville.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 3 and 4. (M)Pickard, (S)Bibby, the balance of the agenda was approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Consent Agenda item 4 – Supervisor Turpin would like to accept the resignation of Robert Jensen prior to appointing Keith Keenom in item 3. Turpin thanked Jensen for his service. (M)Turpin, (S) Pickard, items 3 and 4 were approved/Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Thomas P. Guarino, County Counsel;

Waive First Reading and Introduce Ordinance Amending Section 2.104.050 of Chapter 2.104 of the Mariposa County Code Entitled "First 5 Mariposa County"

BOARD ACTION: Thomas P. Guarino advised that this item is clean up on the Membership Identification. Chairman Stetson called for input from the public and none was received. (M) Bibby, (S) Turpin, the first reading was waived and the Ordinance introduced amending Section 2.104.050 of Chapter 2.104 of the Mariposa County Code entitled "First 5 Mariposa County". The Deputy Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Dana Hertfelder, Public Works Director;

Waive Second Reading and Adopt Ordinance Amending Section 12.20.010 of Chapter 12.20 of the County Code Entitled "Signs Prohibited on County Property"

BOARD ACTION: Dana Hertfelder provided information relative to the current ordinance not allowing signs to be placed under, over or on county roads or right of ways and requested that this be modified to permit this with prior Board approval. Supervisor Turpin requested clarification regarding the paragraph including "any signs of any nature without prior Board approval", referencing signs such as advertisement for "Pancake Breakfast" etc., asking if these will require an encroachment permit and be required to come before the Board of Supervisors. Dana Hertfelder responded that currently these temporary signs are not allowed within the county right of way, but the county doesn't have the ability to address all of these types of signs. At this point and time where organizations have had interest in obtaining a permit to put up signs, he would prefer them to come to the Board. If this becomes too difficult we could look at coming up with some policies of what would and would not be acceptable. Further discussion was held with Supervisor Bibby relative signs that just surface and reviewing an encroachment process.

Chair Stetson concurred with Supervisors Bibby and Turpin advising that at the moment this does give the county the tool to take care of the problem and if it becomes an issue we can bring it back to the board. (M) Pickard, (S) Turpin, the first reading was waived and the Ordinance introduced amending Section 12.20.010 of Chapter 12.20 of the County Code entitled "Signs Prohibited on County Property". Supervisor Turpin asked what the procedure is going to be at this time for temporary signs. Dana Hertfelder advised that the organization should find private property just off the county right of

way and place it there. He expressed his concern relative to the prompt removal of temporary signs and advised that it would be difficult to decide what signs would need to go to Board for approval relative to volunteer or non-profit organizations. He then explained the fees and process required for obtaining an encroachment permit. Supervisor Turpin asked for additional clarification for temporary signs in Coulterville. Dana Hertfelder responded that for signs placed in Coulterville chances are that if it's off the paved section of the road it's not in the county right of way. Dana Hertfelder suggested that if temporary signs are used annually an organization could come to the Board for approval to place the sign annually. Supervisor Bibby suggested this be done in the same manner as other annual events that come to the Board, in addition, the Board could approve multiple agencies. Further discussion relative to insurance requirements of events scheduled at a county facility with explanation of the process of obtaining Board approval. Dana Hertfelder suggested a drawing be prepared and submitted for review by Public Works to ensure the sign will not be placed in a county right of way; this could also assist in determining if an organization is required to go through this process. Supervisor Turpin expressed concern relative to creating additional paper work for staff.

Input from the public was provided by the following:

Paul Chapman suggested adding a paragraph saying "no person or persons shall place signs on county property exceeding 48 hours" to address the Coulterville issue.

Dana Hertfelder reiterated his concerns of safety issues and the need for review of the site for correct site distance if signs are allowed to be placed on county property. The Deputy Clerk of the Board read the title of the Ordinance into the record. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Dana Hertfelder, Public Works Director;

Waive First Reading and Introduce Ordinance Approving Minor County Boundary Line Change Between Mariposa County and Tuolumne County

BOARD ACTION: Supervisor Pickard asked for clarification relative to this item requiring a 3/5ths or 4/5ths vote and asked if this was a unanimous decision the previous time it came up. Thomas P. Guarino advised that he would research this; he recalled the last vote was 4 to 1 for moving forward. Dana Hertfelder confirmed it was a 4 to 1 vote directing Public Works to return to the Board with this item. Held for research by County Counsel until later on this date.

Cheryle Rutherford-Kelly, Human Services Director;

Review the Information Contained in the 2005-2006 Fiscal Year Annual Report

BOARD ACTION: Cheryle Rutherford-Kelly advised that Marilyn Corral is now the President of the Mental Health Board and is present for any questions, Supervisor Bibby sits on the board as well. Supervisor Bibby complimented staff and volunteers for their work. Supervisor Pickard, in identifying what he considered a goal of a System of Care asked if the Board had addressed following up with a patient that had been treated. He asked if once a patient leaves do they take their medication as needed or is it an issue in Mariposa County that they continue to return for assistance. Cheryle Rutherford-Kelly responded that they do have a case manager that goes to the home to talk to patients about the importance of taking their medication, but unless the person is on conservatorship they can not force them to take medications. There have also been people that haven't had to take medication to be stable and live a healthy life. She advised that there is massive statistical reporting that will allow them to track very carefully who is on medications and how this new system works compared to what they have had in the past. Marilyn Corral added that another part of the Adult System of Care being put in place is the Friendly Visitors Program to allow them to do outreach with the people that are hidden away. This is a group of volunteers that will observe and report any issues they may see. Further discussion was held by Marilyn Corral. Supervisor Bibby stated that the goal of the System of Care Program is to provide an all inclusive program "The care doesn't stop here because you're no longer a child". Chairman Stetson called for input from the public and none was received. (M) Supervisor Bibby, to accept this report; was withdrawn as it was an information item only and no action was necessary.

Further discussion was held relative to introducing an Ordinance approving a minor county boundary line change between Mariposa County and Tuolumne County. County Counsel referred to a portion of the Government Code advising that not later than 30 days after the conclusion of the hearing the Board of Supervisors of each affected county shall adopt similar ordinances approving the proposed boundary change and under a subsection of the code, the ordinances shall be adopted by majority vote of each Board of Supervisors. Chairman Stetson called for input from the public and none was received. (M) Pickard (S) Turpin, the first reading was waived and the Ordinance was introduced approving minor county boundary line change between Mariposa County and Tuolumne County. The Deputy Clerk of the Board read the title of the Ordinance into the record. Under discussion Supervisor Bibby expressed her concerns regarding the complete application. She also suggested a condition for the approval of the map be added. Ayes: Stetson, Turpin, Pickard; Opposed: Bibby; Excused: Fritz.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING – Approve the Request from Total Waste Systems of Mariposa, Inc. for a Consumer Price Index Increase of 3.6% to be Effective November 1, 2006 for the Mariposa Franchise Area

BOARD ACTION: Dana Hertfelder presented the staff report, he responded to questions of the Board. He addressed the Board recommending that they approve the request from Total Waste Systems of Mariposa for consumer price index increase of 3.6% to be effective November 1, 2005 (2006) for the Mariposa Franchise area. Input from the public was provided by the following:

Ruth Catalan requested clarification regarding the date being stated by Dana Hertfelder as 2005 and not 2006. Dana Hertfelder made a correction to reflect the date of 2006.

The public portion of the hearing was closed and the Board commenced with deliberations. (M) Pickard, (S) Turpin, Res. 06-544 was adopted approving the consumer price index increase of 3.6% for Total Waste Systems. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Dana Hertfelder, Public Works Director;

PUBLIC HEARING - Approve the Request from Fiske Sanitary Disposal Service for a Rate Increase of the Consumer Price Index 2005-2006 of 3.6% to be Effective November 1, 2006 for the Fiske Franchise Area

BOARD ACTION: Dana Hertfelder presented the staff report. He addressed the Board recommending that they approve the request from Fiske Sanitary Disposal for consumer price index increase of 3.6% to be effective November 1, 2006 for the Fiske Franchise Area. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed and the Board commenced with deliberations. Dana Hertfelder and Steve Engfer responded to questions of the Board. (M) Turpin, (S) Pickard, Res. 06-545 was adopted approving the consumer price index increase of 3.6% for Fiske Sanitary Disposal. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Kris Schenk, Planning Director;

PUBLIC HEARING - Approve Land Conservation Act Contract Application No. 2006-255, Approving the Creation of a New Agricultural Preserve and Executing a New Land Conservation (Williamson) Act Contract with David Brown for a 600-Acre Property Located on Mount Gaines Road in Hornitos; APN 007-130-026

BOARD ACTION: Megan Tennermann, Associate Planner, presented the staff report and advised that staff and the Agricultural Advisory Committee support this application and the Planning Commission has recommended the Board approve this action. Megan Tennermann responded to questions from the Board relative to the contract effective date, correcting the date to January 1, 2007. She also responded to questions relative to subdivision language used in the contract and viable Agricultural land. Supervisor Bibby requested clarification in regards to a possible discussion with the Agricultural Advisory Committee relative to change in land use and was there any public input in the form of letters. She also inquired if the applicant is fully aware of the 20 year commitment of this contract. Megan Tennermann responded that the only input she received was one phone call from a neighbor of the applicant inquiring how this would affect the easement for Mt. Gaines Road, and since Mt. Gaines

Road is a public easement it would not be affected by the contract. She concluded that she spoke to the applicant and he is fully aware of the commitment. Supervisor Bibby commended the applicant for his commitment to the preservation of agricultural industry.

Supervisor Turpin requested clarification relative to permitted uses of the Williamson Act Contract. Megan Tennermann responded that it is the resolution that specifies permitted and accessory uses, not the contract. County Counsel advised that the contracting party is in violation of the contract if it becomes a non-permitted use and that is something the County would have a right to enforce. The public portion of the hearing was opened and there was no public input. The public portion of the hearing was closed and the Board commenced with deliberations. Further discussion was held relative to land use and the language in the Certificate of Non-Compliance. (M) Bibby, (S) Turpin, Res. 06-546 was adopted approving Land Conservation Act Contract Application No. 2006-255, and approving the creation of a new agricultural preserve and executing a new Land Conservation (Williamson) Act Contract with David Brown for a 600-acre property located on Mount Gaines Road in Hornitos. Under discussion of Supervisor Pickard relative to the Department of Conservation stepping up their enforcement visibility to the point of aerial photos, he asked if the applicant is still prepared to complete the contract process. Megan Tennermann responded that the applicant is prepared. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Rick Benson, County Administrative Officer / Dana Hertfelder, Public Works Director;
PUBLIC HEARING – For an Application Submittal for a Community Development Block Grant (CDBG) / Planning and Technical Assistance Grant (General Allocation) in the Amount of \$70,000 in Fiscal Year 2006 to Develop a Drainage Study for the Town of Mariposa and an Environmental Review for the Town of Mariposa and Coulterville; Approve the Application for Funding and Authorize the Chairman of the Board of Supervisors to Sign the Grant Agreement and any Amendments

BOARD ACTION: Marilyn Lidyoff, Administration/Business Development Coordinator, presented the proposed activity in the form of an application along with the amount of funding being requested and information about the nine percent cash match. She described the location of the activity and how it will meet the National Objective, which is to benefit the Targeted Income Group (TIG). She provided information on the Scope of Work, and time schedule to complete the project. Marilyn Lidyoff then responded to questions of the Board relative to each allocation being a non specific planning activity and project specific planning activity. The Non Specific planning study does not further the development of a specific project. However, the Project specific planning study is defined as a study necessary to begin the process of actually developing a specific project in the community. She also responded to questions relative to this item coming back to the Board to request a cash match from within the Water Agency Funds. Dana Hertfelder responded to questions relative to the cash match qualifying to come from within the Water Agency Funds. The public portion of the hearing was opened with no public input. The public portion of the hearing was closed and the Board commenced with deliberations. (M) Turpin, (S) Pickard, Res. 06-547 was adopted approving the application submittal for a Community Development Block Grant/Planning and Technical Assistance Grant in the amount of \$70,000 in Fiscal Year 2006 to develop a Drainage Study for the town of Mariposa and an Environmental Review for the town of Mariposa and Coulterville and approve the application for funding and authorize the Chairman of the Board of Supervisors to sign the Grant Agreement and any Amendments. Motion was amended and agreeable with the maker to add direction to include the Public Works Director to look at the cash match at the appropriate time, and he would like to have that evaluated through the Water Advisory Committee and have it come before the local advisory agency for consideration. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz. The hearing was closed.

Rick Benson, County Administrative Officer;
Make a Determination that Public Convenience or Necessity Would be Served by the Transfer of an Off Sale Beer and Wine License to the Greeley Hill Market and Authorize the Chairman of the Board of Supervisors to Sign the Department of Alcoholic Beverage Control Application

BOARD ACTION: Rick Benson advised that because there are already more than the prescribed number of beer and wine licenses within the census tract it is required that the Board review for possible determination that public convenience or necessity would be served by the issuance of the

license. He then advised that the Board can take 1 of 3 different actions. Actions being they could transfer the license, do not transfer the license or no action and in 90 days the new owner could apply for their license from the State Board. Rick Benson responded to questions relative to this being routed to law enforcement, is there a guarantee that the new owner would get the license after 90 days if no action was taken, and does the transfer occur locally. Jessie Figueroa, co-owner of the Market responded to the Board advising that they are not applying for a new license; they only wish to transfer the off-sale permit, he did speak to Sheriff Allen who had no opposition to this request. Jesse Figueroa also advised that Alcohol Beverage Control (ABC) has required them to do public notification in the Newspaper and place signs on the property. Chair Stetson called for input from the public and none was received. (M) Turpin, (S) Pickard, Res. 06-548 was adopted finding that public convenience or necessity would be served by the transfer of an off-sale Beer and Wine License to the Greeley Hill Market and authorizing the Chairman of the Board of Supervisors to sign the Department of Alcoholic Beverage Control Application. Ayes: Stetson, Turpin, Bibby, Pickard. Excused: Fritz.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/County Administrative Officer)

BOARD ACTION: Chair Stetson advised that he had made a few phone calls recently but has not been able to reach anyone due to the holidays. Discussion was held relative to moving forward as quickly as possible and keeping in contact with CalTrans, also relative to safety issues. Chair Stetson advised of a meeting scheduled for the second Monday of January. (M)Bibby, (S) Pickard, Res. 06-549 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

Approve the Replacement Vehicles and Heavy Equipment for Fiscal Year 2006-2007; Approve Items to be Purchased in the Fleet Fund from the Equipment Line Item that are over \$3,000 (County Administrative Officer)

BOARD ACTION: Rick Benson advised that a list of replacement vehicles and heavy equipment items was inadvertently left out of the recommended Budget for Fiscal Year 2006-2007. Carl Casey Public Works Administration, responded to questions of the Board relative to 4-wheel drive vehicles and specific makes of vehicles being replaced by like vehicles and the possibility of replacing some vehicles with a different make of the same value. Further discussion was held relative to criteria necessary to determine replacement values based on mileage and age. (M) Pickard, (S) Turpin, Res. 06-550 was adopted approving the replacement vehicles and heavy equipment for Fiscal year 2006-2007 and approving items to be purchased in the Fleet fund from the equipment line item that are over \$3,000. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation: Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Case to be Discussed: County of Mariposa v. Total Waste Systems, Inc. (County Counsel);

BOARD ACTION: This closed session continued to December 5, 2006.

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 Relative to a Workers' Compensation Case. Number of W/C Cases to be Discussed: 1 (County Administrative Officer); and

CLOSED SESSION: Public Employee Appointment; Position: Fire Chief (County Administrative Officer); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: (M)Bibby, (S)Turpin, the Closed Sessions were held with Sandi Laird/Administration-Administrative Analyst present. Ayes: Stetson, Turpin, Bibby, Pickard; Excused: Fritz.

11:45 a.m. The Board convened in closed session.

12:30 p.m. Direction was given to staff as a result of closed session.

INFORMATION: - No action was necessary on the following:

List of Contracts Entered Into by the County Administrative Officer Pursuant to Ordinance 3.08 for the Months of June, July, August and October 2006 (County Administrative Officer)

CONSENT AGENDA:

- CA-1 Approve Budget Action Increasing Revenue and Corresponding Appropriations in the Standards and Training for Corrections (STC) Fund (\$5,720) (4/5ths Vote Required) (Chief Probation Officer); Res. 06-532
- CA-2 Approve Request to Disband the Temporary Aid for Needy Families (TANF) Local Planning Council (Chief Probation Officer); Res. 06-533
- CA-3 Appoint Keith Keenom, Representing District II, to the Building Department Advisory and Appeals Board for a Term Commensurating with the Term of District II Supervisor (Building Department Director); Res. 06-542
- CA-4 Accept the Resignation of Robert Jensen, District II Advisory and Appeals Board Member Effective November 2, 2006 (Building Department Director); Res. 06-543
- CA-5 Approve a Certificate of Recognition and Congratulations to Winifred and Nelson Gauthier on Celebrating their 60th Wedding Anniversary on December 7, 2006, Presentation will be done during the Celebration on December 2nd (Supervisor Bibby); Res. 06-534
- CA-6 Approve the Reciprocal Fire Protection Agreement with the United States Department of Interior National Park Service and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Fire Chief); Res. 06-535
- CA-7 Appoint Richard Benson, County Administrative Officer as the County's Representative to the California State Association of Counties (CSAC) Excess Insurance Authority (EIA) and Direct Staff to Notify the EIA of the Appointment (County Administrative Officer); Res. 06-536
- CA-8 Approve the Amendments to the Excess Workers' Compensation and Excess Liability (GLI) Program Memorandums of Understanding (MOU) and Authorize the County Administrative Officer to Sign the MOU's (County Administrative Officer) ;Res. 06-537
- CA-9 Approve an Agreement for a Backup Mariposa County Foster Family Receiving Home and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Human Services Director); Res. 06-538

- CA-10 Approve Second Amendment with Freeman and Seaman Land Surveyors for the Purpose of Providing Construction Surveying for Various Projects in Mariposa County (Public Works Director); Res. 06-539
- CA-11 Adopt a Resolution Authorizing the Chairman of the Board of Supervisors to Sign Certification for Funding Under Health and Safety Code 123945 for the State-Mandated Children's Medical Services (CMS) Program (Health Officer); Res. 06-540
- CA-12 Approve Budget Action Transferring Funds Within the County Counsel Budget to Cover the Cost of Extra Help Personnel (\$500) (County Counsel); Res. 06-541
- 2:20 p.m.** Adjournment in memory of Beverly Karen Smithgall and Leah Rosenfeld.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board

BY: TRACY GAUTHIER
Deputy Clerk to the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA December 5, 2006

Time Description

9:13 a.m. Meeting Called to Order at the Mariposa County Government Center

Blaine Shultz, Fire Chief, led in the Pledge of Allegiance.

Introductions

Lee Stetson, Board of Supervisors, Chairman;

Resolution and Tile Plaque Recognizing Blaine Shultz Upon his Retirement from Mariposa County Fire Department

BOARD ACTION: (M)Turpin, (S)Bibby, Res. 06-551 was adopted and presented to Blaine Shultz, along with a tile plaque/Ayes: Unanimous. Blaine Shultz thanked the Board and the volunteer fire department staff and his office staff and Deputy Chief Middleton for their support.

9:34 a.m. CLOSED SESSION: Public Employee Appointment; Position: Fire Chief (County Administrative Officer); and

CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: (M)Pickard, (S)Turpin, the closed sessions were held/Ayes: Unanimous.

10:19 a.m. The Board reconvened in open session and Chairman Stetson announced that the Board took action in closed session to appoint Jim Wilson as Fire Chief to start no later than January 30, 2007. He introduced Jim Wilson; and Jim noted that he is looking forward to coming back and serving the community.

Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Kenneth Gosting, TIE (Transportation Involves Everyone – a 501.3 entity under the Brower Fund in San Francisco), provided information on his personal experiences with the YARTS schedule and problems with the buses not showing and with security. He referred to a Sierra Club Yosemite email relative to a meeting of YARTS with Fresno civic leaders concerning possible expansion to the Highway 41 corridor, and he advised that he has concerns with this and he feels that the Board should be kept informed. He noted that he attended the last YARTS JPA meeting and there was no discussion of this issue. Chairman Stetson advised that he plans to attend the meeting in Fresno.

Board Information

Supervisor Bibby advised that she attended the Mother Lode Job Training meeting the previous week and funding issues were discussed. She plans to attend the Merry Mountain Christmas Parade this weekend, and wishes everyone a happy holiday.

Supervisor Fritz advised that she attended the CSAC Conference the previous week in Anaheim; and she provided information on the Merry Mountain Christmas activities scheduled for this weekend.

Supervisor Pickard advised that he attended several meetings in Sacramento the previous week relative to AB 473 funding (gas tax) for the three counties without incorporated cities; transportation

funding issues, including self-help funding issues; and funding for improving the alignment of the interim bridges at the Ferguson rockslide. He advised that he plans to be in Sacramento on Wednesday for the RCRC (Regional Council of Rural Counties) meeting and on Thursday for the Environmental Services JPA meeting and the Bio-Diversity Council meeting and relative to legislation that would designate an invasive weed council.

Supervisor Turpin advised that he plans to be in Don Pedro on Thursday with the Public Works Director to evaluate encroachments on the equestrian trails. He plans to attend the monthly meeting with the Stanislaus National Forest Service on Friday and they will discuss the 100' fuel reduction requirements and the update of the MOU with the Forest Service for the maintenance of roads in the Stanislaus Forest. He advised that the Red Cloud Friends of the Library is holding a home tour fundraising event this weekend.

Supervisor Bibby provided information on the comment period for the El Portal Road (Pohono Bridge) reconstruction project and encouraged everyone to provide comments to the National Park Service. She commented on the self-help transportation funding issues and that the General Plan Update contains items to support a self-help community. She commented on scanner traffic over the weekend relative to an attempted suicide incident that occurred in the North County.

Supervisor Turpin suggested that the Board consider providing official comment on the El Portal Road reconstruction project. Supervisor Stetson advised that he will bring an item to the Board on this matter, and he advised of a meeting he attended the previous week relative to this matter.

Supervisor Stetson advised that he plans to attend the YARTS meeting in Fresno on Friday and discussion will include expansion possibilities. On Monday, he plans to attend a meeting in Stockton relative to Highway 140/Ferguson Rockslide.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Turpin pulled items 10 and 11. Supervisor Bibby noted that the application was received for item 6 as referenced in the package; and she pulled item 8. (M)Fritz, (S)Bibby, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 1 – appointment of Keith Williams as Acting Treasurer, Tax Collector and County Clerk. Marjorie Wass, Treasurer, Tax Collector, County Clerk, provided input on this request.

Consent Agenda item 8 – agreement with the Fairgrounds for the COPS for Kids event. Supervisor Bibby commented on this program and the “socks” program; and she encouraged support of these programs. (M)Bibby, (S)Fritz, item 8 was approved/Ayes: Unanimous.

Consent Agenda item 10 – change order with Wickum Construction for the Indian Gulch Road bridge. Dana Hertfelder, Public Works Director, responded to questions from the Board relative to the change order. (M)Turpin, (S)Bibby, item 10 was approved/Ayes: Unanimous.

Consent Agenda item 11 – amendment to agreement with Freeman and Seaman Surveyors for the Greeley Hill Pedestrian Walkway. Dana Hertfelder, Public Works Director, responded to questions from the Board relative to this project. (M)Turpin, (S)Pickard, item 11 was approved/Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/County Administrative Officer)

BOARD ACTION: Chairman Stetson advised of his conversation on Monday with Dinah Bortner and Grace Macayo of CalTrans relative to the long-term fix for the slide area. The idea of adjusting the approaches to the temporary bridges will be assigned to the long-term solution committee.

Input from the public was provided by the following:

Kenneth Gosting, TIE, proposed that the emergency declaration be expanded to cover the El Portal Road reconstruction project area due to the potential for failure of the road and the resulting disaster. He also suggested that the Board obtain a copy of a letter dated November 9th signed by Assistant Superintendent Cann for Superintendent Tollefson concerning this matter.

Discussion was held relative to the El Portal Road reconstruction project as a result of the 1997 flood damage. Supervisor Pickard suggested that contact be made with Congressman Radanovich and the National Park Service relative to allow emergency work on this section of the road.

(M)Pickard, (S)Bibby, Res. 06-561 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous. Supervisor Pickard advised that he could work with the Chairman and Congressman Radanovich and the Superintendent's Office to see what can be done to expedite the El Portal Road (Pohono Bridge – Big Oak Flat) reconstruction project, and place the matter on the December 12th agenda – the Board concurred. Leroy Radanovich, Interim Tourism Coordinator, provided input on the meeting he and Supervisor Stetson attended on Friday relative to the El Portal Road reconstruction project and the need to recognize that this is a serious situation.

11:20 a.m. – LUNCH

1:28 p.m. GENERAL PLAN WORKSHOP

Kris Schenk, Planning Director;

PUBLIC WORKSHOP to Review Changes to the General Plan Since October 17, 2006 and to Consider the Changes Recommended by the Planning Commission on November 17, 2006

BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, and Andy Hauge/Hauge Brueck Associates, were present.

Kris Schenk advised that the Board's last review of the General Plan Update was on October 17, 2006. Since that time, the document has been reprinted and the "November 2006" version is now being used. There were some printing problems that resulted in some sections being ineligible and they were reprinted. The Planning Commission reviewed the Plan on November 17, 2006, and made some additional changes to the Plan. Those revisions, as recommended by the Planning Commission, are dated December 5th and titled "Mariposa General Plan Planning Commission Recommendations and Staff Edits" and he advised that they were distributed to the Board and additional copies of the document are available for the public. This document also includes the changes the Board recommended at its October 17th workshop; and it includes some additional editorial and technical and policy changes that were made because of discussions with counsel on specific language of some of the policies and measures since October 17th. He advised that the final version of the General Plan Update is scheduled for public hearing for adoption and for certification of the Environmental Impact Report (EIR) on the Board's agenda for December 6, 2006, starting at 2:00 p.m. and going on from 6:00 p.m. He asked that there be closure today on any questions about what is the appropriate language that is in the General Plan Update.

Chair Stetson suggested that the "Mariposa General Plan Planning Commission Recommendations and Staff Edits" be reviewed and he advised that public input would be accepted following the Board's review; and the Board concurred and reviewed the following issues.

Andy Hauge advised of a global change that is recommended in the implementation measures throughout the General Plan to add "ongoing" in front of the review standard; and the Board concurred.

The cover pages were revised to include the former Planning Commissioners and Board members that worked on the Plan; and the Board concurred.

Andy Hauge referred to page 5-6 and advised that the recommended language change was suggested by County Counsel to clarify the code section that was inserted in response to the Board's direction relative to "mother-in-law" units; i.e., additional dwelling units – this clarifies that the County complies with State law and allows for the creation of an additional dwelling unit on parcels. The Board concurred with the language.

Andy Hauge advised that the change in Implementation Measure 5-2a(3) (page 5-10) is to reflect the Planning Commission's recommendation, and staff's concurrence, that the language of preventing premature urbanization of the planning study areas should not be limited to the Mariposa Town Planning Area, but is for any of the planning study areas. Discussion was held relative to the recommended change and the definition of "urbanization." Andy Hauge advised that the Plan is suggesting that industrial uses and more intense uses occur within the planning study areas; and this policy would require that when reviewing development outside of a planning study area, that a finding be made that it is an appropriate use outside of the planning study area versus encouraging it within the

planning study area. This policy is a mitigation measure of the EIR and the EIR specifically suggested the Mariposa Town Planning Area until it is updated. He advised that the Planning Commission discussed this and recommended that it apply to all planning study areas; and they removed the requirement that the town plans be updated before this occurs. Kris Schenk advised that LAFCo (Local Agency Formation Commission) would have to make sure that if there is going to be a service area, where water and sewer are going to be provided, that it is a logical expansion of the growth from the existing area; and that would have to be part of the service plans. He noted that this also applies to Lake Don Pedro. So if there are several different community projects being proposed, they will need to make sure that there is a logical and orderly plan for that entire area to develop over a period of time. He feels that they will need to come back and develop criteria in the future that will specify what is meant with this policy. Further discussion was held. Supervisor Pickard asked whether there is a conflict between Implementation Measures 5-2a(3) and 5-2a(4) in the Mariposa Town Planning area. Andy Hauge replied that he does not feel that there is a conflict as 5-2a(4) deals with the sewage disposal system and water system and it is specifically addressing the existing Mariposa system at the present time. This is to make sure that there is coordination with that system, whether there is a new system or an expansion of the existing system. Supervisor Turpin asked for clarification of the status of the study areas with the adoption of the General Plan Update. Andy Hauge responded and he advised that the General Plan says that the Board of Supervisors has determined that the study areas are areas that it wants considered at the time that the planned area modification or update is going through the process. The Board concurred with the recommended change for Implementation Measure 5-2a(3).

Andy Hauge advised that the Planning Commission recommended that “shall” be replaced with “should” in Implementation Measure 5-4a(3) as they felt it would allow some flexibility during the community planning process relative to assigning land use for industrial uses and home based industries. Following discussion, the Board concurred with the change.

Discussion was held relative to the recommendation to revise the language in Goal 5-11 and Policy 5-11a relative to legally existing nonconformities. Supervisor Bibby noted that the recommended language does not match the November 2006 version of the Plan; and she asked for clarification of the recommended language change. Andy Hauge advised that if the Board concurs with the revised language, the changes will be made to the November 2006 version of the Plan. Kris Schenk advised that the language was recommended to be revised as a result of comments that were received and it was thought that it would be better to have this as a more general provision so that areas other than just Yosemite West could be included. The Board concurred with the change recommended by the Planning Commission.

Andy Hauge advised that counsel recommended that Policy 5-11b, policy of maintaining compliance with the zoning as of December 1st of this year be placed in the Plan as a Policy and Implementation Measure. The recommendation was to modify the goal to add this new language to facilitate the transition from the 1981 General Plan. Following discussion, the Board concurred with the recommendation.

Andy Hauge advised that counsel recommended that the language on page 5-18 be modified to remove the portion relative to coinciding with zoning boundaries, and just talk about following legally defined boundaries. The Board concurred with the recommendation.

Andy Hauge advised that one of the comments provided at the workshop was that the 8 ½ x 11-inch Land Use Diagram was too small to read. The Planning Commission recommended making the Map an 11 x 17; and staff suggested that a 24 x 24-inch map be produced and placed at the back of the General Plan. The Board concurred with the recommendation for the larger map.

Andy Hauge referred to Section F(2) Traffic Generation and the Planning Commission’s recommendation to use the “baseline” average daily traffic “of 7.5 trips per day...” The Board concurred with the recommended change.

Andy Hauge referred to page 5-46 and advised that “for” was missing and was inserted in the sentence referring to parcels within the Agriculture/Working Landscape land use designation on the Land Use Diagram. The Board concurred with the recommended correction.

Andy Hauge referred to page 5-48 and advised that “Williamson Act” was added for clarification as to what contract was being discussed. The Board concurred with this change and with adding “or” before “if the land is not within a Timber Preserve zone.”

Andy Hauge referred to Implementation Measure 9-1b(1) relative to defining the capacity of all roads and advised of revision to use “shall” as previously directed by the Board. The Board concurred with the correction.

Andy Hauge referred to Implementation Measure 9-2a(1) relative to implementing the Transit Plan and advised of revision to use “shall” as previously directed by the Board. The Board concurred with the correction.

Andy Hauge referred to page 10-5 dealing with the issuance of a certificate of compliance and advised of recommendation to add “new” to clarify that this is only for “new” (Williamson Act) contracts. The Board concurred with the recommended change.

Andy Hauge referred to Implementation Measure 10-1b(2) and the recommended language change by the Farm Bureau that referred to the agriculture for the classroom. Discussion was held and it was noted that there may be new agriculture programs in the future. The Board concurred with further revising the language to delete reference to specific agriculture programs

Andy Hauge referred to Implementation Measure 10-2a(1) concerning areas of the General Plan classified as Agriculture/Working Landscape; and he advised of recommendation to add “and Agriculture Advisory Committee” to responsibility; and to delete “very” from the consequences. The Board concurred with the recommended changes.

Andy Hauge referred to Implementation Measure 10-2a(2) concerning lot line adjustments in the Agriculture/Working Landscape land use classification and dealing with parcels (including Williamson Act lands) that are non-compliant as far as the parcel size is concerned. He advised that the Planning Commission directed that consideration be given to modifying the policy and that it be placed in Chapter 5. Staff reviewed the request and decided it could stay in Chapter 10. However, there has been further discussion, including discussion with Don Starchman and he noted that there may be other situations such as with parcels in the Natural Resource that do not meet requirements; and the thought was that this should be a new implementation measure under Goal 5-9. Staff presented revised language for this policy for consideration which was referred to as Implementation Measure 5-9a(2). This would allow the County to approve the modification to an existing parcel/lot line adjustment as long as the findings were made that it was in compliance with the General Plan and with the underlying land use classification. Discussion was held. It was clarified that the recommendation is to include the new language as an implementation measure in both Chapter 10/as Implementation Measure 10-2a(2) and Chapter 5/as Implementation Measure 5-9a(2); and the Board concurred. The Board also concurred with deleting “very” from the consequences.

Andy Hauge referred to Implementation Measure 10-6a(2) and recommendation of counsel to delete language relative to historic parcels. The Board concurred with the recommendation.

Andy Hauge referred to page C-15 and recommendation to add bulleted items to the “wish list,” including additional language to Implementation Measures 10-2a(3) and 10-6a(2), and Implementation Measures 6-2a(2). These items are recommended to be considered at some time in the future. Discussion was held. Supervisor Stetson suggested that the “wish list” could be referred to as “future consideration;” and the Board concurred.

Andy Hauge noted that County Counsel advised that under Goal 10-6, Implementation Measure 10-6a(1) and 10-6a(2), the word “unmarketable” is to be removed. County Counsel advised that these revisions were because those sections were revised previously and the consequences didn’t get revised. He noted that on Implementation Measure 10-6a(2), the requirement for one Williamson Act contract for each parcel or group of contiguous parcels that are owned and managed as one unit, there was a discussion about that being prospective in nature and not retroactive. He asked for clarification of the status of the Measure, whether it is being placed on the future consideration list or being included in the Plan. Kris Schenk stated he feels it was staff’s belief that that Implementation Measure 10-6a(2) would remain as written. Discussion was held relative to Implementation Measure 10-2a(3), and it was noted that 10-6a(2) was not changed and so the language is not consistent between the two. Kris Schenk clarified that only the underlined portion/second portion of Implementation Measure 10-2a(3) is being recommended to be placed on the future consideration list; and discussion was held. County Counsel advised that it is his recommendation that beginning with the word “including historic parcels” down through the end of the word “unit” that that portion be omitted. As stated, there are existing Williamson Act contracts that this would affect. Implementing this

prospectively with new contracts is not an issue because it can be added as a new provision. He advised that this would also be consistent with the Planning Commission's recommendation that the underlined language, which is a mirror of that language, be moved to the future consideration list. When the new version of the contract is being brought forward for approval in the future, this is something that can be considered with the revised contracts. County Counsel clarified that Implementation Measure 10-2a(3) will read "Standards shall be developed for issuance of development permits for substandard-sized parcels under Williamson Act contract." Implementation Measure 10-6a(2) will read "Review enforcement of Williamson Act provisions requiring one onsite residence to be actively performing qualifying agricultural activities on all contracted property." The Board concurred. Supervisor Bibby asked that these contract issues be placed on the list for future consideration, and as a priority. County Counsel noted that the Board was going to modify the consequences section by omitting the last sentence on sections 10-6a and 10-6a(2) that discusses marketability; and the Board concurred.

Chair Stetson noted that he reviewed the changes made as a result of the October 17th workshop, and he asked whether there were any comments on those changes from the Board. No comments were received.

2:50 p.m. Recess

3:18 p.m. Input from the public was provided by the following:

Dennis Bunning, representing the Agricultural Advisory Committee and the Mariposa County Farm Bureau, commented on Implementation Measure 10-6a(2); and he recommended that only "historic parcels" and "enforceably" be deleted versus deleting the last portion of the paragraph so that the language compliments the existing Williamson Act contract. They are concerned that the County is not enforcing the current Williamson Act contract – they feel that when land is divided that is under the contract, a new and identical contract shall be issued for the portion that was divided and the original contract should be modified referencing the remaining land.

Don Starchman, Starchman & Bryant Law Offices, stated he feels the reason for doing this is to be consistent with the Board action and advice of County Counsel; and this would make this consistent with Implementation Measure 10-2a(3) with the action the Board took. He noted that there is nothing in the existing contract that says that you shall have separate contracts. There is language where the Board could have required this, even merger of underlying parcels, and it did not. So he does not feel that we can retroactively change existing contracts. He feels the strikeouts in the draft Plan are correct. Until the Board adopts new policy or new contracts giving everyone the opportunity to either non-renew or accept the new contracts, he does not feel that it is appropriate to put this in the General Plan. He noted that this has been discussed by the Agricultural Advisory Committee, and it will come to the Planning Commission and then to this Board. So he feels that it is premature to assume that the Board will adopt it as recommended by the Committee.

Dennis Bunning advised that he never suggested that we merge the parcels, he is only suggesting that we follow existing law in the contract that does say that when land is divided, you will issue a new contract to the new owner.

Discussion was held on this issue. Sarah Williams advised that the current County Resolution No. 77-157 has one policy that states that multiple parcels "should" be merged when they are put under a contract; and historically, the Board has never mandated that multiple adjacent parcels be merged when applicant submits an application to put multiple parcels under a contract. She advised that Dennis Bunning is correct that the language that is in the current policy is a "shall" for the statement that when land is divided, a new contract shall be executed. They have required that when existing contracted land undergoes a subdivision. They have not required it when someone submits a request for a Certificate of Compliance. Further discussion was held, including the situation with the Visher property; and whether language could be included in the Plan that reflects the policy that is being used. County Counsel noted that the existing policy could be referenced; however, it would be in effect whether it was noted in the Plan or not.

Rita Kidd, Catheys Valley resident, advised that because they have worked actively with the Farm Bureau and with the Agricultural Advisory Committee, and with the community planning effort to conserve the agriculture lands in the western part of the County, she suggested a wording change on Implementation Measure 10-6a(2) and 10-2a(3) to eliminate the word "review." She suggested that the policy is "Enforce Williamson provisions requiring on-site residents to be actively performing (she suggested that "and contract holders" or some other terminology that applies to the person who is holding the contract be added whether they are living on the land or not) qualified agricultural activities on all contracted property. She suggested that "in compliance with Williamson Act law" be added at the end of that statement. She feels there are some amendments, January 1, 2006, that clearly spell out what is a breach of contract, and it clearly says that the limitations on use of the land that qualify for breach of contract shall not be increased by any issuance of underlying Certificates of Compliance. She recommended looking at that wording very carefully, and she feels this is a serious situation because we have tended to see these new parcels as individual and that they have the opportunity for people to use them, live on them, and try to make them viable for agriculture, irrespective of that new amendment to Williamson Act law. She feels now is the time to state that policy, and she recommended that the Board restore some level of the language that has been struck out in Implementation Measures 10-2a(3) and 10-6a(2). County Counsel provided input on the fiscal impact that would occur if there was full blown enforcement activity by the County. He noted that the State law is enforced with the resources and economic ability that the County has been able to allocate at this time.

