



Mariposa County

Mariposa County MINUTES of the Planning Commission

<http://www.mariposacounty.org/>



ART BAGGETT, CHAIR
WARREN GRAY
MICK HERMAN
DENI SMITH, VICE CHAIR
JOHN MCCAMMAN

DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV
DISTRICT V

PLANNING COMMISSION FINAL ACTION SUMMARY MINUTES (Approved 01/10/25) NOVEMBER 15, 2024

A. Call to Order and Roll Call

Chair Baggett called the meeting to order at 9:02 AM.

Attendee Name	Title	Status	Arrived
Art Baggett	District I	Present	9:00 AM
Warren Gray	District II	Present	9:00 AM
Mick Herman	District III	Present	9:00 AM
Deni Smith	District IV	Present	9:00 AM
John McCamman	District V	Present	9:00 AM

B. Pledge of Allegiance

Commissioner Herman led the Pledge.

C. Public Comment on Non-Agenda Items

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda.

There was no public comment received.

D. Approval of Minutes

1. Planning

Planning Commission - Regular Meeting - September 6, 2024 (Further clarification needed)

Commissioner Smith was excused and should have abstained from voting on the draft minutes. Her vote was rescinded and a new motion was made.

By motion of Commissioner McCamman, seconded by Commissioner Herman, the Planning Commission

approved the minutes of September 6, 2024, as presented. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner McCamman.

NOES: None.

ABSTAIN: Commissioner Smith.

EXCUSED: None.

2. Planning

Planning Commission - Regular Meeting - October 4, 2024

By motion of Commissioner McCamman, seconded by Commissioner Smith, the Planning Commission approved the minutes of September 23, 2024, as presented. Motion passed.

RESULTS: APPROVED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: Herman

EXCUSED: None.

E. Public Hearing

1. Planning

Land Conservation (Williamson) Act Contract Application Number 2023-143, 3000 Old Highway, Catheys Valley, CA 95306, APN: 017-090-002-000, 017-060-015-000, 017-090-011-000, 017-070-002-000, Craig Mathis (Applicant)

Planner III, Katy Casner presented the Land Conservation (LCA) Contract Application that was recommended by the Agricultural Advisory Committee with a PowerPoint presentation. She noted that the contract was for a total of 750.95 acres and the site has been used for cattle grazing and will continue to be used for this usage.

There was no public comment received.

By motion of Commissioner Herman, seconded by Commissioner McCamman, the Planning Commission adopted a resolution recommending the Board of Supervisors adopt a resolution approving the Land Conservation (Williamson) Act Contract Application Number 2023-143, 3000 Old Highway, Catheys Valley, CA 95306, APN: 017-090-002-000, 017-060-015-000, 017-090-011-000, 017-070-002-000 with findings that the project is exempt from environmental review. Motion adopted.

RESULTS: ADOPTED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.
ABSTAIN: None.
EXCUSED: None.

2. Planning

Land Conservation (Williamson) Act Contract application Number 2024-085, 3520 Ben Hur Rd, Mariposa, CA 95338, APN: 017-080-059-000, Matthew Dimmick (Applicant)

Casner presented the Land Conservation (LCA) Contract Application that was recommended by the Agricultural Advisory Committee with a PowerPoint presentation. She noted that this application was for one parcel and the contract was for a total 210.09 acres that has been used for cattle grazing for the last 3 years and will continue to be used for this usage.

There was no public comment received.

By motion of Commissioner Smith, seconded by Commissioner Herman, the Planning Commission adopted the resolution recommending the Board of Supervisors adopt a resolution approving the Land Conservation (Williamson) Act Contract Application Number 2024-085, 3520 Ben Hur Rd, Mariposa, CA 95338, APN: 017-080-059-000 with findings that the project is exempt from environmental review. Motion adopted.

RESULTS: ADOPTED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.
NOES: None.
ABSTAIN: None.
EXCUSED: None.

3. Planning

Land Conservation (Williamson) Act Contract Application Number 2024-095, 3397 Ben Hur Rd., Mariposa, CA 95338, APN: 017-580-003-000, 017-580-004-000, Galen and Vickie Alldrin (Applicant)

Casner presented the Land Conservation (LCA) Contract Application that was recommended by the Agricultural Advisory Committee with a PowerPoint presentation. She noted that this application was for two parcels utilizing two and a half acres for a vineyard. The contract was for a total of 445.21 acres that has been used for cattle grazing.

There was no public comment received.

By motion of Commissioner McCamman, seconded by Commissioner Smith, the Planning Commission adopted the resolution recommending the Board of Supervisors adopt a resolution approving the Land Conservation (Williamson) Act Contract Application Number 2024-095, 3397 Ben Hur Rd, APN: 017-580-003-000, 017-580-004-000 with findings that the project is exempt from environmental review. Motion adopted.