David Butler stated he feels the problems with the Williamson Act did not occur overnight, and some of them have gotten worse over the generations. Not all changes occur through sales or land divisions; changes happen through death, etc., so he doesn't feel that we need the harsh language that will slam the door on some of the soft changes that need to come through with the Williamson Act contracts. He feels the way the Plan is written will give a little more leeway and gives more time to deal with the issues; and he recommends that the language not be changed in Implementation Measure 10-6a(2).

Supervisor Pickard recommended that the Board proceed with the language as recommended by the Planning Commission, the Planning Department and by County Counsel. Discussion was held relative to enforcement issues. No further changes were made.

Laurie Oberholtzer, representing MERG (Mariposans for the Environment and Responsible Government), referred to their November 2006 letter, and she advised that are supporting Alternative Five. They support the Farm Bureau on their recommended wording.

Tolley Gorham referred to page 5-8, under Land Use, paragraph N that was added to this section, and he stated he feels that the language is missing something – he questioned why only the Agriculture/Working Landscape and Natural Resource Land Use Designation is being protected as of December 1, 2006. Andy Hauge advised that the reason these are the only two land use designations mentioned is because five-acres is a minimum within the County, and all of the other land use designations allow the five-acre parcel. The two land use designations that were addressed have a minimum parcel size of 160 or 40-acres. Tolley Gorham asked what happens with the parcels that are larger than five-acres that are residential in nature or are of some other land use that is not of these two. He is concerned that down-zoning has happened to some of the parcels where the land use has switched from residential to Agriculture or some other land use. Supervisor Pickard asked him to identify those parcels that are residential and will become Agriculture/Working Landscape or Natural Resources, as the map has been thoroughly reviewed and the Board is not aware of any.

Don Starchman referred to Implementation Measures 10-2a(2) and 5-9a(2), and he suggested some wording changes that he feels would tie this together better with Title 17. He referred to his letter that he submitted earlier in the week where he referenced the existing language for lot line adjustments on Title 17. He feels that it would help to clarify that we are improving the circumstances of both parcels or lots, and it would help to take care of problems with fences and setbacks, etc.

Discussion was held. Supervisor Bibby asked for clarification of when there is a lot line adjustment, whether the revised property description is reflected in the Williamson Act contract. Sarah

Williams advised that if there is a lot line adjustment that is proposed between a contracted parcel and non-contracted parcel, the contract is amended to reflect the adjusted property description. If the lot line adjustment involves two parcels that are under the same contract, they do not need to amend the contract. If the parcels are different ownerships, the contracts need to be amended. Kris Schenk agreed with inserting the language from Title 17, section 17.108.040 of the Code. It would continue on to say “and the modification result in improvement of the circumstances...” and with keeping the section about the other findings that would need to be made to have this consistent with the Agriculture/Working Landscape and General Plan. The Board concurred with the suggested language changes.

Ken Melton referred to the change of “should” to “shall” and he advised that the previous Board actions to use “should” was to compromise not to obligate future Boards with a “shall” so that there could be some discretion. He referred to Policy 5-2a and Implementation Measures 5-2a(1) and 5-2a(3) and the answer that was given as to what happens to an application of a project in an area of study – he noted that it has been changed to “shall” and he feels that this is a tentative situation with unknowns. He asked that “services” be identified; and he feels that “outward” is very restrictive – if you are the second parcel out, it doesn’t give the prerogative for a review. He stated he feels that activity is being prevented in the study areas.

David Butler provided input on the change of “should” to “shall” to these sections; and he agrees that this prevents activity in the study areas with the change. It creates a “dead zone.” He suggested that “may” be used. He thought that maybe the “shall” was used because there were timelines with the town planning updates. He referred to Implementation Measure 5-2a(4) and he noted that there is a lot of town planning area in Mariposa that topographically doesn’t work with MPUD (Mariposa Public Utility District) and that creates another “dead zone.” He feels there are viable sewer and water facilities that can be used, but perhaps could be monitored by MPUD, but don’t need to be tied into their system.

Discussion was held. Supervisor Pickard clarified that this does not limit a project to the sphere of MPUD – this would allow a project to be considered that could support a water treatment or water delivery system independent of MPUD. David Butler stated that is the way this appears to be written, but he doesn’t feel that is the language that came back to staff after it was discussed – it went to LAFCo (Local Agency Formation Commission) and then to MPUD. Supervisor Pickard questioned whether the study area is necessary to support the goals of the General Plan. David Butler feels the town planning area advisory committees should be able to make recommendations on these issues.

Autumn Bernstein, representing the Sierra Nevada Alliance, provided input on their organization – they are an umbrella organization and work throughout the 24-counties of the Sierra Nevada to protect and restore the natural resources, while at the same time protecting the rural communities. They have 80-member groups, including MERG and the Upper Merced River Watershed Council. They are happy with where this General Plan is to date. She provided input on what the idea of premature urbanization is, and she advised that Goal 5-2 is to create land use density and development patterns to manage growth and patterns avoiding sprawl. The problem with premature urbanization is that you might get some things that preclude future options, and she cited an example in the City of Jose where they sprawled and have no where to grow so they are trying to do “in-fill” in their downtown. But, they put an airport just north of their downtown and the flight path goes right through the downtown and there are height limitations. She encouraged the Board to maintain the existing language so that good development is not precluded in the future.

Laurie Oberholtzer advised that in most cases, the “shalls” were because the EIR required them. If the “shalls” are changed, there will be a significant impact that can’t be mitigated and staff will have to figure out some over-riding consideration. The “shalls” made them feel a lot more comfortable and they encourage the Board to keep the “shalls.”

David Butler stated he feels the problem with the word “shall” is the definition on page A-3, which states that it means mandatory. So flexibility isn’t there.

Discussion was held. Andy Hauge advised that this set of policies is intended to make sure that you are not precluding options in the future to develop and grow, and it goes back to the basis, the guiding principles of the General Plan and focusing the development in the planned areas – growing

outward, and making sure that you can handle the infrastructure in a way that is economically viable and makes sense. Under these policies, it is mandatory – you “shall” prevent premature urbanization. So the Planning Commission and the Board will need to determine whether a project is premature urbanization within the study area and whether it is something that you want to occur. It does not prevent you from being able to do something, but it does require that a finding be made that it is not premature and it forces moving forward with the community planning area updates. Further discussion was held relative to this matter and how it will work.

David Butler referred to Goal 5-2 and Policy 5-2a relative to guiding development and the study areas; and he stated he feels that Implementation Measure 5-2a(3) creates a “dead zone” with the wording “shall prevent.” When a larger project wants to come on line with a planned unit development, it will be proposed as a package with infrastructure, but he does not feel that this type of language will allow consideration of this type of development. He feels the people that have lived here a long time have concerns about growth for the area, but he doesn’t feel that “dead zones” should be created around the town planning areas. He feels that you will need to allow for some development. Supervisor Bibby asked about putting the timeline back in for the town plan updates. David Butler clarified his statement, and advised that he feels it made some sense when the rest of the paragraph was included. However, he is concerned that the town plan updates could be drug out over a long period of time. He stated he feels that if people want to preserve open space, they should buy the land so they have control. Discussion was held.

Laurie Oberholtzer stated they feel that the Mariposa Town Planning Area should be decreased/down-sized. But when discussing the options, she feels they are to prevent premature urbanization of the planned areas. But this all started out with the Mariposa Town Plan area because it is 19-square miles – it is bigger than most of the towns throughout the foothills. She feels the option is either to shrink it back down or the wording is needed so that growth can occur concentrically outwards.

Further discussion was held with Andy Hauge relative to the Planning Commission’s review of the area between Mariposa and Mt. Bullion, and he advised that they created this large study area because they feel there is a true opportunity to look at the whole area comprehensively and not divide/parcel it up. It is the one place in the County where you can do multiple uses and the land is usable and the services can be provided.

Don Starchman stated he does not feel this language was included until the November version, and the language of “shall prevent” wasn’t in the document and did not come from the Board – it showed up in the October version of the Plan. He suggested that to get to the same intent, but without using “prevent” that Implementation Measure 5-2a(3) be reworded to say the following: “The County “shall” make findings that the development will not result in premature urbanization of the planning study areas.” This gives an option; however, it still needs to come to the Board and all of the services and everything involved will be reviewed.

Discussion was held. Andy Hauge stated he feels the suggested wording achieves the same policy.

Ken Melton asked for clarification of the definitions of “premature growth” and “urban sprawl.” He noted that there are restrictions and processes for hooking up to district services, such as with MPUD. He noted that the rules are already in place for that type of development. He is still concerned with the definition of “shall” and what will be permitted in the study areas. He feels this workshop is an opportunity to discuss these issues versus the formal public hearing scheduled for Wednesday.

Autumn Bernstein stated she does not feel that this language is about “preventing” urbanization of these areas; it is about allowing time for staff and the communities to do a good plan so that when development does take place, it is the best development for the community. She suggested that language be included about making it a priority to get the plans updated as quickly as possible so that development can go forward in these areas.

Supervisor Pickard asked Planning for their interpretation of the use of “premature.” Andy Hauge advised that “premature” was used because it is a quantifier that the Board and the Planning Commission are going to have to find that the development and the kind of development is at the right time; i.e., you are not putting a large shopping center out in the middle of an area where it is premature

for it to be built; or that a large development is being built that doesn't have services connected. Discussion was held. The Board agreed with the language suggested by Don Starchman for Implementation Measure 5-2a(3) - "The County shall make findings that the development will not result in premature urbanization of the planning study areas."

Tolley Gorham suggested that "premature" be replaced with "out of place."

County Counsel advised that the dictionary's definition of "premature" is basically whether or not it is too early; and he read the definition.

Bob McHugh, on behalf of the Airport, suggested that "inappropriate" be used.

Andy Hauge noted that the General Plan has a number of policies that deal with inappropriate land uses and rural character and there are policies on the Airport to preserve and protect it because it is a major transportation facility for the County.

Robert Kroon stated he feels there is an inconsistency in the Plan with permitting legally existing nonconformities to continue use and operation; and he referred to Goal 5-11 and Policy 5-11a and Implementation Measure 5-11a(1). He stated he reads these sections to say that the County wants these uses to continue. He noted that as he reads on, it says "except" signs and/or billboards...and there was a reference to major transient rental management activities in Yosemite West which has been stricken. He referred to Implementation Measure 5-4a(3) which states that all community plans shall include land area to accommodate local rural home industries that out-grow their home-based location. He stated he feels that if a community plan gives a place for these legally existing nonconforming businesses to go to, that would be okay. In the special plan being developed for Yosemite West, there is a five-year phase out for the legally existing nonconformities. By the wording in the General Plan, he feels the special plans and community plans are being given the power to eliminate these uses; and he feels that this power should be with the Board and not from planning committees. He suggested that Implementation Measure 5-11a(1) be changed to delete the wording after "signs and/or billboards."

Discussion was held. Supervisor Pickard noted that the community makes recommendations through their process and through the Planning Commission and then to the Board. It would be up to the Board to make the final decisions.

Robert Kroon provided additional input relative to his concerns, and he stated he doesn't feel it would be right to permit legally existing nonconforming uses everywhere other than Yosemite West. He commented on the transient rental operations in the area. He does not feel this should be implemented in the General Plan.

Supervisor Bibby commented on the review process of this issue in Catheys Valley; and asked about the possibility of allowing these uses to continue as long as there is a continuation of the business, with provisions. Kris Schenk stated he feels the Board can look at the issues in the Yosemite West Special Plan when it is brought forward in the near future; and this language is allowing that discussion to come forth and it is not automatically inconsistent with the policy in the General Plan. Sarah Williams noted that currently the Mariposa Town Planning Area and Wawona have different nonconforming provisions than does the countywide plan.

Robert Kroon again reiterated his concern that this allows legally existing nonconformities to continue unless you are in Yosemite West. He noted that these uses exist throughout the County.

Tolley Gorham referred to section D(2) Maximum Acreage and Minimum Lot Sizes; and he expressed concern with the maximum of ten contiguous acres of gross land area, as he feels this is a small piece of land for something that could be a fair-sized commercial operation. He noted that this might be one way to stop something like a Safeway store or a distribution center from coming to the County, and he suggested that either the maximum size be deleted or that a larger size be used – perhaps 20-acres as it used to be.

Andy Hauge clarified that this section is only dealing with the Rural Economic land use and is for neighborhood shopping that is fairly distant from the town planning areas. Discussion was held.

Laurie Oberholtzer advised that the ten-acre revision is something that they were really happy to see. She provided information on a maximum scenario – you could get 10,000-square feet per acre with a shopping center. So, 20-acres would allow for up to a 200,000-square foot shopping center, and

that is including parking, etc. She feels that is way beyond the idea of this classification which is for rural commercial neighborhood uses.

Tolley Gorham asked whether a developer would have to subdivide his property if he has more acreage than is allowed to do a project; and he questioned whether subdivision is a goal. He feels that if there is concern about the size of a project, it should be project related versus parcel size.

Discussion was held. Kris Schenk advised of consideration of this issue, and he advised that the policy is saying that commercial expansion shouldn't occur on more than ten-acres. Supervisor Pickard asked if he had a 40-acre parcel and wanted to put in a tack shop and something else comparable and it utilizes less than 9,000 square feet, whether this policy would prevent him from proposing this without going through a subdivision. Kris Schenk advised that the land would need to be subdivided and a parcel could be Rural Economic and the remaining land would need the appropriate zoning to do whatever you want to do on it.

David Butler stated he doesn't feel that people will be able to afford to subdivide their property to develop something like a tack shop.

Supervisor Turpin asked what would happen if someone needed twelve acres to do a project. Further discussion was held. Andy Hauge advised that there could be a request for a General Plan change or the Planning Commission or the Board could decide that it is appropriate because the ten-acres is not the right limit. However, you need to account for the fact that with many properties in this County, this is not a hard standard to meet. Supervisor Turpin commented on the growth that has occurred in the County over the last ten years, and if a developer has used all ten-acres and the demand is there for more, what can be done. Andy Hauge further noted that when this was discussed with the Planning Commission, it was felt that if the development has occurred, then it is time to make it either a community area or a town planning area. So he feels there was a logical sequence from the Rural Economic subclassification into those larger areas; i.e., planning area. Further discussion was held.

Don Starchman said the Planning Commission set the 20-acre minimum, and the Board chose the ten-acres. Andy Hauge agreed, and he advised that the ten-acres was specifically addressed after that with the Planning Commission, and the Commission concurred with the ten-acres.

Ken Melton stated he finds it baffling that this is even under discussion. He questioned what the size of a parcel has to do with a project. If he lives on 15-acres and is in the Bootjack town planning area that allows for a particular commercial endeavor and he wants to retire and use a half-acre of his property to put up a shop that is allowed in that zoning, he feels the rules should address the size of the development – i.e., be project driven. He does not see what the amount of acres has to do with developing a small business as long as the other standards are met. Supervisor Pickard noted that this standard is for Rural Residential which is outside of the town planning area. Ken Melton stated he feels the same concern applies to parcels outside of the town planning area – he does not see what the acreage has to do with anything. He feels property rights are not being protected.

Supervisor Turpin initiated further discussion and cited a specific example of the Black Hill Market and stated he feels that ten-acres is too small with all of the restrictions. Andy Hauge stated he feels the issue being discussed is whether zoning can be done that doesn't follow parcel lines; and he suggested that if the Board doesn't want to see subdivisions occur in the situations discussed, that an evaluation of the policy of having zoning lines that do not match parcel lines be placed on the list for future consideration. Normally the zoning lines match parcel lines so if you want to sell that commercial property, it could be sold separately.

Anita Starchman Bryant referred to the hearing before the Planning Commission in November, and she stated she does not feel there was any discussion about this language.

David Butler suggested that if the dual classification is used, that would allow a business to get established and to get in an economic position to subdivide later.

Further discussion was held relative to this issue and the existing businesses that fall in this category and meeting the criteria for these uses. Supervisor Turpin asked about the possibility of development of a commercial project that is being considered in the Merced Falls/Barrett Cove Road intersection (Don Pedro) area and whether that would be covered as project specific under the EIR for the General Plan. Andy Hauge advised that project specific is not covered under the EIR. The property is in the planning study area, so it could be evaluated as a part of the overall planning area and this provides an opportunity for a good decision to be made about the commercial uses for the area. Based

on the potential size of this suggested development, Andy Hauge stated he feels that this is a project that goes beyond the neighborhood services and should be considered for incorporation in the town planning area. Supervisor Turpin asked for clarification of whether the planning area update needs to be completed before the development proposal can be submitted. Kris Schenk advised that the language that the Board discussed earlier calls for the Board to make a finding that it is not a premature urbanization of the planning area. Supervisor Bibby asked for further clarification of the existing uses and whether they are required to meet the criteria for population, etc. County Counsel advised that he consulted with the Planning Director and it is both of their recollections that there was an intention expressed at one time to grandfather in the existing legally non-conforming facilities so that they could continue; and that is why those businesses were identified. Kris Schenk provided input on the Planning Commission's review of the businesses that were identified. He advised that it is the Board's choice of whether to designate the businesses as nonconforming legal uses or take the designation off and they will continue to exist. Supervisor Fritz stated she doesn't want to tell the nonconforming businesses that they need to close because they don't conform with the current General Plan; and she feels that the best use of the land for the project should be considered.

Bob Rudzik, speaking as an individual, referred to previous discussions on this matter and the history of the recommendations, and he noted that several of the community areas/town planning areas were reluctant to include commercial development. The Planning Commission felt that the opportunity for a home-based business to stay local was appropriate.

Don Starchman stated he feels that recognizing legal nonconformities creates financing problems for expansion, etc. He feels that recognizing the zoning for the existing uses and at the same time setting some stricter criteria for new businesses coming forward in the future is good planning.

Andy Hauge clarified that the Planning Commission was provided the General Plan with the strikeouts and underlines showing the recommended changes on these sections; and when he says that they discussed these issues, they had the document and they had the opportunity to further discuss and recommend changes. Supervisor Bibby again referred to the criteria for the legal nonconforming businesses. Kris Schenk and Sarah Williams responded as to the requirements; and advised that a business has to be legally established in accordance with the existing standards at the time the business is established; then the standards change, and that is when the business becomes nonconforming. The current standards state that you may cease operation for a period of up to three years and still retain your rights to reestablish that use.

Robert Kroon stated he feels that we should remember our area plans and community plans; and now we are grandfathering uses.

Further discussion was held, including the acreage issues and various types of uses and whether they would be considered local or regional uses.

David Butler referred to a residence on a 20-acre parcel and noted that if you separate the residence, you take away five-acres. Of the 15 remaining acres, only nine-acres are really usable after meeting all of the requirements for setbacks and turning radius, etc. He feels 20-acres should be allowed as he does not feel that is too much ground when you are trying to do a small commercial use and allowing for usage and future expansion.

Further discussion was held.

Laurie Oberholtzer stated the standard rule of thumb that planners use for neighborhood commercial is one thousand people generates the need for one and one-half acres. She can't visualize what neighborhood use will use up ten-acres.

Don Starchman noted that the planning rule cited is assuming that water and sewer is provided versus on-site systems, and that Mariposa County is different than Nevada City with the sewer line running down through the middle and the criteria (cited by Laurie Oberholtzer) are not relevant.

Rita Kidd suggested that the Board ask that there be no more comments about their consultants, who come in from outside the area. She stated she feels we are dealing with acreages on the basis of how we live in the County and how we assume that we need acreage for our residences. She suggested that whatever decision the Board reaches tonight, that the option be held open for her to come back tomorrow with examples from the Sierra Business Council and from other communities of neighborhood commercial installations and their acreages so that the Board has a visual and something to reference. She cited an example in the Jackson/Sutter Creek area with "big box" stores, and she

advised that they will go out in the middle of nowhere to build their stores if they are encouraged to do so either by acreage or public policy to attract regional business.