RESULTS: ADOPTED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

4. **Planning**

Land Conservation (Williamson) Act Contract Application Number 2024-099 & General Plan/Zoning Amendment Application Number 2024-119, 4282 Triangle Rd., Mariposa, CA 95338, APN: 017-300-027-000, 014-300-034, 014-300-029, 014-300-028, 014-300-032, 014-300-031, 014-290-020, 014-290-021, Frederik Rodenhuis (Applicant)

Casner presented the Land Conservation (LCA) Contract and General Plan/Zoning Amendment Application that was recommended by the Agricultural Advisory Committee with a PowerPoint presentation. She noted that this was for eight parcels and the contract will be for a total of 638.93 acres. The property has been used for rangeland grazing and will continue to be used for this usage. She briefly spoke about the zoning of the parcels and stated that with the action from the Board of Supervisors those parcels will be rezoned as Agricultural Exclusive.

Casner noted that public comments were received by Katherine Brown (neighbor), Greg Seely and Diane Ludwig (neighbor) regarding a pending legal property line dispute for APN: 014-300-028, and expressed concerns regarding the easement access from the adjacent property.

By motion of Commissioner Smith, seconded by Commissioner McCamman, the Planning Commission adopted the resolution recommending the Board of Supervisors adopt a resolution approving the Land Conservation (Williamson) Act Contract Application Number 2024-099 & General Plan/Zoning Amendment Application Number 2024-119, 4282 Triangle Rd., APN: 017-300-027-000, 014-300-034, 014-300-029, 014-300-028, 014-300-032, 014-300-031, 014-290-020, 014-290-021, with findings that the project is exempt from environmental review. Motion adopted.

RESULTS: ADOPTED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

F. Action Items

1. **Planning**

A Resolution recommending that the Board of Supervisors accept and adopt the Agricultural and Working Lands Conservation Plan (AWLCP) as a supporting plan to the General Plan and work with the Agricultural Advisory Committee to select portions of the AWLCP that will benefit the 2026

General Plan Update of the Agriculture Element.

Chair called a recess at 9:32 AM and reconvened at 9:37 AM.

Planning Director, Steve Engfer introduced Community Development Planner, Hannah Harrison and Senior Planner, Ben Goger who presented the Agricultural and Working Lands Conservation Plan (ALWCP) with a PowerPoint presentation.

Before the presentation, Harrison informed the commissioners of the amendments that were made to the resolution after receiving public comments from the Agricultural Advisory Committee (AAC) members. Those comments were provided to the commissioners.

Harrison then provided an overview of the ALWCP.

Engfer informed the commission about the numerous discussions with the AAC and the Farm Bureau regarding the changes made to the language that was not suitable for Mariposa County. As a result, the ALWCP Draft #4 reflected the specific language recommended from the AAC, public comments, and the Farm Bureau's input. Also, he highlighted that this document does not create new regulations but it is used to help us to understand the value of lands based on current usage from the operators, and to incorporate this strategic plan into the upcoming General Plan Update to protect them.

By motion of Commissioner Herman, seconded by Commissioner McCamman, the Planning Commission adopted the resolution recommending acceptance, not approval, of the Agricultural and Working Lands Conservation Plan (AWLCP) conditioned that it is only a source document to help formulate the General Plan, and that the Agricultural Advisory Committee advise the Planning Commission and Board of Supervisors on the section of the AWLCP that will benefit the General Plan Agricultural Element. Motion adopted.

RESULTS: ADOPTED

AYES: Commissioner Baggett, Commissioner Gray, Commissioner Herman, Commissioner Smith, Commissioner McCamman.

NOES: None.

ABSTAIN: None.

EXCUSED: None.

G. Recess into the Development Code Update - Planning Commission Community Workshop

Chair called a recess at 9:58 AM and reconvened at 10:08 AM.

Prior to the Development Code Update discussion, Baggett provided an outline of the topics that will be discussed and advised that the items are to be brought back to the commission for approval at the December 6, 2024 meeting, then the resolution would be adopted at the January 2025 meeting. He also noted that the December 20, 2024 meeting will be cancelled.

Engfer opened the discussion by announcing that Planning and other County Staff were present and stated that the focus is to address the Accessory Dwelling Unit (ADUs), set back requirements from County Fire, Environment Health and Public Works Departments, and Zoning. He emphasized that the goal was to receive feedback from the public and the commission.

Engfer described and explained the importance of setbacks and the requirements.

Bagget asked for clarification regarding setback requirements for ADUs as the new ADUs law require a four foot setback.

Goger explained that based on the specific lot sizes and location, the setback requirements can be addressed per the town planning area (which is different than county wide) with variable county parcel sizes. Then briefly noted that the Fire and Environmental Health setbacks are standalone requirements.