Further discussion was held relative to the acreage issue. The Board directed that twenty contiguous acres be used as the maximum acreage in Section D(2).

David Butler referred to section E(2) Hillside and Ridge Top Design, and he stated the ridge top development issue was discussed extensively by the Planning Commission; however, there were no recommendations brought forward at the time as he feels that the message from staff was to not take the ridge top development out. He expressed concern that planner discretion could be involved with the third bullet – “The Commission may require buildings to be set back from ridgelines” and he suggested that this bullet be deleted.

Discussion was held.

Andy Hauge advised that the Board has reviewed all of the items that the Planning Commission presented, and direction has been provided on those items. He commended Sarah Williams for recording the direction on those items; and he advised that they will be on the Board’s agenda for the public hearing on Wednesday.

Laurie Oberholtzer asked for clarification of the public hearing process scheduled for Wednesday and adoption of the Plan.

Kris Schenk advised that they have drafted a resolution that has several sections, including a section for the findings that will support the Board’s decision at the conclusion of the public hearing. He noted that there are minor modifications as a result of today’s discussion. There will be a section that talks about any specific changes that the Board makes, and there will be a section that talks about statement of overriding considerations for the four or five areas where there is potential for significant consequences from adoption of the Plan. They will finalize the document; and if it is necessary for the Board to make its decision on Wednesday and to come back in order to make sure that the document is done correctly, then that might be a situation where the hearing would be continued to Thursday morning for final adoption. Kris Schenk further advised that today is the point at which staff would like to know the Board’s direction on the Plan; testimony will be taken during the public hearing on Wednesday, and the Board still has the ability to do whatever it feels is appropriate actions. At the end of the hearing on Wednesday, it would be appropriate for the Board to adopt the Plan and certify the EIR.

Discussion was held on the following:

Supervisor Bibby initiated discussion on page 5-6 and reference to California Government Code 65852 which provides for the creation of second units on a parcel zoned for single-family or multi-family residences. She asked for clarification of this and whether it is a subdivision. Kris Schenk advised that this language refers to a subdivision of State Code.

6:02 p.m. Recess

6:29 p.m. Chair Stetson advised that this would be the time for Board members and the public to bring up any other issues they have on the General Plan Update.

Supervisor Bibby initiated discussion and stated she feels that we need to be careful when developing criteria for considering the trading of lands issue; i.e., Agricultural Exclusive for Residential.

Supervisor Turpin referred to section K. Scenic Character, and he suggested that “scenic” be deleted from the second paragraph in the first sentence that reads “The viewsheds along the County’s scenic highways...” Following discussion, no change was made.

Supervisor Pickard referred to section E. New Subdivisions, and he suggested that the wording in the second paragraph be changed to replace “infrastructure comprises” with “development requirements are.” and the Board concurred with this change. Supervisor Turpin suggested that “approved areas” be added for wastewater disposal; and no change was made.

Chair Stetson asked that the public let him know when they want to provide input during this part of the workshop.

Supervisor Pickard referred to section E(1) Road Capacity and Access, and initiated discussion relative to his concerns with the second portion of the first sentence in the first paragraph. Kris Schenk advised that this language is intended to try and avoid “dead-end roads.” Andy Hauge suggested that perhaps consideration could be given to having provisions for future through roads versus requiring an easement. The provision could be that you don’t put a house there if you think there is a property that seems to be appropriate for a road to go through. This would help to provide for good circulation. Discussion was held.

Don Starchman referred to Court cases on this issue; and he stated they are very clear that there has to be a nexus, there has to be some benefit to the parcel or some impact the parcel has had that you are mitigating by making this requirement. Otherwise, you can not ask for it. He advised that he has been involved with clients where all of the requirements for a subdivision were met and they did not require easements for future through road connections to adjacent developable parcels. He disagreed with Andy Hauge’s suggestion that consideration be given to having a provision that could result in a building site being taken away because there may be a road put through that location to serve a neighboring parcel in the future.

Supervisor Bibby initiated discussion relative to previous discussions that were held where it was pointed out that without any provisions, a property owner could prevent property(s) behind him from developing if access for a through road is not granted.

Ken Melton stated he feels the road associations where a neighbor could stop development of a property because they won’t allow their property to be a part of the association is a separate issue. He referred to the discussion of capacities and determining things, and he noted that will take some substantial research and time – no one has looked around this County and said where through roads should be planned for; and he feels that this would constitute a taking without compensation and that is wrong. He provided input on an example next to the Hospital of a development where a by-pass road was looked at for the town of Mariposa, and they physically went out and planned.

Further discussion was held. County Counsel stated it is his opinion that it is an entirely appropriate planning tool that the Board of Supervisors as a matter of policy can require an extension of roads or easements for roads in subdivision developments. It is the Board’s prerogative to set a policy. He was part of the reason, in consultation with staff, that some of this language appeared, because they had several people come in where cul-de-sacs were placed at the end with no homes and there was no projection of where development was going to occur – there was discussion of fire access, dead-end road issues, and areas that were designated in the General Plan for development would ultimately be developed. He advised that there are two theories: 1) that this be left to the private sector and if people want to negotiate and buy the access or they find some other alternative; and 2) that you allow this as a planning tool – a recommendation that comes to this Board before it can be imposed. No staff member and no Planning Commissioner, under our rules and regulations, can extract from a developer this type of requirement without that developer having the right to come to this Board to make that decision. He works with Planning staff and recommendations are made to the Board and they do not usurp their authority, and he feels that is important to recognize. The policy decision is whether or not the Board wants easements, and it has the right to do that and the nexus can be demonstrated for some of the reasons he has stated. It is not based on the whim of some Planning staff member. Supervisor Fritz noted that she was involved in the discussion of including the recommended language in the Plan because of a situation with a constituent who was on the end of a cul-de-sac and they were trying to split their property. If the road had gone through their lot into the next parcel, they could have joined another road and it would not have been a dead-end road issue. Supervisor Bibby referred to easement abandonments that occurred that was a requirement that was made at the time there was a subdivision

as the easement was in a location where it was not developable; and she asked, from a Planning perspective, what they see at the County. She questioned whether more easements will be abandoned in the future because there is no development or because those easements could not be developed due to the terrain of the land. Kris Schenk advised that he has not seen very many; and the ones they have seen are because the easements were there for the wrong reasons or circumstances changed.

Ken Melton stated he does not feel that easements can be abandoned if they were created by parcel maps, without the submission of another map. If the easements were created by a deed, then it would not be a problem to abandon them.

Supervisor Pickard suggested removing the last portion of the first sentence in the first paragraph that says "...and will include, as appropriate, easements for future through road connections to adjacent developable properties." Discussion was held.

Autumn Bernstein reminded everyone that new subdivisions are being discussed and not individual parcels; and she provided input on the Subdivision Map Act provisions relative to roads and access roads. She stated she feels the Board has the authority to decide where the roads will be for each subdivision.

Don Starchman stated there is no requirement in the Subdivision Map Act to take the roads to the adjoining property. He noted that there have been a couple of projects in the County that are gated communities and they meet all of the road requirements. He feels that they have no duty to extend an easement through to adjoining property owners and without the nexus he doesn't believe that it can be legally required.

Further discussion was held relative to the language in this section and the through road issue. Supervisor Turpin stated he agrees with providing access for fire protection. Supervisor Bibby noted that a fire access would need to be maintained. Sarah Williams noted that this policy could result in a subdivision granting access to a parcel that had no access before.

Ken Melton cited an example on Spriggs Lane by the Senior Activity Center with a subdivision he did with 9,000 and 15,000-square foot lots and the road is 800 feet long with a cul-de-sac. He owns the two-acres from the cul-de-sac back out to Spriggs Lane, and he said the Planning Department tried to make him extend that easement through his two-acres which he feels would have absolutely destroyed it, because they wanted a circle drive. Most of the lots in the subdivision have been sold and the people are telling him they are glad that it is not a through road because of the traffic. He referred to Morningstar Lane where people have to take care of this through road and there is extra traffic with the people just traveling through from one County road to another. He feels that if he wants to do a dead-end road that crime is less than a through road with more traffic, and there is more privacy. He feels that there are a lot of reasons why the County should not be involved, and these things should be up to the neighbors. He feels that requiring a through road is a taking without compensation and it is wrong regardless of the law. He also noted that requiring a through road would give that next property owner a road to his property for possible future subdivision at no cost, and he feels that is wrong.

Discussion was held. Andy Hauge referred to Policy 9-1e which states "Adopt comprehensive standards for all County roadways." He advised that this policy deals with the safety issue.

Don Starchman noted that if this through road easement is required – a 60-foot easement that is 660-feet long, which is fairly short for developing five-acre parcels, with setbacks equals about one and one-half acres of land on a 20-acre parcel with a four-split, and he does not feel the Board could make the findings to require this.

Supervisor Bibby asked for clarification of whether changes in the language would require recirculating the EIR. Andy Hauge advised that EIR cites Policy 9-1e and 9-1d and their Implementation Measures as the mitigation for this safety issue. If the through road language is removed from the General Plan, there is still an obligation to review this from a safety standpoint and it is covered by the environmental document. The Board concurred with deleting the following from the first sentence in section E(1) Road Capacity and Access: "and will include, as appropriate, easements for future through road connections to adjacent developable properties."

Supervisor Pickard referred to section E(3) Individual Onsite Sewage Disposal Systems, and he suggested that “onsite” be omitted from the title and the paragraph. Discussion was held, including whether this would allow for off-site systems.

Ken Melton referred to a current example of a problem at the industrial park development on Highway 49 North. A developer submitted a subdivision map to create four parcels and a remainder, and when the percolation tests were done that was required, two of the five parcels were marginal to not so good. Two parcels had perfect percolation testing and there was adequate room on those parcels for septic systems, so the Health Department approved having two septic systems on each of the two parcels; and he feels that the proposed language in the General Plan Update would not even allow this to be considered. There was no way to adjust the property lines due to the terrain. He referred to a situation he has with a parcel that is approved for a two-bedroom septic system and the owner wants to add a third bedroom and they want to put one of the leach lines on the adjoining property if they will agree to it. He noted that this would still need to be approved by the Health Department.

Andy Hauge responded to a question from the Board and advised that this applies to residential new subdivisions. The goal is to design a new subdivision so that the wastewater disposal is onsite; and he noted that the General Plan does allow for community systems, so there is some flexibility in the design of the subdivision.

Laurie Oberholtzer begged the Board to not change the wording on this – she feels it is a health and safety issue. This applies to new subdivisions and if a site won’t perk for a septic system, then she feels the lot should be made larger or a different kind of subdivision should be created. She feels it is basic to good planning that any new lots that are created will have adequate septic system areas.

Don Starchman urged the Board to be careful on this because of the town planning areas with two and one-half-acre zoning and rural residential zoning; and he noted that they talk about a community system. However, quite often that can be an engineered septic system and not sewer hookups. He doesn’t feel it is possible to divide a ten-acre parcel into four 2 ½ acres parcels and do a community system as required by Title 17 without putting it on more than one piece of property. He feels there needs to be some clarification.

Further discussion was held. Supervisor Fritz asked staff for clarification of whether leaving “onsite” in the language would allow the Health Department to review a plan and approve an “offsite” system if it would work. Andy Hauge advised that the language crafted with the Planning Commission says a sewer connection could be an engineered system or a community system. You would need to have “onsite” or some form of engineered community system. The hope would be to design a subdivision where the system can be placed onsite.

Don Starchman and Ken Melton provided additional input on this issue. Ken Melton clarified that approved areas are required for recordation of a subdivision map, and the system itself doesn’t have to be installed.

Supervisor Pickard suggested adding “community disposal systems.” Ken Melton asked that it be clarified that two or more users of the same system is being discussed because there are state codes that talk about community systems. Andy Hauge advised that the County Code does say that a community system is two or more parcels.

7:48 p.m. Recess

8:02 p.m. Further discussion was held. The Board concurred with changing the sentence to read “New parcels must have approved areas for onsite or community system sewage disposal if sewer connections are not available and will obtain an approval from the Health Department.” Supervisor Pickard stated he feels that this would address the small parcel issues. Andy Hauge advised that this was intended to do that and it doesn’t change the policy, just clarifies it. The title for section E(3) was changed to read “Sewage Disposal Systems” and the Board concurred.

Supervisor Turpin referred to section E(2) Hillside and Ridge Top Design and the second bullet that says the Commission may require buildings to be set back from ridgelines; and he noted that this section is talking about new subdivisions and not about buildings. Andy Hauge advised that when you

are looking at the subdivision of a parcel, you are also looking at building sites, especially if it is steep land. He suggested that it could be reworded to refer to “building sites” to clarify the intent. Discussion was held. Supervisor Turpin referred to the second paragraph in section 11.2.02 Summary of Major Findings, A. Scenic Resources, and the language relative to uncluttered hillsides and ridge tops. He noted that throughout the Plan, there is discussion about developing design reviews and he asked what the process will be for developing the guidelines. Andy Hauge referred to the Implementation Measures in Policy 11-1a relative to conserving natural and scenic resources through County programs and development standards. He noted that these are guidelines to be developed for the Planning Commission to go through the public hearing process and then to the Board for its public hearing process. Discussion was held.

Ken Melton referred to the Implementation Measures in Chapter 11, and he agrees with Andy Hauge that is where this should be. He stated he feels the question is, at the subdivision level, how does the Commission require building sites to be set back from the ridgelines prior to the recordation of the map when there is no application for a building permit? Andy Hauge advised that when you are looking at the subdivision, especially steep parcels, you are going to be looking at building pads and where they are located and how you get a driveway to them and where you locate your septic system – he feels that this says that the Commission and Board will take a look at those placements and try to keep those building pads away from ridgelines if appropriate. Ken Melton asked for clarification of how this will be “required.” Andy Hauge responded that through conditions of approval on the subdivision, if that is what is determined to be necessary. Discussion was held.

Laurie Oberholtzer referred to Implementation Measure 11-1a(1) and her experience with seeing subdivisions with building envelopes delineated on them, and it doesn’t have to be surveyed. It can be as simple, as long as you know where the ridgeline is, as drawing a line on your subdivision map. At the time a building permit is applied for, staff can review the map and it is a simple process.

At the Board’s request to further respond to Ken Melton’s question, Andy Hauge advised that while you are doing a subdivision map, you can place a building envelope or a building pad and you can place conditions on the subdivision that would be applied at a later time. Supervisor Pickard stated he feels that Mr. Melton is also asking how this would be enforced. Andy Hauge advised that a setback can be used and during the inspection process, the conditions would be reviewed for enforcement. Ken Melton stated he feels that this issue should be addressed in Title 17 versus placing things on a map that he doesn’t feel can be rectified at a future date. Supervisor Turpin referred to the statement that the Planning Commission will review subdivisions with slopes on parcels in excess of 15 percent, and he asked for clarification of whether the Planning Department will require identifying building sites. Kris Schenk advised that in those cases they would need sufficiently detailed information about the contours so they could make a determination of what is a 15 percent slope. Andy Hauge advised that the subdivision map would need to be reviewed, and with slopes over 15 percent, you will need to look at cut and fills and where the road is going to go. It could be that to get the approval, you may need to designate a building pad. There is no mandate in this General Plan, but it could be a condition of a subdivision.

Laurie Oberholtzer noted that MERG spent a lot of time on this issue, and she feels that the proposed wording is a compromise. They would have preferred that the Commission “shall” require buildings to be set back from ridgelines. They are willing to work on Title 17 so that the wording is implemented; and they feel that this language should have been tougher.

Don Starchman referred to the last two words of the first paragraph of section E(2) Hillside and Ridge Top Design – “the following objectives” and he advised that this is not compatible with “may” that is used in the bullets that follow. He suggested that the sentence read “The Planning Commission will review subdivisions with slopes on parcels in excess of 15 percent and consider the following.” Following discussion, the Board concurred with this wording change; and the Board concurred with changing the third bullet to state “The Commission may require building sites to be set back from ridgelines.”

Supervisor Fritz referred to section F(2) Traffic Generation, and she asked for clarification of what is included in the traffic count. Andy Hauge clarified that the baseline is set at 7.5 trips per dwelling unit; and he advised that if the home-based business triples that average of daily traffic up to

the 22.5, that is when a conditional use permit is required. The accessory dwelling unit (“mother-in-law” unit) will not be counted when calculating the average daily traffic.

Supervisor Pickard referred to section E(4) Potable Water Supply, and he suggested that the last portion of the sentence in item “e” be deleted, so that the item will read “other satisfactory proof.” Discussion was held.

Laurie Oberholtzer stated she feels that this is one of the six remaining points of their letter that they would like to discuss. They were actually hoping that it would be more detailed. Instead of qualified professional, they would like it to read “State certified groundwater hydrologist” so that it is very specific as to the type of professional we want reviewing well data. They would also like it to say “and wells drilled on each parcel” so that it is clear that there is water on each parcel. She feels this is a really good policy; and she feels that the suggested change to item “e” would create too much of a loophole.

Discussion was held.

Don Starchman asked that the “shared” well be remembered and considered with this section.

Further discussion was held. Andy Hauge provided input relative to the Planning Commission’s consideration of this policy. County Counsel advised that the wording in item “e” was added to allow for any other viable option that the Health Officer may accept as satisfactory.

Ken Melton referred to a public meeting that MERG held in Catheys Valley and they invited a State official from the Water Resources Control Board. That official stated very bluntly and on several occasions that the people that would fall under hydrogeological study are all people that have credentials and do these studies for a living; and it is their best guess because they do not go out and drill holes on each of the parcels. That official said that the most qualified individual to make this determination is the local well driller, and he is licensed. Ken Melton suggested that this be clarified and added to item “e.” If you can get the local well driller to write out a statement that there is a reasonable expectation of water, it will be recorded with the map. The proof will be done at the time of sale when the well is drilled. Discussion was held with Ken Melton relative to his suggestions. Supervisor Stetson suggested that item “e” be reworded to read “other satisfactory proof and wells drilled and tested prior to sale;” and Ken Melton agreed with this wording.

Rita Kidd advised that her understanding of the listed items, is that “e” is an option that can be chosen versus the list of items needing to be met in descending order; and she feels that this gives the developer an out from ever having to prove anything, except by a hydrologist study and the drilling of wells prior to sale. She feels that we have been very explicit in the area of quantity of water and what has to be proven; and item “e” doesn’t even have a test and she feels that language should be added to include “and wells drilled prior to sale that meet the test of item “d.” She would still like to see a hydrological study of the area. She noted that a well driller is not insured and a certified professional hydrologist is; and that a well driller has a vested interest in drilling wells so there is a conflict of interest.

Laurie Oberholtzer pointed out that this was a serious issue in the EIR; and she referred to page 4-47 of the Final EIR where it is noted that the Implementation Measure in the Circulation and Public Facilities Element that calls for a proven water supply is assumed as mitigation. So at a minimum, she asked that this wording not be weakened.

Kris Schenk stated he feels that there are significant environmental issues around how potable water supply is defined. He advised that they became aware of these issues with the lengthy discussions held around the Moberly subdivision when it was challenged by a neighbor. He stated that it is very important to have significant and specific grounds in the Plan because water supply has already been a difficult issue on routine applications, and from what he sees, it will be more and more of a big deal in coming years.

Autumn Bernstein agreed with Kris Schenk, and she referred to a recent study in Fresno County’s foothills around this very issue, and they did find that well levels were dropping, and this affects all users on those aquifers. So it is not just an issue for new residents, but for everyone.

Ken Melton stated he agrees with Rita Kidd’s suggested wording change to include testing. However, he noted that there is no State law that requires a well to be drilled be on each parcel prior to

sale; and he feels it should be taken into consideration that if wells are drilled and not used, there is contamination potential, cave-in potential, and other issues.