County Fire Inspector, Patiance Good spoke about the fire code requirements regarding setback for ADUs pertaining to fire 4290 regulations that's in the county code. She provided an example of planning's requirement of a twenty five foot setback but fire requires a thirty foot setback as specified in the 4290 regulation. In addition, she spoke about Yosemite West being allowed to have a closer setback requirement because this area has a certain number of ADUs allowed and they have their own water source.

Environmental Health, Celeste Burnett-Wood explained the well and septic setbacks are one hundred foot per county code.

Public comment was received by the following:

Ken Melton (resident) expressed his opposition regarding county department's setback requirements.

Floyd Davis (resident) provided a handout regarding the setback required from the 2022 California Building Code.

Pivak provided a brief overview of the changes made to Article 4 Excerpt Draft Revision 17.54 ADUs that was discussed at the October 4, 2024 meeting that will be brought back to the commission for approval.

Goger provided an update to the 17.56 Density Bonus, per the commission's intent for a less restrictive density bonus guidelines to achieve pro housing policy. He noted that they extended a 5% bonus on all level density bonus (low to moderate income) housing development and expressed that a 5% was appropriate for Mariposa County, which has been incorporated in the Planning Cluster Provision.

Goger spoke about the density bonuses that are in place to allow for special housing needs and shared that they are seeking to achieve the reduction of regulations for low income housing, specifically for senior housing. He noted that the current density bonus is 20% and expressed their intent to increase it to 30%. The commission was in agreement with the density bonus increase.

Furthermore, Goger shared their intent to reduce the term of affordability requirement for transitional foster use, disable veterans, and age homeless person requirements, and noted that the current code is set for 55 years; but found that the affordability requirements were not applied. He plans on reaching out to their land use consultant to confirm accuracy in their findings and lower the affordability requirements.

Lastly, Goger highlighted that the Incentive and Concession that's in the code can be granted by the Planning Director for a ministerial approval.

Baggett and McCamman asked about the status of Home Enterprise and Hip Camp.

Engfer advised that the correct topic should be the use of commercial camping on residential lots in Mariposa County and not Hip Camp, that is currently prohibited. He suggested bringing this topic back to the commission.

A conversation occurred regarding park model recreational vehicle (RVs) with Engfer stating that this can be used as a temporary occupancy and elaborated on the requirements for a 5 year usage. The commission would like to see the park model set in place for long term use; especially for work force housing.

Goger shared that they have conducted research in different jurisdictions that have administrative use permits for permitting RVs adjacent to a residential parcel and they all required the life, health and safety requirements. He noted that Mariposa County could make their own provisions and urged for the Building Official to be involved. The commission concurred with Goger to develop a provision to include the Park Model RVs for this county, and stressed the importance of why RVs should be approved to help solve the housing crises.

Engfer shared there was a high interest related to lighting for vacation rentals that's been a nuisance, and noted that the lighting must meet the International Dark Sky Lighting Compliance Standards. The General Plan has a requirement for the commercial use that can be used for this issue.

Gray reminded the commission that they decided to allow the town planning area to determine the lighting issues in their area and not make this a county wide requirement.

Goger expressed that the lighting standards could be applied to county wide and shared that in section 17.560 (now section D3), there's provisions for nuisance but not for lighting. He noted that they are interested in the Dark Sky Compliance for new construction and suggested alternative possible options for recommending the lighting standards.

Engfer clarified that the code in 17.108 is a permitted use that includes vacation rental; however, if there was a regulation pertaining to this use then that needed to be clear, and he provided examples to support the context, specifically permits.

The commission and staff discussed the lighting standards requirements, permits regarding vacation rentals, business license requirements, and zoning code. Engfer suggested including the permit topic to the next

meeting.

McCamman directed staff to provide the Code Compliance Advisory Committee documents that were provided to the Board of Supervisors to the commission. Engfer noted that the documents will be included in the December 6, 2024 agenda packet.

H. Commissioner Reports

None.

I. Information Items

Information was received by Engfer.

J. Future Agenda Items

- Excerpts Draft Revisions 17.54 ADUs & 17.56 Density Bonuses
- The Code Compliance Advisory Committee
- Continue discussion - setbacks
- Continue discussion - Permits
- Continue discussion- Use of commercial camping on residential lots in Mariposa County

K. Adjournment

There being no further business, the meeting was adjourned at 12: 37 PM.