Supervisor Stetson suggested that item “e” read as follows: “other satisfactory proof and wells drilled and tested prior to sale to yield the demonstration indicated in item “d.” County Counsel noted that if the suggested revision was made to item “e,” it would strengthen the defense of parcel splits because there would be more certainty in the standard of water that is being proven and that would show in the findings that would be made for approving the project and render it less susceptible to challenge. Kris Schenk agreed that it would be better to be more specific. Discussion was held. Andy Hauge noted that if the language is added to item “e” to include testing that item “d” could be deleted.

Don Starchman asked for clarification of whether the current procedure for approving major subdivisions in the County contains a provision that the wells will be proven prior to sale.

Sarah Williams advised that the Commission has really wrestled with this matter because they have approved some in the past where they waived proof of water until prior to sale; but some of the more recent ones, they have not. On Friday, they approved a subdivision and required proof of water prior to map recordation; although they did add an option for the options in the General Plan Update to be met.

Laurie Oberholtzer noted that the preamble to item “e” says prior to recordation of a final map – so that is obviously prior to sale.

Rita Kidd stated she feels that items “b” and “c” should address quantity of water and satisfy item “d.”

Further discussion was held. It was noted that item “d” is currently required to be met pursuant to Title 16.

Don Starchman stated he feels looking at item “d” solves the problem because it is saying that either you have satisfactory proof and prior to sale you shall meet Health Department requirements as pointed out in Title 16.

County Counsel advised that item “d” is the quantitative standard that Title 16 requires. Item “e” was added to allow for other satisfactory proof so you could delay putting a well in.

Don Starchman advised that item “e” was put in to allow for proof of water to be done prior to sale versus recordation of the map. He agrees with the wording suggested by Supervisor Stetson.

Sarah Williams advised that this language is currently what the subdivision ordinance does not have for major subdivisions. Every time the Planning Commission has allowed drilling of wells prior to sale, that’s been with a waiver action of the subdivision ordinance requirements. The Board concurred with item “e” reading as follows: “other satisfactory proof and wells drilled and tested prior to sale to demonstrate the quantities described in Section “d” above.”

Supervisor Pickard referred to the third bullet in section E(1) Individual Onsite Sewage Disposal Systems, G. Criteria for Lands Proposed to be Removed from the Agriculture/Working Landscape Lane Use Classification. He feels this is too restrictive and he does not know how the finding would be made that there are no other lands within the proposed land use classification available for the proposed or similar project.

Autumn Bernstein stated she feels that if there is a kind of project that the County would like to see done; for example a large retirement community and there was not enough land designated residential to build that development, the Board could say that there is not enough residential land available and that some of the Agriculture/Working Landscape needs to be reclassified in order to accommodate that use. However, at this point, she feels the County has plenty of land designated for residential development, but theoretically a time could arise where there could be something where there is not enough land designated for it.

Discussion was held. Supervisor Bibby noted that the Plan has a policy that calls for a no net loss to agriculture. Andy Hauge noted that the “no net loss” was stricken from the Plan, and there is a policy of trading of lands with guidelines to be developed. Under that policy, there is no net loss, but it only applies to trades. No change was made.

Chair Stetson asked if there were any issues that the public wished to raise.

Laurie Oberholtzer referred their first item in the November letter, and she stated that they still feel that the Mariposa Town Planning Area is too large, and they are hoping that there will be more discussion on this tonight. She suggested calling the new area something like a "holding zone" to be considered in the future as a part of the TPA so that the idea would be that it is out there and is still under consideration for the future. They would still like to discuss the clustering issue, and she advised of their research with surrounding counties. She suggested meeting a middle ground and advised that the constraint of most concern is the steep slopes, and she suggested that this be taken from the credit list. She suggested that another idea would be that credit would not be given for 50 or 25-percent of the constrained area, so there will be some nod to the actual carrying capacity of the land. They are still concerned about the MPUD versus centrally managed water and sewer. They are concerned that the General Plan does not include policies that require mitigation fees so that new development will fully pay their fair share of costs for public facilities such as fire, general government, jail, etc. They know that the intent is there with the work being done on the development fees, but they would like to see the actual policy in the General Plan. They hope that it will be clear in the findings that Alternative Five was selected as the General Plan alternative rather than just listing all of the mitigation measures.

Supervisor Bibby referred to the input on the Mariposa TPA, and she asked what would happen if an overlay area was created that would allow the two community advisory areas (Mariposa/Mt. Bullion) to define their boundaries; or to allow where there has to be a certain percentage of development that occurs prior to extending the boundaries. Andy Hauge advised that the Planning Commission wanted the large area because they wanted the advisory group to look at the entire area comprehensively to make decisions about what the real border of the TPA should be, how it interfaces with Mt. Bullion and how it interfaces with the Airport. It was not intended that it all be developed. In this General Plan process, they did not get into discussions about specific land use in the TPAs or the areas outside of them. So the Planning Commission created the study areas. Discussion was held. Supervisor Bibby noted that the Airport Advisory Committee would also be involved in the planning processes for the area.

Ken Melton noted that the reason we don't have a Mariposa TPA Committee is because they finished the Specific Plan. He suggested that if there is discussion about the Mariposa TPA boundaries, that MPUD should be involved to coordinate with their services.

Supervisor Bibby referred to the capacity of steep slopes issue and clustering; and she asked how you accomplish encouraging people to do better developments, and she suggested that if 100 percent credit is given that this issue be placed on the annual review list. Discussion was held.

Autumn Bernstein advised that an accepted way to deal with this issue, rather than having an all or nothing (100-percent credit or nothing) is to use something called slope density formula. The higher the slope is, the less credit you get.

Supervisor Turpin asked how many potential parcels there are in the Mountain Home land use classification that are on steep ground. Andy Hauge advised that they do not know. The policy is that the underlying zoning is not being changed, so those uses are out there now as far as being able to subdivide them down to five-acre lots. They do have to meet the other requirements of the General Plan. He noted that the conclusion on the population density in the EIR and the Plan has been reduced because it is still difficult to completely build out a parcel in the County.

Don Starchman stated he doesn't feel this is clustering, it is an averaging concept. The clustering concept is in Title 17 and did give 100-percent density bonus and it is not in this Plan. He noted that when we talk about sustainability, the water falls on the steep parcels as well as on the flat parcels. If you can go into a 20-acre parcel and you can prove out three 2 ½-acre parcels to the Planning and Health Department's satisfaction, and leave the rest as one large parcel, he feels that is something that should be encouraged. It shouldn't matter if it is steep, it means less roads and less breaking up of the land in the future. He feels it encourages good planning, and results in less environmental impacts. He noted that the Planning Commission agreed with putting this issue on the "wish list."

Rita Kidd referred to earlier discussions held today concerning the septic systems and about needing an opportunity to get easements on neighboring properties because of issues with septic. She feels we are now moving to the potential for 2 ½-acre parcels over a greater percentage of land than we have ever had, and the reality is that is going to change things. She agrees with Don Starchman's

earlier comment that you will have 2 ½-acre parcels and they are going to have septic issues. She likes the slope density formula, or the percentage formula. She stated she feels that the water that falls on the land that is sloped runs off and it doesn't percolate in and it doesn't give ground water recharge. She feels this is an issue that should be addressed now and not be a long-term "wish list" issue.

Discussion was held relative to the steep slope/clustering issues and prioritizing this on the "wish list." No change was made at this time to the language.

Supervisor Pickard referred to the issue raised relative to the Capital Improvement Program (CIP), and he noted that there was direction from the October 17th workshop. Andy Hauge advised that the CIP is included in the second paragraph section of 3.2.13 Plan for and Ensure the Delivery of Infrastructure; and it is also referenced in Chapter 8 of the EIR as one of the policies being implemented.

Laurie Oberholtzer advised that their problem is that there isn't a policy that says that the County will adopt a CIP fee program that requires developers to pay 100 percent of their fair share of new development.

Supervisor Pickard clarified that the CIP fee is being planned to be implemented at the building permit stage.

Don Starchman agreed that the County is still assessing what a fair share is; and until there is are hearings on the CIP, there are decisions that haven't been made final. He feels it is premature to adopt a policy before a hearing is held on the CIP. This is one of those areas that could be considered with one of the four amendments that are allowed to the General Plan each year.

Laurie Oberholtzer questioned whether the County has any AB1600 fees for any of the facilities; and she was advised that the County does not. She reiterated her request that there be a policy statement in the Plan to adopt a CIP fee program that requires 100-percent of cost of new development to be paid.

Supervisor Bibby referred to the impact fee study consultant's warning that we have been all inclusive with the services that we have been providing, and that some of the determinations that will need to be made include whether the County continues with the level of service that we are currently providing and what that cost is.

Ken Melton expressed concern with the reference to paying your "fair share." He noted that he lives in a subdivision with over 50 parcels and most of them are approximately 2 1/2 –acres – it was created when the minimum parcel size was 2 ½-acres and not five-acres. He feels this type of subdivision is working and they have a shorter road and it is County maintained. If someone wants to get a building permit after the impact fees are established and has to pay his fair share, it is his fair share of what? He questioned what he and the other property owners are paying to take care of the road they have been using for over 30 years. He feels fair share should include everyone; i.e., everyone on their road should contribute to its maintenance and improvements.

Laurie Oberholtzer provided more input on the level of service issue, and she noted that services are not provided or are provided at a lesser level, that savings will be passed on to the developer; and you can still require the 100-percent of whatever level of service is adopted for each of the facilities. She stated she feels that every community in the State that is working on its General Plan has this discussion on their fee program in their Plan. She referred to her previous experience serving as a city council member and their fee study.

Discussion was held, including the fees for other areas.

Rita Kidd referred to Laurie Oberholtzer's comments on the introductory chapter's discussion of the CIP and mitigation fees. She noted that there isn't a mandatory position on it in the General Plan. She referred to a previous situation 26-years earlier when she worked with a School Board to implement school impact fees – they were \$300 per lot at the time of development of the lot. Within ten years time, those fees were ended. At was some years later that the Board decided they had to implement the fees again. She feels that what Laurie Oberholtzer is trying to say is that without that mandatory language, and it is not to name the sum, it is to say that new development will pay its share and that the County won't go into the hole for each new development. If it is not in the General Plan as being mandatory, future Boards could be pressured to choose to end those fees.

Don Starchman does not understand how you can reach 100-percent fair share without having the hearings on the impact fees. He noted that the expenses for everything from parks and recreation to

the cemetery to the roads are not all being created by the new development. There hasn't been that much new development. He feels it would be more logical to charge a fee for burial at the cemetery versus charging just the new development for this service. The new development is not having any more impact on the cemetery than existing residents. He noted that the process is moving forward and he feels that the language should remain unchanged.

Supervisor Bibby noted that the Board went from no impact fees in this General Plan to having the fees addressed in the Plan.

Ken Melton referred to Chapter 11 Conservation and Open Space, section 11.2.01 Introduction; and he asked for clarification of the 52 percent figure in the second paragraph and 56 percent figure in the third paragraph where acreages and percentages are being discussed. Rick Benson clarified the percentages that were used.

Chair Stetson advised that the workshop will be closed, and that the Board meeting would be continued to December 6, 2006, at 2:00 p.m. for the public hearing on the General Plan and EIR, and continued for an evening session at 6:00 p.m. He thanked the Planning Commissioners and staff for their efforts on this Plan.

Supervisor Turpin referred to the "shalls" that are in the Plan and he noted that this will increase costs, and he asked for feedback on Wednesday relative to these costs. Kris Schenk stated he feels there should be discussion on the implementation of the Plan, and he noted that they will be reporting to the Board every year on the programs that are in the General Plan, and what is in their work program because of the General Plan, and a report on the staff time that will be required. That will be a factor in Public Works and Environmental Health and in other departments' budgets. If we get to a point where this is what the General Plan says, but it is way too much money, a determination will need to be made of whether to move that item to a different program year. Discussion was held.

Chair Stetson thanked the members of the public for contributing to this process.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Appointing Keith M. Williams as Acting Treasurer, Tax Collector and County Clerk upon the Retirement of Marjorie Wass Effective December 31, 2006 in Order to Cover the Period Between the Current Treasurer, Tax Collector and County Clerk's First Day out of the Office Through the Start of the New Term January 8, 2007 (Treasurer/Tax Collector/County Clerk); Res. 06-552
- CA-2 Appoint John Croll – District 5 as Mariposa County Unified School District Trustee and Governing Board Member and Appoint Candy O'Donel – Browne and Robert L. Rudzik as John C. Fremont Healthcare District Directors (Treasurer/Tax Collector/County Clerk); Res. 06-553
- CA-3 Approve the Statement of Votes Cast as Certified to the Secretary of State on November 27, 2006, and Declare Elected Those Persons in Local Races as Set out in the Statement (Treasurer/Tax Collector/County Clerk); Res. 06-554
- CA-4 Accept the Resignation of Gary King From the Drug and Alcohol Advisory Board (Human Services Director)
- CA-5 Re-appoint Gail Neal to the Alcohol and Drug Advisory Board for a Term of Three Years Expiring December 5, 2009 (Human Services Director)

- CA-6 Appoint Catherine Lara to the Drug and Alcohol Advisory Board for a Term of Three Years Expiring December 5, 2009 (Human Services Director)

- CA-7 Appoint Colleen Charlton, Tim Davis, Karen Keyser-Shank and Sally Uribe to the In-Home Supportive Services Advisory Committee and Accept the Resignation of Les Wenger From the In-Home Supportive Services Advisory Committee (Human Services Director)

- CA-8 Approve an Interim Rental Agreement with 35-A District Agricultural Association for Use of the Fairgrounds Facilities for the Annual Cops For Kids and Food Give Away (Sheriff); Res. 06-558

- CA-9 Adopt a Resolution Approving a Change in Work Hours for the Sign Shop Crew in the Road Division (Public Works Director); Res. 06-555

- CA-10 Approve a Change Order with Wickum Construction for Additional Work on the Indian Gulch Road Bridge Project #07-07 and Authorize the Chairman of the Board of Supervisors to Sign the Change Order (Public Works Director); Res. 06-559

- CA-11 Approve an Amendment to an Agreement with Freeman and Seaman Surveyors for a Survey of the Greeley Hill Pedestrian Walkway and Authorize the Chairman of the Board of Supervisors to Sign the Amendment (Public Works Director); Res. 06-560

- CA-12 Approve Budget Action Transferring Funds within the Planning Department Budget to Purchase a New Infocus 34 DLP Power Point Projector (\$1,800) (Planning Director); Res. 06-556

- CA-13 Approve Amendment Four to the Contract for Services with Hauge Brueck Associates, LLC for the Mariposa County General Plan Update, and Authorize the Chairman of the Board of Supervisors to Sign the Amendment; Approve Budget Action Transferring Funds within the Planning Department Budget for the Professional Services of Hauge Brueck Associates, LLC for the Mariposa County General Plan Update (\$1,500) (Planning Director); Res. 06-557

10:32 p.m. The Board recessed in memory of T. William Fitzgerald, Jr., Mary Hollingsworth, and Mary Josephine Oliver; and the meeting was continued to Wednesday, December 6, 2006, at 2:00 p.m. for the public hearing on the General Plan and EIR.

Respectfully submitted,

MARGIE WILLIAMS,
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

December 6, 2006

(Meeting Continued from December 5, 2006)

Time _____ Description

2:17 p.m. The continued meeting from December 5, 2006, was called to order at the Mariposa County Government Center

Kris Schenk, Planning Director;

PUBLIC HEARING – Adoption of General Plan and Certification of Final Environmental Impact Report (EIR). The Board of Supervisors will Review and Consider the 2006 General Plan and Final EIR and the Recommendations of the Planning Commission, Staff Recommendations, Accept Public Testimony and Take Final Action to Adopt the General Plan and Certify the Final EIR. Meeting will Begin at 2:00 p.m. and an Evening Session will be held at 6:00 p.m. at which time Public Testimony will also be Accepted. Meeting May be Continued if Necessary to December 7th.

BOARD ACTION: Kris Schenk, Sarah Williams/Deputy Planning Director, and Andy Hauge/Hauge Brueck Associates, were present. Kris Schenk presented the staff report, and he advised that the annotated notes which reflect the deliberations of the Board from December 5th are available to the public. Those notes added to the “November 2006” version of the General Plan Update are the final draft General Plan and the draft of the EIR (Environmental Impact Report), along with all of the documents, including the mitigation and monitoring program that are part of the EIR. This hearing follows about a six-year long process. The General Plan consists of Volume I wherein you find the policies and the mitigation measures; Volume II wherein you find the overall Land Use Diagram and the planning areas and the planning study areas, and he noted that there were some recent changes to parcels shown on the diagrams; Volume III wherein you find the background technical appendices, and no changes have been made to this volume in the last year and a half or so; and Volume IV – the EIR. He advised that it is appropriate for the public to provide comments on all of these documents during this hearing. He reviewed the hearing process, and he advised that after the close of the public portion of the hearing, the Board will enter the deliberative phase, and there are some actions that staff will discuss as to the appropriate sequence of events from there.

Chair Stetson thanked staff for their efforts in pulling everything together from the workshop that was held on December 5th for this hearing. He also thanked the public and the Planning Commissioners for their tremendous contribution to this Plan.

Supervisor Pickard asked that staff outline the list of what was covered and the edits from November through December 5th. Andy Hauge advised that the Planning Commission submitted recommendations to the Board; and based on those recommendations, the Board spent part of the workshop on December 5th reviewing them and making recommendations for the final draft document. He provided a brief recap as requested. Supervisor Fritz referred to Implementation Measure 10-2a(2) and asked for clarification of whether “very” was to be deleted from the Consequences. Andy Hauge agreed that the “very” is supposed to be deleted. Andy Hauge further advised that the changes were evaluated and the EIR is adequate as written and there are no changes required in the EIR and the conclusions continue to remain. Thomas P. Guarino, County Counsel, confirmed that the last sentence was removed from the Consequences in Implementation Measure 10-6a(2); and Andy Hauge agreed that it was supposed to be removed. County Counsel advised that global review of the document will be done to make sure that this sentence is removed from all Consequence sections as the revisions have made the sentence unnecessary.

The public portion of the hearing was opened and input was provided by the following:

Laurie Oberholtzer, representing MERG (Mariposans for the Environment and Responsible Government), advised that they would like to provide some congratulatory words at the end of the public portion about the process. She advised that there are two items that they discussed with the Board that they would like to submit wording/ideas on and further discuss today: 1) the issue of slope density standards or perhaps eliminating some portion of the credit for steep slopes in the clustering policy – Autumn Bernstein will provide more information on wording that some communities have used; and 2) a “what if” scenario on a rural shopping center, square footage and acreages; and she presented information on her calculations. Andy Hauge provided input on this issue.

Rita Kidd referred to the issue of the size of Rural Economic areas, and she provided information from the Sierra Business Council (SBC) and some examples. She noted that a site of ten-acres is approximately one-third the size of the Merced Mall; and an area of twenty-acres would be about two-thirds of the size of the Merced Mall. In looking at the SBC’s recent report, that includes a discussion of rural community centers which goes beyond rural economic uses, it says that the rural community center ranges in size from three to ten acres and caters to a variety of needs, including today’s efforts to adjust to new retail demands from ranchette residents. It goes on and talks about appropriate uses and it doesn’t just limit it to retail, etc. She provided information on using street locations in Merced as an example of how large a sixteen-acre area is.

David Butler referred to the information Rita Kidd provided and the comparisons with Merced and he noted that Mariposa County does not have the flat ground. We do not have the traffic and customer base to support a large development like occurs in Merced. He feels Mariposa is unique compared to the other areas that have been mentioned with this issue.

Autumn Bernstein, representing the Sierra Nevada Alliance, provided some specific examples of the slope density formula policy from Santa Clara County that they use in determining clustering in their hillside areas. She advised that the steeper the slope, the larger the parcel size would need to be. She advised that they calculate the average slope of the property and that is how they figure out how many two-acre home sites could be included in the cluster. She also provided information from Monte Sereno which is a more urban community with smaller lot sizes. She suggested that this issue go on the list for further consideration for further review with Title 17. Andy Hauge advised that in talking with Sarah Williams, she advised that the Mariposa Town Plan Specific Plan contains similar regulations for the town planning area. He further advised that the Rural Economic uses a term “developed area” and based on the definitions in the General Plan, it does include any disturbed areas. Of a ten-acre parcel, only 35-percent could be disturbed.

Staff responded to a question from the Board and clarified the 35-percent of the lot coverage that could be disturbed. Andy Hauge advised that the definition of “developed area” is found on page A-9, definition number 44.

Autumn Bernstein advised that she gave staff other documents showing examples of clustering policies.

Don Starchman, Starchman & Bryant Law Offices, noted that not one of the counties used in the examples has areas set aside as Mariposa does in the green color on the map; and they do not have the minimum density of five-acres for the rest of the county. He noted that we have cut back on the amount of development that can be done; and now he feels that the little bit that is left is being attacked. He noted that this was not brought forth as a development tool so much as a development incentive to not develop the steeper areas and to develop the areas that are more usable. This issue is already on the list for future consideration. He stated he feels that if there is going to be consideration given to changing the slope density that there should be further discussion.

Chair Stetson advised Autumn Bernstein that the materials she said she gave to staff need to be given to the Clerk if she wants it to be a part of the record; otherwise it just belongs to staff.

David Butler referred to the hillside and ridge line design issues and stated he does not feel the third bullet that says the Commission may require buildings to be set back from ridge lines should be under the section for new subdivisions. He doesn't believe that it belongs in the General Plan; he believes it belongs in Title 17 or design review or somewhere else as it has to do with a building and not a subdivision or a lot.

Staff responded to questions from the Board relative to the status of applying the policy that when slopes are in excess of an average of 15-percent that building sites may be required to be determined. Andy Hauge advised that it is directing that the Planning Commission review those things and they may require buildings to be set back from the ridge line. Supervisor Turpin and Stetson advised that their notes reflected "building sites."

Laurie Oberholtzer thanked the Board for involving them in this process over the past six years. She advised that MERG feels they have been treated very professionally and they feel like they have been a part of the process and they feel good about the process and the spirit of working together. She reviewed the little things that they feel were nice - staff never treated them like they were driving them crazy when they would call with a million questions and suggestions; Andy Hauge is very professional and really represents the planning profession well; they appreciate that free copies of the latest version of the Plan have been available and they feel that is user friendly and it helped the process; and the Board has always been willing to give a substantive discussion. They feel that Alternative 5 is a good alternative, and she read and presented a letter relative to this process.

Robert Kroon stated he is still concerned with Implementation Measure 5-11a(1), as he feels it has the potential to close businesses that are legally existing. He referred to page 5-25 where it says that Yosemite West is primarily resort homes, and under the footnote on page 5-12, it recognizes Fish Camp and Wawona as tourism being an industry. He noted that Fish Camp currently has 13 TOT (transient occupancy) home rentals and Wawona has 142 and Yosemite West has 111. He feels that if Fish Camp and Wawona are included, then he feels that Yosemite West should be recognized as tourism being an industry of the area. He commented on the amount of revenue the home rentals bring to the County, and they don't want any issues with community plans in the future that could shut down their home rental operations. He responded to questions from the Board and clarified his suggested wording change to reflect that Yosemite West, Fish Camp, and Wawona are areas in which the industry is tourism. He referred to Implementation Measure 5-4a(3) that says that all community plans should include areas to accommodate the rural home industries; and if the community plan doesn't give you an area to move to if you outgrow your home-based location, then he feels the special plans can remove you from the area and shut down your legally existing businesses. To summarize, he wants the Board to recognize Yosemite West as a tourism-based area.

3:02 p.m. There being no further public input at this time, the Board recessed and the public hearing was continued to 6:00 p.m.

6:20 p.m. The Board reconvened and continued with the public hearing. Supervisor Pickard asked if there was anyone in the audience this evening that was not present from the 2:00 p.m. portion of the hearing; and if there was that a review be given of the afternoon session. There was no one present this evening that was not present for the afternoon portion.

Input from the public was provided by the following:

Pierce Loberg, Wawona resident, referred to an issue he raised at the November 17th Planning Commission hearing as he feels the Commissioners misunderstood his remarks concerning legally existing non-conformities. He feels the heading makes it clear that these uses can continue, yet there is

an exception for signs and billboards; and the language as provided in community and special planning and they excluded Wawona as a specific plan. He referred to Goal 5-11 and the Commission's recommendation, and he requested that a period be placed after "billboards" and he feels that would clarify the issue. He noted that the goal is to make it clear that it facilitates the transition from the 1981 General Plan by assuring people those legally existing non-conformities will be able to continue.

Don Starchman referred to the Agriculture/Working Landscape Land Use Classification, and he stated he feels the first two sentences in the second paragraph of section B. Extent of Uses, are scrambled together where churches and organizational camps are discussed. He noted that there was a lengthy discussion and the Board concurred with including churches and organizational camps; and later the issue was reviewed with the Agriculture Exclusive zoning to allow resort or visitor uses that were secondary to an agricultural use. He noted that a church camp is not going to be secondary to agricultural use – so he feels that this needs to be broken down into two separate sentences as follows: "The County permits for a discretionary review (conditional use permit) churches and organizational camps." and "The County permits for a discretionary review (conditional use permit) the creation of resort or visitor uses which are secondary to the primary uses of agriculture, timber," and so forth..."

Peter Regla, Yosemite West, referred to the input provided by Pierce Loberg and he stated he read the Consequences and the policy and he feels they seem so convoluted as to the actual consequences of the policy, and he agrees with adding a period after "billboards" and with striking the newly added language. He feels that the way it is written it seems to put the capabilities of certain plans at more importance than other plans in the scheme of the General Plan.

Chair Stetson called for further public input and there was none. The public portion of the hearing was closed.

6:27 p.m. Recess

6:29 p.m. Chair Stetson asked for Board's consideration of re-opening the public portion of the hearing based on a request that he received. (M)Pickard, (S)Turpin, the public portion of the hearing was reopened/Ayes: Unanimous.

Input from the public was provided by the following:

David Butler referred to earlier discussions on the hillside and ridge top design standards and the third bullet that says the Commission may require building sites to be set back from ridge line; and he provided an example of planner discretion and how he feels that gets misused. He advised of a tentative map that he has on a 33-acre parcel where he is trying to straighten out the title. They hired a professional planner to make the application and it was submitted and returned with the planner's comments. He appeared before the Planning Commission and challenged some of the planner's requests. He advised that the planner's comments and notes from the site visit relative to a 747-foot long, 18-foot wide road to be built, on a site that is relatively flat, require that the road be engineered. The Planning Commission threw out the requirement for the engineered road. Another requirement was that they pay to Fish and Game a \$1200 fee to do a study because of a creek that runs along the property. He advised that Fish and Game's original official response was no comment. But the planner took it upon himself to add this as a requirement to get the tentative map. He feels that these are things that are at the discretion of junior planners that may not understand the impact to the residents/public. With the setback issue, he is concerned with property rights being infringed on. A lot of the lower ground has already been developed and what is left is the ridge tops. He agrees that the thought behind this issue is good, but he feels the issues can be dealt with by a change in the color of paint and with some vegetation or trees; and that the people should not be restricted with the building sites. He feels that this is putting a lot of power in a junior planner hands; and he reiterated his previous request that the third bullet be deleted.

Laurie Oberholtzer stated she doesn't feel that this policy changed during the recent review process. She feels that this wording means that only the Planning Commission "may" require the building sites to be setback from ridge lines and not a junior planner or anyone else can require this. If this is going to be discussed, she would like to see it become a requirement and become tougher. But they are okay with the language as it is as a compromise. She asked that the Board hold firm on the wording for 5-11a as she feels that it is a good idea to give the committees in the various communities the ability to handle things on a case-by-case basis relative to legal non-conforming uses.

Rita Kidd referred to the language change in the Agriculture/Working Landscape Land Use Classification, section B. Extent of Uses; and she stated they are not in disagreement with the change to make it clearer.

Ken Melton referred to the discussion non ridge top design standards and advised that he supports David Butler's comments on this issue. He feels this is a private property rights issue, and he opposes anything that constitutes a "taking" of property. He feels the whole thing should be deleted, or that it could be further considered with Title 17.

Autumn Bernstein stated she feels the ridge tops are often the most fire prone area because of the way the winds work, and she referred to CAL FIRE's requirements with building setbacks.

Chair Stetson called for further public input and there was none. The public portion of the hearing was closed. The Board commenced with deliberations.

Chair Stetson suggested that the Board review the issues that were raised today to see if there is interest in making changes.

Supervisor Pickard initiated discussion relative to the issue raised by Don Starchman concerning the Agriculture/Working Landscape Land Use Classification, and amending the wording in the first two sentences in the second paragraph of section B. Extent of Uses. Sarah Williams noted that the recent amendment to the Agriculture Exclusive zone made a distinction between agri-tourism uses which the County decided should be a permitted use in this zone, and a guest ranch which the County said if it does not fall within the definition of an agri-tourism use, it still needed that conditional use permit. The question is whether or not this language should be made clear relative to that distinction; and that becomes important when you read the sentences that follow. She asked for time to work on clearer language.

6:44 p.m. Recess

6:47 p.m. Sarah Williams presented the following suggested wording for the first two sentences: "In addition to the traditional uses within the classification, the County permits through a discretionary review (conditional use permit) churches, organizational camps, and guest ranches. The creation of resort or visitor uses is permitted if considered an agri-tourism use in conjunction with the primary uses of agriculture, timber, and mining production." That text is consistent with language in the recent amendment to the Agriculture Exclusive Zone. Discussion was held.

Rita Kidd called for a point of order as she feels that the proposed language is succinctly different than what currently exists.

The Board continued with deliberations on this issue. At Supervisor Bibby's request, Andy Hauge read "Chapter Title 17.40 Development Standards for the Agriculture Exclusive Zone Permitted Uses: Ranching and commercial vineyards and orchards, nurseries, greenhouses, wineries, processing plants for products grown on site, agri-tourism uses in conjunction with the primary agricultural production use of the property."

Supervisors Stetson and Pickard initiated discussion relative to Implementation Measure 5-11a(1) and the revisions that have been made and consideration of ending the sentence after signs or billboards; and allowance for the special planning area, community planning area, or town planning area, to have the ability to determine what their legal non-conforming conformities are and what should be the outcome of those. Kris Schenk advised that the current wording would apply to two of the types of planning areas: special plans or community plans; and it wouldn't apply to a specific plan or to a town plan. He suggested that wording could be added to say "as otherwise provided in the adopted planning areas" and that would be more generic and include all of the fifteen planning areas that we will have eventually. The Board concurred with this change.

Supervisor Bibby initiated discussion relative to previous consideration of ten versus twenty maximum acres for the rural commercial and the purpose of the allowed uses and the criteria. She commented on her review of the acreage for the local elementary schools and Government facilities, and other businesses; and advised that she supports ten acres. If there is an issue with having space for a well and septic and it is demonstrated that ten acres is not enough, she suggested that there could be allowance for twenty acres in those cases. She advised that she has copies of the information relative to her review of the acreages. Discussion was held. She advised that County Counsel just indicated to her that this information could not be introduced into the record as the public portion is closed; however, she was asked by another Board member for a copy. She requested that this issue be placed on the list of issues for further consideration. The Board concurred with leaving the maximum parcel size at twenty acres and with tracking it to see how it is working.

Chair Stetson initiated discussion relative to the ridge top development issue that was raised during the hearing. Supervisor Pickard clarified that "building" would be shown as "building site" and the Board concurred. Supervisor Turpin stated he feels there needs to be a better definition for "hillside" and "ridge top design" so that there would be guidelines for staff for reviewing these issues. Discussion was held. Andy Hauge advised that there are provisions in the Plan for the County to develop criteria for the development review standards; and there is a definition in the Plan that the Planning Commission will review those items within the list for areas with slopes over fifteen percent when reviewing the subdivision. He advised that the Board could consider adding more specific implementation measures in the General Plan to create the guidelines for those subdivisions. Kris Schenk advised that there are specific design standards in the Mariposa Town Planning Area, and that would be a starting point to develop the standards on a countywide basis – this could be done in Title 17 which will follow adoption of the General Plan. Chair Stetson noted that this is addressed in Implementation Measure 11-1a(2) – the County shall develop guidelines. Further discussion was held relative to the timelines for developing standards and enforcement.

Chair Stetson initiated discussion relative to the slope density issues that were raised, including the clustering of residential units. Andy Hauge advised that the "carrying capacity" issue is on the list for future consideration.

Supervisor Bibby asked staff to review the list of items on the future consideration list. Andy Hauge advised of the following items and of the following changes that were made:

- 1) Evaluate the effectiveness of tripling the average daily traffic standard/Section 5.4.02 F. Intensity
- 2) consider the use of "carrying capacity" and establishing the minimum density criteria for each land use classification
- 3) conduct ground water study similar to the ground water studies conducted in Eastern Fresno County
- 4) prepare a study that evaluates the clustering of residential units on a parcel of land based on the projects parcel's carrying capacity; study findings may be applied in future updates of the General Plan and implementing ordinances
- 5) define the criteria to be used in evaluating new road capacity definitions

- 6) modify Implementation Measure 2-2a(3) with the following sentence: “Development permits shall not be issued for substandard-sized parcels unless they are enforceably managed with other standard contiguous contracted parcels under common ownership.”
- 7) modify Implementation Measure 10-6a(2) by adding the following portion of a sentence: “to include historic parcels and require one Williamson Act contract for each parcel or for each group of contiguous parcels that are owned and managed as one unit.”
- 8) a policy that new development pay its fair share through development impact fees
- 9) additional changes were made in the document as concurred to during the process
- 10) Sarah Williams advised that the issue of tracking the change of twenty versus ten acres is also on the list. Supervisor Bibby noted that this will be reviewed during the annual review of the Plan.

Chair Stetson asked that time be given for Planning staff to review the changes made during this hearing to make sure there are no outstanding issues.

Supervisor Turpin reiterated his previous request that there be a good definition for “hillside” and “ridge top” and questioned whether this should be included on the list for future consideration. Andy Hauge advised that this is covered in the policy requiring the standards to be developed.

Chair Stetson advised that any editorial or spelling corrections should be given to Planning. County Counsel noted that the changes would need to be provided during the hearing.

Kris Schenk advised of a couple of technical corrections: there was a reference to the Merced River Plan and they would like to delete these kinds of technical references in the Plan. He suggested that general direction be given for staff to make technical editorial changes that are found that need to be made for the purposes of clarifying the meaning of the Plan and that do not change the intent. The Board concurred.

7:34 p.m. Recess

7:59 p.m. Chair Stetson advised that there is one more issue to be discussed for clarification. County Counsel advised that he was approached by Rita Kidd during the recess, and she levied a charge that when Attorney Starchman Bryant was assisting staff with a language change that maybe the Board’s intent with page 5-45 somehow didn’t get clearly stated. She has also stated that they will be filing letters tomorrow if this doesn’t get addressed, from themselves and Farm Bureau and others challenging the process because they feel that something took place outside of the public hearing. He believes that the Board can look at the page prepared by staff with the suggested changes, item 5-45, and he advised that the specific charge is that by dividing the sentences and not having the conditional use permit continued to the second sentence, that the door is opened to the creation of resorts as a permitted use without that restriction. He noted that the restriction was in the original language. He asked that the Board give direction to staff, uninfluenced in this process or by any taint, as to what its desire is for this section. County Counsel advised this should cure and remove any of the taint that is attached to it – it will be purely the Board deliberative process and direction to staff, and staff may have some suggested language if it is the Board’s intent to have something other than what is on the print out of changes that have been directed so far. Discussion was held relative to the language. Supervisor Stetson said he didn’t realize that the language change was taking the resort and visitor uses out of the conditional use permit and discretionary review; and he agreed with revisiting this section. Supervisor Pickard stated he believes the intent all along has been that these would be conditional uses in the Agriculture/Working Landscape Land Use Classification and he feels the intent should be clarified. Andy Hauge advised of the following changes that were requested:

the first change that was asked for was the way it read is that the churches and organizational camps had to be secondary to agriculture, so the recommendation is to put a period after “conditional use” and it doesn’t have to be secondary to agriculture;

the second change is in the second sentence to make sure that resort and tourism uses have to be related to agriculture and that discretionary permits be required; and the third change is to note that agri-tourism, when in conjunction with agricultural uses, is a permitted use. Andy Hauge read the revised language into the record: "In addition to the traditional uses within the classification, the County permits through a discretionary review (a conditional use permit) churches and organizational camps. In addition the County permits through discretionary reviews (a conditional use permit) the creation of resort or visitor uses which are secondary to the primary uses of agriculture, timber and mining production. Agri-tourism is a permitted use when in conjunction with a primary agricultural production of the property. Such agri-tourism uses support the County's goal of encouraging agricultural and regional visitor business uses." Supervisor Stetson asked about guest ranches and dude ranches, and further discussion was held. Andy Hauge advised that guest ranches are described in the Code as a conditional use and that use does not need to be listed in this section. The Board concurred with the language as read.

Supervisor Pickard initiated discussion relative to the request to consider changing a footnote on page 5-12 of the November draft of the Plan to include Yosemite West to that category. He noted that other special planning areas and community planning areas were not included; and he asked staff to provide input on this matter. Andy Hauge advised that the footnote is related to Implementation Measure 5-4a(3) that all community plans should include land area to accommodate local rural home industry that outgrow their home-based location. The footnote was added by the Planning Commission and concurred to by the Board, that in the two town planning areas of Wawona and Fish Camp, that those are tourism communities and therefore, it is not required. At one time this was a "shall" so that footnote was to take care of the "shall." Now the Board has changed it to a "should" so the footnote is not as important. Discussion was held. Supervisor Pickard referred to page 5-25, which talks about describing the Yosemite West special planning area, and questioned whether this language captures the resort homes/transient rental uses that have taken place in Yosemite West. Kris Schenk stated he feels this language captures those uses; and he noted that this description was written and has not been modified since 2001. He feels that when the Board is finished with the Yosemite West Special Plan and the outcome of that Plan has been determined, it might be appropriate to come back and look at this language and perhaps some other related language and make sure that what is in the General Plan accurately describes the outcome of adopted Yosemite West Special Plan. Further discussion was held and Supervisor Stetson suggested that the footnote could be removed. Supervisor Fritz suggested that this issue be added to the list for future consideration after the Yosemite West Special Plan is adopted. Andy Hauge advised that this may be covered by State law; and he advised that when the Special Plan is adopted, it will need to be reviewed with the General Plan for consistency and appropriate adjustments will need to be done. No changes were made.

County Counsel recommended that time be allowed for Planning to print out an updated list of the changes that have been agreed to, and that the Board take action to direct that the recommended changes be made to the Plan.

8:20 p.m. Recess

8:32 p.m. Chair Stetson advised that updated list of changes, consisting of seven specifics, has been provided to the Board for review. County Counsel outlined the following as recommended action: direct staff to include the seven updated actions from today's hearing as set forth on the list that was provided. Supervisor Pickard asked whether the motion should include the other recommended revisions that have been concurred to during this process. Andy Hauge noted that the Board did not make a motion on the items that were approved during the December 5th workshop; and he feels that it would be appropriate to concur that the base is the November version of the General Plan and that the revisions from the December 5th workshop and the revisions from today's hearing consist of the General Plan.

(M)Pickard, (S)Fritz, the Board ratified the changes that the Board discussed and recommended for adoption into the General Plan from the December 5th memorandum as well as the updated list of revisions for this hearing/Ayes: Unanimous.

Andy Hauge advised that staff reviewed the revisions that were made tonight and there are no new impacts, and the EIR does not need to be modified and it adequately discloses the affects of the Mariposa County General Plan.

Discussion was held relative to the process at this point. County Counsel advised that the next step in the process if the Board wishes to move forward is to certify the EIR and adopt the necessary findings to do so, adopt the General Plan and the mitigation monitoring and reporting program, and direct staff to bring back a resolution with the necessary findings and a statement of overriding considerations. If this action is taken this evening, he anticipates that this matter could be calendared for the December 12th meeting in case there is something that needs to be reviewed; and on that agenda, we would indicate that the 12th meeting would be continued to December 18th, so that the resolution could be made available to the public and to the Board. The resolution could be adopted on the 18th. Discussion was held relative to scheduling this for Monday, December 18th versus December 19th. County Counsel advised that there will be public comment allowed on the resolution alone and not the matters that have been decided; and staff feels that the 18th may be more appropriate given the agenda for the 19th.

(M)Pickard, (S)Turpin, direction was given to staff to bring back a formal resolution certifying the EIR for the Mariposa County General Plan and adopting the Mariposa County General Plan with findings of fact, mitigation and monitoring measures reporting program and statement of overriding considerations; finding that the final EIR has been completed in compliance with CEQA and finding that the final EIR reflects the lead agencies independent judgment and analysis of CEQA guidelines section 15090; and that this be set for next available meeting of December 12th. Board members commended everyone that has worked on this document over the last few years, including previous Board members, Planning Commissioners, staff, consultant, and the public. Ayes: Unanimous.

8:47 p.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA December 12, 2006



Time Description

9:05 a.m. Meeting Called to Order at the Mariposa County Government Center

Marjorie Wass, Treasurer, Tax Collector, County Clerk, led in the Pledge of Allegiance.

Introductions

Lee Stetson, Board of Supervisors, Chairman;
Resolution and Tile Plaque Recognizing Marjorie J. Wass Upon her Retirement as Mariposa
Treasurer/Tax Collector/County Clerk

BOARD ACTION: (M)Bibby, (S)Turpin, Res. 06-562 was adopted and presented to Marjorie Wass along with a tile plaque/Ayes: Unanimous. Marjorie Wass thanked everyone and her staff, and read a poem, entitled "Tomorrow."

9:26 a.m. Recess

9:48 a.m. Public Presentation: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Mikel Martin, Unit Chief for CDF (California Department of Forestry), advised of staffing changes for their stations in the County to include permanent employees on a year-round basis. Discussion was held.

Paul Chapman referred to Consent Agenda item 4 – agreement with John Hardaway and Custom Weed Control and item 12 – letter of support for a Leading Edge Yellow Star Thistle Control Grant application; and he requested support for eradicating the puncture vine on Ben Hur Road. He further stated he feels the noxious weed program is a waste of money and it would be better to let the native grasses grow.

Barry Brouillette thanked the Board and staff for getting the General Plan Update to where it is today. He referred to the minimum lot size issue and his previous discussions with staff and stated he still has concerns on this issue.

Approve a Letter to Yosemite National Park Superintendent Tollefson Supporting a Possible Acceleration of the Timeframe for Either a Short-Term Fix or for a Major Reconstruction of the One-Mile Segment of the El Portal Road from Big Oak Flat Road Intersection to the Pohono Bridge (Supervisors Stetson and Pickard)

BOARD ACTION: (M)Pickard, (S)Bibby, Res. 06-563 was adopted approving the letter. Supervisor Bibby noted that there was a new draft letter provided to the Board.

Chairman Stetson called for input from the public:

Leroy Radanovich, Interim Tourism Coordinator, stated he feels the point is that the Park Service has declared this portion of road to be dangerous with eminent potential of failure and he asked who assumes the liability. He suggested that the request be for immediate repairs to ensure that the road is no longer dangerous in the interim of the permanent reconstruction.

Dick Hutchinson referred to the mention at a meeting of the culverts on the road that are cracking; and he stated he feels that we need to keep pressure on this matter to get the road fixed.

Supervisor Pickard advised of discussions with Superintendent Tollefson and Congressman Radanovich on this matter. The motion was amended, agreeable with the maker and second, to include

in the letter that it is imperative that health and safety not be jeopardized throughout this process and for the letter to be distributed to our legislators/Ayes: Unanimous. Supervisor Bibby noted that individual comments are also allowed.

Board Information

Supervisor Bibby advised that she missed the First 5 meeting on Monday as she had the flu. She plans to attend the Foreign Trade Zone meeting in Fresno on Wednesday and the Community Action Agency meeting on Thursday at Lake Tulloch.

Supervisor Fritz commented on the Merry Mountain Christmas event. She noted that she attended the Community Concert on Monday at the High School. She is expecting her seventh grandchild on Thursday. She advised that Don Haag is at a rehabilitation center in Fresno recovering from a stroke.

Supervisor Turpin advised that the Red Cloud Library Christmas Home Tour was a success. He plans to attend the Community Action Agency meeting on Thursday, and the Forest Service OHV (off-highway vehicle) meeting in Groveland on Thursday evening. He noted that Coulterville will be holding Christmas events on Saturday.

Supervisor Pickard advised that he plans to attend the RCRC (Regional Council of Rural Counties) meeting in Sacramento on Wednesday, and the Environmental Services JPA meeting and the Bio-Diversity Council meeting.

Supervisor Stetson advised that he plans to attend the El Portal Advisory Committee meeting this evening. On Wednesday, he plans to attend the Mountain Valley Emergency Medical Services Agency meeting at Lake Tulloch.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled item 4. Supervisor Pickard pulled item 3. (M)Bibby, (S)Fritz, the balance of the items was approved. Supervisor Pickard noted that the draft letter was added to the packages for item 12. Ayes: Unanimous.

Consent Agenda item 3 – approval of the Wawona Town Planning Advisory Committee by-laws. Supervisor Pickard advised of a concern he received relative to including the secretary as an officer. Thomas P. Guarino, County Counsel, advised of his review of this issue; and he advised that the Ordinance that was previously adopted concerning town planning advisory committees does not preclude the secretary from being an officer. (M)Pickard, (S)Fritz, item 3 was approved as recommended by the Committee and reviewed by staff/Ayes: Unanimous.

Consent Agenda item 4 – agreement with John Hardaway and Custom Weed Control for implementation of the noxious weed work plan. Supervisor Bibby clarified that this is separate from the Public Works weed spraying program; and she noted that the exhibits to the agreements need to be marked as Exhibit “A.” She initiated discussion relative to including in the Exhibit the requirement that the contractor provide information to Public Works on the spray application. Cathi Boze, Agricultural Commissioner, advised that the information is being provided on the program, and provided information on the program. Supervisor Bibby advised that she is okay with the current language as long as information is shared with Public Works. (M)Pickard, (S)Turpin, item 4 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Waive First Reading and Introduce Ordinance Amending Section 14.05.050 of the County Code regarding the Fleet Services Policy Concerning Vehicles that need Major Repairs and Adding Section 14.05.060 to Chapter 14.05 of the County Code to Address Financial Responsibility for Vehicles Damaged in Accidents; and Deleting Section 14.11.010 of Chapter 14.11 of the County Code Regarding Determination of Damages

BOARD ACTION: Discussion was held with Dana Hertfelder. Supervisor Bibby asked whether the departments included these changes in their budgets. Supervisor Pickard asked the County Administrative Officer to review whether these costs are included in the individual budgets and how the costs are tracked each year. Carl Casey/Public Works Administrator, advised that the Sheriff and Road Departments have line items in for major repairs and accidents. The Fire Department pays directly from its budget versus the fee structure used for the other departments. Chairman Stetson called for

input from the public and none was received. (M)Pickard, (S)Fritz, the first reading was waived and the Ordinance was introduced. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Chairman Stetson noted that the LAFCo meeting would be held after the following items.

B) Waive Second Reading and Adopt Ordinance Approving Minor County Boundary Change Between Mariposa County and Tuolumne County

BOARD ACTION: (M)Pickard, (S)Turpin, the second reading was waived and Ordinance No. 1031 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Chairman Stetson called for input from the public and none was received. Ayes: Unanimous.

Thomas P. Guarino, County Counsel;

Waive Second Reading and Adopt Ordinance Amending Section 2.104.050 of Chapter 2.104 of the Mariposa County Code Entitled "First 5 Mariposa County"

BOARD ACTION: Thomas P. Guarino provided input on the request from the First 5 Committee for this ordinance change. (M)Pickard, (S)Bibby, the second reading was waived and Ordinance No. 1032 was adopted. The Clerk of the Board read the title of the Ordinance into the record. Chairman Stetson called for input from the public and none was received. Ayes: Unanimous.

Adopt a Resolution Establishing a Health Benefit Vesting Requirement for Future Retirees under the Public Employees' Medical and Hospital Care Act (PEMHCA), to be Effective January 1, 2007 (County Administrative Officer)

BOARD ACTION: Rick Benson, County Administrative Officer, provided input on the request. (M)Fritz, (S)Pickard, Res. 06-573 was adopted establishing the health benefit vesting requirement. Supervisor Bibby asked for clarification that the bargaining units saw the language, and Rick Benson advised that no objections were received. Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/County Administrative Officer)

BOARD ACTION: Chairman Stetson advised of discussions with CalTrans relative to the permanent fix and relative to consideration of modifying the existing bridges to allow for longer vehicles. He advised that CalTrans needs to complete a series of surveys and is expecting another delay in this process to mid-February; followed by 2-3 weeks for final determination of which alternative to choose for the long-term fix. Since his term on the Board expires shortly, he recommended that Supervisor Pickard assist as the liaison in this matter. Discussion was held relative to the matter. (M)Bibby, (S)Fritz, Res. 06-574 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

11:16 a.m. CLOSED SESSION: Conference with Real Property Negotiator; Description of Real Property: Juanita Moore/SPCA Property on Corner of Bullion Street; Agency Negotiator: Thomas P. Guarino; Name of Party who will Negotiate with County (Not Party's Agent): SPCA; Closed Session will Concern Price and Terms of Lease/Purchase (County Counsel)

BOARD ACTION: (M)Bibby, (S)Fritz, the closed session was held/Ayes: Unanimous.

11:22 a.m. Kris Schenk, Planning Director;

LOCAL AGENCY FORMATION COMMISSION (LAFCo) Meeting (See Separate Minutes)

11:52 a.m. Lunch

2:11 p.m. The Board reconvened with Supervisor Bibby excused due to illness. Chairman Stetson announced that no action was taken as a result of the closed session.

Dana Hertfelder, Public Works Director;

Presentation on the Draft Update of the Mariposa-Yosemite Airport Master Plan

BOARD ACTION: Dana Hertfelder introduced David Dietz with Mead & Hunt; and he advised that Gwen Foster, engineer for the project, and Maria Liddle, Airport Manager, were present. David Dietz gave a presentation on the draft update of the Airport Master Plan; and he reviewed the next steps in the process. Discussion was held. Dana Hertfelder introduced the following Airport Advisory Committee members that were present: Jim Secrest, Char Wilson, Turk Turley, Jim Johnson, Joe Coho and Julie Richard; and he advised that Dave Gerken was unable to be present.

Input from the public was provided by the following:

Dick Hutchinson noted that the County depends on tourism and he stated he feels that the potential for small industry that can use the runway should be reviewed for the Airport in planning for the future. He also noted that the Airport can handle small 10-passenger planes to bring in tourists.

Bob McHugh, Aircraft Owners and Pilot's Association, asked that more details be provided on the safety zones.

Turk Turley noted he was the Airport Manager in 1978, and that they have a 19-passenger aircraft that can use the Airport now. He does not feel that they need a longer runway and do not need to study this issue.

No action was necessary.

Adopt a Resolution to: 1) Certify the Mariposa County General Plan Environmental Impact Report; 2) Adopt the Mariposa County General Plan, with Findings of Fact, Mitigation Measures and Statement of Overriding Considerations; and 3) Repeal the 1981 General Plan (Planning Director)

BOARD ACTION: Kris Schenk, Planning Director, advised that this matter was continued from December 6th and the purpose is to provide a formal resolution detailing the findings and statement of overriding considerations for the General Plan Update. He plans to have the formal resolution available by the end of this week for consideration on December 18th at 9:00 a.m.

CONSENT AGENDA:

- CA-1 Adopt a Resolution Amending the Contribution, Under the Public Employees' Medical and Hospital Care Act (PEMHCA) for the Retirees of Service Employees International Union (SEIU), Local 535 (County Administrative Officer); Res. 06-564
- CA-2 Appoint Cindy Medema to the El Portal Planning Advisory Committee, Term Expiring on February 28, 2009 (Supervisor Stetson)
- CA-3 Approve the Wawona Town Planning Advisory Committee By-Laws (Planning Director); Res. 06-571
- CA-4 Approve Agreement with John Hardaway and Custom Weed Control for Implementation of the Mariposa County Noxious Weed Work Plan and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Agricultural Commissioner); Res. 06-572
- CA-5 Approve Public Health Preparedness Comprehensive Agreement for Fiscal Year 2006-2007, Certificate Regarding Lobbying, Certificates Against Supplanting and Similar Documents Pertinent to Fiscal Year 2006-2007 and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Health Officer); Res. 06-565

- CA-6 Approve Budget Action Transferring Funds within the Seventh Day Adventist (SDA) Camp Environmental Impact Report Fund to Allow for Camp Wawona Community Public Meetings (\$2,000) (Planning Director); Res. 06-566
- CA-7 Approve Budget Action Transferring Funds within the Tourism Budget to Cover Staff Participation in the National Tourism Association Convention in Salt Lake City, Utah (\$850) (County Administrative Officer); Res. 06-567
- CA-8 Appoint Jessie Figueroa as a Regular Member and Jim Middleton, Deputy Fire Chief as an Alternate Member to the Regional Advisory Committee of the Mountain Valley Regional EMS Agency, for a Term of 3 Years Expiring December 12, 2009 (Health Officer)
- CA-9 Appoint John Mock to the Yosemite West District Maintenance Advisory Committee (Supervisor Stetson)
- CA-10 Approve Amendment Number Five to the Contract for Services with Hauge Brueck Associates, LLC for the Mariposa County General Plan Update, and Authorize the Chairman of the Board of Supervisors to Sign the Amendment; and Approve a Budget Action Transferring Funds within the Planning Department Budget for a Professional Services Agreement Associated with the General Plan Update (\$1500) (Planning Director); Res. 06-568
- CA-11 Authorize the Chairman of the Board of Supervisors to Sign a Letter to the Governor Requesting that Specific Funding be Restored in the State Budget for Small Counties with No Incorporated Cities (Supervisor Pickard); Res. 06-569
- CA-12 Authorize the Chairman of the Board of Supervisors to Sign a Letter of Support for a Leading Edge Yellow Star Thistle Control Grant Application for Funding from the National Fish and Game Wildlife Foundation for this Region (Supervisor Pickard); Res. 06-570

3:07 p.m. The Board recessed in memory of Tammy Lynn Jarrett-Bergman, Patricia Muir Fox, Myron Ellwood Jaenecke, Larry R. Coolidge, and Michael Pollock; and the meeting was continued to Monday, December 18, 2006, at 9:00 a.m. to adopt a resolution to: 1) certify the Mariposa County General Plan Environmental Impact Report; 2) adopt the Mariposa County General Plan, with findings of fact, mitigation measures and Statement of Overriding Considerations; and 3) repeal the 1981 General Plan.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS



CONFORMED AGENDA

December 18, 2006

(Meeting Continued from December 12, 2006)

Time _____ Description

9:14 a.m. The continued meeting from December 12, 2006 was called to order at the Mariposa County Government Center

Pledge of Allegiance

Adopt a Resolution to: 1) Certify the Mariposa County General Plan Environmental Impact Report; 2) Adopt the Mariposa County General Plan, with Findings of Fact, Mitigation Measures and Statement of Overriding Considerations; and 3) Repeal the 1981 General Plan (Planning Director)

BOARD ACTION: Kris Schenk/Planning Director and Andy Hauge/Hauge Brueck Associates, were present. Kris Schenk advised that this is the end of a rather long process of adopting the new General Plan. He advised that some procedural changes to the formal resolution were distributed and they are available to the public, along with about 45 pages of findings of fact and the statement of overriding consideration which are the basis for the Board's action to certify the EIR (Environmental Impact Report) in its final form for the General Plan and for adoption of the General Plan itself. He advised that the following five actions are included in the formal resolution:

- 1) certification of the EIR;
- 2) adoption of the General Plan;
- 3) direction to staff to file a Notice of Determination with the appropriate State and local entities;
- 4) designation of the Planning Department as the agency where anyone who needs a copy of the General Plan or related documents can obtain this information; and
- 5) repealing the 1981 General Plan.

Chair Stetson called for input from the public on the formal resolution, and the following was provided.

Rita Kidd thanked the Board for the hard work and for listening to the public over this year. She also referred to a letter that Laurie Oberholtzer sent this morning via email relative to the findings and she feels they are very thorough. She has one issue concerning the growth rate assumption of .9 percent which did appear in Table 2-5, but doesn't appear in the findings of fact. She asked that this be added. She feels that it is recognizing that moderating the growth rate in the County gives us ample time to do many things that need to be done, and some of that is making sure that the infrastructure is sufficient to support the rate of growth. She feels it is possible that without that assumption, that 100 percent of that growth could happen very quickly. She realizes that historically it hasn't happened, but does not feel that history is on our side with the growth pressures out of the valley and with their experience of watching other mountain counties over the last ten years.

Pierce Loberg stated he has a concern about the adoption and certification of the EIR at this time because he feels that a portion of the EIR was unreadable. He noted that this was pointed out at the November 17th Planning Commission hearing, along with a problem with being able to read them on the website. He feels that this does not meet the CEQA requirements. Chair Stetson pointed out that this comment had been made earlier in the process and that they have subsequently been made readable and copies are available. They have been available before the adoption of the Plan. Pierce Loberg stated he could not get the information from the internet and he objects as he feels that the public did not have an opportunity to read the entire document. Kris Schenk advised that the chapter that had the original letters of comment that were submitted in 2005 were originally legible and readable. The problem with legibility was with a version that was distributed before the Planning Commission's November 17th hearing. Once they became aware of the legibility difficulties, Andy Hauge reformatted

them and they have been available for weeks at the Planning office and the corrected versions were placed on the internet. He also advised that several announcements have been made about the availability of that particular chapter. Pierce Loberg asked for clarification of when the internet was updated with the legible version. Chair Stetson provided a reminder that today's meeting is about the formal resolution and findings only.

Supervisor Turpin asked about the process and timeline for filing the Notice of Determination with the State. Andy Hauge advised that the Notice of Determination says that you certified the EIR and based on that environmental document, you adopted the General Plan. So it is just a record that goes to the State and to the (County) Clerk that the actions have been taken; and the new General Plan becomes law at that time.

Supervisor Bibby initiated discussion and referred to the findings of fact on page 45 and the sentence that says: "The General Plan allows for growth of UC Merced, a significant regional asset, it embraces policies intended to establish collaborating working relationships with other agencies responsible for managing the land." She feels this is a strong statement and she referred to page 2-10 and the discussion of the impacts of UC Merced, and noted that it doesn't say that the General Plan goal is to provide growth for UC Merced. She suggested that there be a statement that we should accommodate the tourism and agricultural economic benefits in addition to meeting the demands of housing versus saying it allows for the growth of UC Merced. Kris Schenk advised that this is part of the statement of overriding considerations and it is pointing out a number of things that are beneficial about the adoption of the Plan in a summary format and this section is pointing out some of the economic factors that in the long run will contribute to the development of the land use and the overall economy of the County. County Counsel advised that this sentence deals with the housing opportunities and stresses protection of community character. He advised that one of the things in the statement of overriding consideration that needs to be considered is the growth of UC Merced as an impact on the County. All this sentence is designed to do is to support the statement of overriding considerations and it also ties back into the already adopted Housing Element. Further discussion was held. Supervisor Bibby asked about adding the .9 percent growth rate assumption. County Counsel advised this would get into population caps, and that is not a direction that the Board has previously given staff and this particular resolution and its findings are not structured in such a manner. He feels that it would be difficult at this point in the process to determine the impacts of trying to put in a firm growth rate and other such modifications to the issues of the County population and the rate of growth. Supervisor Bibby suggested that it say that the General Plan assesses the benefits and impacts of UC Merced Campus which is the actual language on page 2-10. County Counsel noted that the statement relative to UC Merced is not an endorsement or a commitment that the County will embark upon that as a primary or superior approach for housing. It is simply a statement that acknowledges why we have to take into account the existence of UC Merced. Andy Hauge advised that there are locations in the General Plan where UC Merced is discussed, and early on in the process it was recognized that it is a major driving force. This statement is saying that this Plan allows that to continue in Merced County and it does not say that Mariposa is accommodating anything. It is also saying that we are not prohibiting the growth of UC Merced, and there could have been policies that prohibited and limited that growth. He further commented on the purpose of the statement of overriding consideration.

Supervisor Pickard referred to the issue of the growth rate that was requested, and he stated he believes that the General Plan identifies and spells that out. Andy Hauge advised that the General Plan talks about the .9 percent only as a statement of fact of what has occurred; and following discussions with the Board and the Planning Commission and the decision was not to establish a cap. So the General Plan is based on build-out, and as Rita Kidd said, you could build out 100 percent tomorrow based on this Plan. There are policies in the Plan that provide protection from impacts of a rate of growth, but the General Plan does not establish a rate of growth, and the impacts are not established based on a rate of growth. He does not feel a rate of growth should go into this finding because it was not a consideration in the EIR or in the development of the Plan or the policies. It is a statement of fact only about what has been occurring in Mariposa County.

Supervisor Pickard initiated discussion relative to the comments provided by the public, and he clarified that access to the EIR and corrected versions have been available at the Library branches. Kris Schenk advised that it has been available at the Board office, at the Planning office, and at the library branches. Supervisor Pickard also noted that at the Board's public hearing on December 6th, he was not aware that there was still a problem or concern with regard to the legibility of the contents of any of the documents that were being discussed. Kris Schenk advised that the only problem was when the Planning Commission was considering the document and they recognized that the one chapter had some issues with the older letters and they were corrected to the best of their ability. Supervisor Bibby noted that there was discussion of pages and page numbering, so she knows that the Board had legible documents for the December 6th hearing.

Supervisor Pickard asked for clarification that all outstanding issues have been addressed that were known about. Kris Schenk advised that they have.

(M)Pickard, (S)Bibby, Res. 06-575 was adopted certifying the Mariposa County General Plan Environmental Impact Report, approving the Mitigation Monitoring Program, and adopting Findings of Fact attached to the resolution, and adopting the Statement of Overriding Considerations; adopting the Mariposa County General Plan; and repealing the 1981 General Plan/Ayes: Unanimous.

9:44 a.m. Adjournment

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board



MARIPOSA COUNTY BOARD OF SUPERVISORS

CONFORMED AGENDA

December 19, 2006



Time Description

9:12 a.m. Meeting Called to Order at the Mariposa County Government Center

Pledge of Allegiance

Introductions

Mary Williams, Community Services Director;

A) Approve and Present a Certificate of Appreciation to Tracy, Andy and their Children, Hannah and Meyers Jay for their Participation in the Senior Wood Delivery Program; and Approve and Present a Certificate of Appreciation to the Following Organizations for their Contribution to the Senior Wood Program: IOOF Lodge, Northside Community Connection, Public Employees Retirement System Retirees, and the Mariposa Lions Club; and

B) Approve and Present a Certificate of Appreciation to Chris and Lene' Burnett for their Participation in the Senior Wood Program

BOARD ACTION: (M)Fritz, (S)Bibby, the Certificates were approved and presented/Ayes: Unanimous. The Burnett's were unable to be present. Mary Williams recognized CDF and CDC for their assistance with this program.

Discussion Regarding the El Portal Road from Big Oak Flat Road Intersection to the Pohono Bridge (Supervisor Stetson)

BOARD ACTION: Jen Nersesian and Mark Butler/Environmental Planner Compliance Coordinator, Yosemite National Park Division of Planning, provided information on this matter and advised of their work on a long-term solution and timeframes. They noted that input is being accepted during this scoping period, and advised of the coordination of the environmental review with the emergency repairs.

Input from the public was provided by the following:

Kenneth Gosting, TIE (Transportation Involves Everyone) asked for a copy of the information that was given to the Board on this matter. He stated he feels that there is a wide variation of what is covered in the Court orders, and he asked which plaintiffs were being referred to in the discussion. He was advised that the plaintiffs are the Friends of Yosemite Valley and MERG. He provided further comment on the rulings by the Court, and he asked if the Public Works Director has looked at the situation. He urged the Board to request that the surrounding counties get involved in the scoping process. He stated he feels there is a correlation between this project and the Ferguson rockslide emergency, and he suggested that emergency declaration be expanded to include this project. He noted that recently a truck got stuck on one of the bridges at the rockslide and that resulted in an emergency response situation. He asked the County to request a copy of any Federal Highway Administration report on this issue and that the information be made available to the public.

Jen Nersesian advised of scoping meetings in Tuolumne and Mariposa. Mark Butler addressed the issues raised by Ken Gosting. He advised that they would welcome scheduling a site visit for any County official, and that one was held for the public with the scoping meeting. He advised that they can provide copies of the Federal Highway report as requested, and noted that they were not familiar with any damages being caused to the bridge.

Leroy Radanovich, Interim Tourism Coordinator, noted that there has been a media feeding frenzy as a result of this project. He stated he feels that it would be reassuring if the Park Service

would state that the road remains open because there is no eminent disaster going to happen. Thomas P. Guarino, County Counsel, advised of his contact with counsel for the Park Service at Supervisor Stetson's request, and he is reviewing the legal options available to the County. Supervisor Bibby asked about the contact person for this project, and she was advised that it is Scott Gediman, Public Relations Officer. She noted that the comment period ends December 29th.

Public Presentations: For Non-Timed Agenda Items including Attention, Information, and Consent Agenda, and for Items Not on the Agenda

Paul Chapman stated he feels the El Portal Road has been a problem since it was built. He advised that a group toured the composting facility last Wednesday, and it was noticed that the workers were not wearing hard hats and eye protective glasses; and with the pile of rotting garbage, he does not feel that this operation is working.

Dick Hutchinson, Manna House, and Deputy Fred Paige, advised of holiday programs, including the COPS for Kids, and thanked the community for support. Supervisor Bibby noted that the community and all of the volunteers that support these programs are appreciated.

Tony Radanovich, Rural Media Arts & Education Project Board President;
Request for \$25,000 from the Tobacco Settlement Fund in Support of their Cultural and Educational Programs

BOARD ACTION: Chairman Stetson advised that this item was pulled from the agenda at Mr. Radanovich's request.

Board Information

Chairman Stetson advised that a continued Board meeting was held on Monday and the General Plan Update was adopted.

Rick Benson, County Administrative Officer, clarified that the Board's action on December 12, 2006, relative to the change in the vesting requirements for the health benefits applies to employees **hired** after January 1, 2007; and not those **retiring** after January 1, 2007, as indicated in a recent story in the newspaper.

Supervisor Bibby wished everyone a happy holiday and New Year, and she noted that our thoughts and appreciation are with the men and women in the service.

Supervisor Fritz extended the same wishes to everyone, and announced the birth of a grand daughter.

Supervisor Turpin advised that he and several North County residents attended the Stanislaus National Forest Service meeting in Groveland on Thursday relative to the OHV (off-highway vehicle) routes. He also commended the volunteers for their service to the community.

Supervisor Pickard agreed with the commending the volunteers. He advised that he attended the California Bio-Diversity Council meeting on Thursday and it was decided that the OHV issue would be a topic for their spring meeting.

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Chairman Stetson advised of an addendum to the agenda for item 14. Supervisor Turpin pulled items 9 and 10. Supervisor Bibby pulled items 3, 8, 9, and 10. (M)Bibby, (S)Pickard, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 3 – use of Title III funding from the Secure Rural Schools and Community Self-Determination Act of 2000 for the purchase of supplies for the Fire Safety Trailer. Supervisor Bibby clarified that the noticing requirements were met and that no public comment was received. (M)Bibby, (S)Fritz, item 3 was approved/Ayes: Unanimous.

Consent Agenda item 8 – authorization for the Matuca Chapter of E Clampus Vitus to erect a monument at the History Center. Supervisor Bibby thanked the Clampers for their contributions, and she asked that there be coordination with Public Works on the project. (M)Bibby, (S)Fritz, item 8 was approved. Supervisor Fritz noted that the Clampers participated in the Merry Mountain Christmas parade with a very large flag. Skip Skyrud provided input on the Clampers and their organization, and

he advised that they will work with the History Center and Public Works on this project. He further noted that this will be their 24th site for dedication. Ayes: Unanimous.

Consent Agenda item 9 – agreement with Sierra Designs to provide landscape services for the Don Pedro wastewater treatment facility. Dana Hertfelder, Public Works Director, responded to questions from the Board and advised that the costs are covered through the assessment, and he advised that maintenance of the landscaping will be the responsibility of the operator of the facility. (M)Turpin, (S)Pickard, item 9 was approved/Ayes: Unanimous.

Consent Agenda item 10 – amendment to the agreement with Kennedy-Jenks Consultants for the Don Pedro wastewater treatment facility. Dana Hertfelder responded to questions from the Board relative to the costs, and he advised that the costs are covered through the assessment. (M)Turpin, (S)Bibby, item 10 was approved/Ayes: Unanimous.

Dana Hertfelder, Public Works Director;

A) Resolution Denying Mariposa County Total Waste System’s Special Rate Review Request for the Mariposa County Franchise Agreement based on Uncontrollable Circumstances Due to Increased Fuel Cost

BOARD ACTION: Following discussion with Dana Hertfelder, (M)Bibby, (S)Pickard, Res. 06-588 was adopted denying the request received from Mariposa County Total Waste System for a special rate review/Ayes: Unanimous.

B) Approve Budget Action Transferring \$15,000 from General Fund Contingency to Fund 501 (Land, Buildings and Improvements) to Fund the Repair of the Fire Escape at the Mariposa County Courthouse if Funding is Unavailable from Courthouse Construction Funds (4/5ths Vote Required)

BOARD ACTION: Discussion was held with Dana Hertfelder. Thomas P. Guarino, County Counsel, provided input relative to the MOU with the Administrative Office of the Courts for the Courthouse and provisions for the approval of the use of the funds, and relative to his discussion with Judge Walton relative to the use of the Courthouse Construction Funds for the repair. He recommended that authorization be given to take the funds from General Fund Contingency if the Courthouse Construction Funds can’t be used. Dana Hertfelder advised that he needs a commitment of funds to begin the contracting process for the work. Supervisor Bibby asked about requirements for noticing the Historical Records and Preservation Commission, and she asked that the work be coordinated with the Court activity. Discussion was held. (M)Pickard, (S)Bibby, Res. 06-589 was adopted approving the recommended action/Ayes: Unanimous.

Waive Second Reading and Adopt Ordinance Amending Section 14.05.050 of the County Code regarding the Fleet Services Policy Concerning Vehicles that need Major Repairs and Adding Section 14.05.060 to Chapter 14.05 of the County Code to Address Financial Responsibility for Vehicles Damaged in Accidents; and Deleting Section 14.11.010 of Chapter 14.11 of the County Code Regarding Determination of Damages (Public Works Director)

BOARD ACTION: (M)Pickard, (S)Bibby, the second reading was waived and Ordinance No. 1033 was adopted. Rick Benson, County Administrative Officer, responded to a question from the Board and advised that none of the departments have objected to this policy change and that only two of the departments have line items in their budgets for this. The Clerk of the Board read the title of the Ordinance into the record. Ayes: Unanimous.

Direct the County Administrative Officer to Enter into Negotiations with the Mariposa Golden Agers to Develop a Proposed Lease Agreement (County Administrative Officer)

BOARD ACTION: Rick Benson, County Administrative Officer, initiated discussion relative to this matter and he provided background information on the use of the facility for the senior activity center. He advised that preliminary discussions have been held with the Golden Agers and Supervisor Pickard; and he is asking for authorization to enter into further negotiations with the Golden Agers to work out the details and see if an agreement can be reach to change the terms and he will bring the matter back to the Board. Supervisor Bibby asked if there are any outstanding maintenance projects on the building and about liability insurance coverage. Supervisor Turpin suggested that the Building Department be

involved in the evaluation of facilities. Dana Hertfelder, Public Works Director, provided input on their involvement and their evaluation of the impacts on staffing. Supervisor Turpin asked about responsibility for scheduling events in the facility. Rick Benson clarified that he is asking to change the terms of the arrangement with the Golden Agers for the building. Thomas P. Guarino, County Counsel, advised that the issues being raised are issues that can be sorted out in the lease negotiations. (M)Pickard, (S)Bibby, direction was given for the County Administrative Officer to enter into negotiations with the Mariposa Golden Agers to develop a proposed lease agreement, and to bring the matter back to the Board. Further discussion was held. Ayes: Unanimous.

Discussion and Possible Further Action Regarding Continuation of the Local Emergency Due to Landslides on Highway 140 Enroute to Yosemite National Park (County Counsel/County Administrative Officer)

BOARD ACTION: Chairman Stetson advised that Director Ajise, CalTrans, is willing to provide a status report to the Board, and he urged that the report be scheduled. Discussion was held. Supervisor Pickard noted that information still needed to be provided on the alternatives for the permanent fix and the costs and timeframes. He advised that he met with Assemblyman Berryhill on Monday and discussed the urgency of this project. Chairman Stetson suggested that the Board appoint Supervisor Pickard to serve as liaison until the Board makes appointments in 2007. Board members thanked Supervisor Stetson for his work on this project, and agreed with asking CalTrans' to provide a status report. Chairman Stetson called for input from the public, and none was provided. (M)Pickard, (S)Turpin, Res. 06-590 was adopted finding the local emergency due to the landslides on Highway 140 enroute to Yosemite National Park continues to exist, and continuing the local emergency based on the findings/Ayes: Unanimous.

CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9. Number of Workers' Compensation Cases to be Discussed: One (County Administrative Officer)

BOARD ACTION: County Counsel advised that it was not necessary to hold this closed session.

11:02 a.m. CLOSED SESSION: Conference with Legal Counsel: Anticipated Litigation; Initiating of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9. Case to be Discussed: County of Mariposa v. Total Waste Systems, Inc.

BOARD ACTION: (M)Bibby, (S)Turpin, the closed session was held/Ayes: Unanimous.

11:28 a.m. Lunch

2:19 p.m. The Board reconvened and Chairman Stetson advised that no action was taken as a result of the closed session.

The gavel was passed to Vice-Chair Bibby.

Vice Chair Bibby:

A) Presentation of the Gavel Plaque to Supervisor Stetson for Serving as Chair for 2006; and

B) Presentation of Tile Plaque and Resolution to Supervisor Stetson for Four Years of

Outstanding Service to Mariposa County

BOARD ACTION: (M)Pickard, (S)Fritz, Res. 06-576 was adopted and presented to Supervisor Stetson, along with the tile plaque and the gavel plaque/Ayes: Unanimous.

C) Other Presentations of Recognition to Supervisor Stetson

BOARD ACTION: Vice-Chair Bibby presented the certificate of recognition on behalf of Congressman George Radanovich, and he was able to be present for the public reception.

Bob Wiedman, field representative, presented a certificate on behalf of Senator Cogdill and Assemblyman Berryhill.

Dick Whittington presented a plaque on behalf of YARTS; and from himself, he presented a baseball cap worn by Teichert Construction workers for the temporary bridges for the Ferguson rockslide.

Mike Coffield thanked Supervisor Stetson for his leadership and friendship, and for putting his heart into this and for his support.

Vice-Chair Bibby recognized the presence of Jeff Green/retired County Counsel, and Patti Reilly/former District I Supervisor.

Leroy Radanovich, interim Tourism Coordinator and former District IV Supervisor, commented on the respect and the dignity that Supervisor Stetson brought to the Board.

2:42 p.m. A public reception was held for Supervisor Stetson.

CONSENT AGENDA:

- CA-1 Appoint Keri Cabezut Ortiz to the Water Agency Advisory Board as an At-Large Member for a Term of 3 Years Expiring December 12, 2009 (Supervisor Bibby)
- CA-2 Approve Budget Action Transferring Funds from the General Contingency to Replace Stale Dated Checks that were never Cashed and Authorize the Auditor to Reissue the Checks (4/5ths Vote Required) (Mariposa County Deputy Sheriffs' Association); Res. 06-577
- CA-3 Approve the Use of \$5,000 of the Title III Funding from the Secure Rural Schools and Community Self-Determination Act of 2000 (HR 2389) for the Purchase of Supplies for the County's Fire Safety Trailer (County Administrative Officer); Res. 06-584
- CA-4 Approve Budget Action Transferring Funds within the Liability Fund to Pay the Balance of the General Liability Premium through October 1, 2007 (\$4,500) (County Administrative Officer); Res. 06-578
- CA-5 Resolution Recognizing the County of Mariposa as a Hybrid Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and Designating the County Administrative Officer as the County's HIPAA Privacy Officer (County Administrative Officer); Res. 06-579
- CA-6 Resolution Correcting the Minutes of September 19, 2006 (Clerk of the Board); Res. 06-580
- CA-7 Approve the Mariposa County Solid Waste & Recycling Facilities Annual Holiday Closure Schedule (Public Works Director); Res. 06-581
- CA-8 Resolution Authorizing the Matuca Chapter of E Clampus Vitus to Erect and Dedicate and Monument in Honor of the Mariposa Museum and History Center's 50th Anniversary (Public Works Director); Res. 06-585, with direction for coordination of the project with Public Works
- CA-9 Resolution Authorizing Public Works to Enter into a Professional Services Agreement with Sierra Designs, Inc., to Provide Landscape Services for the Don Pedro Wastewater Treatment Facility; and Authorize the Chair of the Board of Supervisors to Sign Said Agreement (Public Works Director); Res. 06-586
- CA-10 Resolution Authorizing Public Works to Amend the Agreement with Kennedy-Jenks Consultants in the Amount of \$22,309 and Extend the Termination Date to June 30, 2007; and Authorize the Chairman of the Board of Supervisors to Sign the Agreement (Public Works Director); Res. 06-587
- CA-11 Accept Resignations of Pauline Brawley and Dorothy Mott from the Commission on Aging (Community Services Director)

- CA-12 Approve Budget Action Appropriating Unanticipated Revenue to Reflect the Increase in the Sale of See's Candy for the Senior Programs (\$1,000) (4/5ths Vote Required) (Community Services Director); Res. 06-582
- CA-13 Approve Budget Action Appropriating Unanticipated Revenue to Reflect the Increase in Donations for the Senior Wood Delivery Program (\$300) (4/5ths Vote Required) (Community Services Director); Res. 06-583
- CA-14 Approve the Certificates of Appreciation and Recognition for the Following Poll Workers: Bernice Thornton, Jeannette O'Neil, Shirley Kendrick, Maryanna Kingman, George Snyder, Freida Elliott, Nancy Jones, Karen Herman, Alice Phipps, Noma Moore, Mary Darcy, Sally Gill, Seitze Kuening, Patricia Law, Natalie Stiers, Wallace Stiers and Sarah Jeske (Treasurer/Tax Collector/County Clerk)

2:42 p.m. Adjournment in memory of Ray J. "Joe" Patty, Sr.

Respectfully submitted,

MARGIE WILLIAMS
Clerk of the Board