Respectfully submitted,

ART BAGGETT, Chair
Mariposa County Planning Commission

SOPHEA CRAIGHEAD, Secretary
Mariposa County Planning Commission

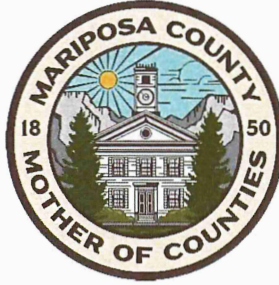
Note: Full audio recordings of the minutes are available from the Planning Department by request or online: [Agendas & Minutes | Mariposa County, CA - Official Website](#)



**Items that came in
after the Agenda and
packet was prepared
and publicly posted.**

Mariposa County
Planning Department

STEVE ENGFER
Planning Director



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sengfer@mariposacounty.org

MEMORANDUM

Date: November 14, 2024
To: Mariposa County Planning Commission
From: Hannah Harrison, Community Design and Development Planner
Ben Goger, Senior Planner
Topic: Agenda item F1- Public Comment on Agricultural and Working Lands Conservation Plan Resolution

Public Comments Received:

These comments were received after the publication of the planning Commission packet and will be made available to the public at the meeting on November 15th, 2024.

1. Tony Toso- November 13, 2024
2. Kelly Williams – November 13, 2024
3. Jordan Cory – November 14, 2024

Staff Response:

The comments were concerned that the wording of the resolution was inaccurate to the intentions of the Agricultural Advisory Committee. In response these comments, staff proposes the following revision to the resolution:

“Recommending acceptance, not approval, of the Agricultural and Working Lands Conservation Plan (AWLCP) conditioned that it is only a source document to help formulate the General Plan, and that the Agricultural Advisory Committee advise the Planning Commission and Board of Supervisors on the section of the AWLCP that will benefit the General Plan Agricultural Element.”

Additionally. Comments requested the minutes from the Agricultural Advisory Committee held on October 3, 2024 be distributed to the Planning Commission and made available to the public.

ATTACHMENTS:

1. Public Comments Received
2. Minutes from October 3rd, 2024 Agricultural Advisory Committee

Public Comment #1

From: Tony Toso

Received: November 13, 2024

Public Comment #1

From: Steve Engfer <sengfer@mariposacounty.org>
Sent: Wednesday, November 13, 2024 2:55:24 PM
To: Tony Toso <tony@eltappraisers.com>
Cc: Kelly Williams <kswilliams7550@gmail.com>; mcfarmbureau@sti.net <mcfarmbureau@sti.net>; Ben Goger <bgoger@mariposacounty.org>
Subject: RE: Ag Working Landscape Plan Draft #4 to the Planning Commission on 11/15/2024

Hello,

Thank you, Tony.

We will provide your comments to the Planning Commission and the Minutes. And address the “adopt” language as you indicated.

Steve

Steve Engfer, Planning Director
Mariposa Planning
P.O. Box 2039 • 5100 Bullion Street
Mariposa • CA • 95338
(209) 742-1250 • FAX (209) 742-5024
www.mariposacounty.org/planning

From: Tony Toso <tony@eltappraisers.com>
Sent: Wednesday, November 13, 2024 11:57 AM
To: Steve Engfer <sengfer@mariposacounty.org>
Cc: Kelly Williams <kswilliams7550@gmail.com>; mcfarmbureau@sti.net; Ben Goger <bgoger@mariposacounty.org>
Subject: Ag Working Landscape Plan Draft #4 to the Planning Commission on 11/15/2024

Good morning Steve,

I have had a chance to make a cursory review of the presentation of the Ag Working Landscape Plan Draft #4 to the Planning Commission this Friday. As the Agriculture Advisory Committee (AAC) Chair I am concerned that our motion from our September meeting is not clearly represented in the meeting agenda/staff report.

The AAC was very specific in our motion to recommend “acceptance” of the AWLCP. While specifically citing not to use the word “approval” we also did not vote to include the word “adopt” in our motion that would go to the PC and/or the BOS. Our unanimous motion was as follows:

“The Ag Advisory Committee recommends acceptance not approval of the Ag Working Landscape Plan Draft #4 conditioned that it is only a source document to help formulate the General Plan and that the AAC

advising the Planning Commission and Board of Supervisors on sections of the Ag Working Landscape Plan that will benefit the General Plan."

Using the language "accept and adopt" could be misleading and it does not represent the motion passed by the AAC. At the very least if staff is going to utilize differing language then it would be important that there should be some explanation of the distinction between the two. Furthermore, draft minutes should have been provided to the commissioners to help better understand the reasoning and intent of the AAC for making and passing such action.

Finally, I would ask that the Planning Commissioners be provided this email for their consideration.

Respectfully submitted,

Anthony J. "Tony" Toso
Chairman
2024 Mariposa County Agricultural Advisory Committee



Edwards, Lien & Toso, Inc.

Anthony J. Toso, ARA / First Vice President - CFO
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Public Comment #2

From: Kelly Williams

Received: November 13, 2024

Public Comment #2

From: Kelly Williams <kswilliams7550@gmail.com>

Sent: Wednesday, November 13, 2024 2:03 PM

To: Steve Engfer <sengfer@mariposacounty.org>; Ben Goger <bgoger@mariposacounty.org>; Hannah Harrison <hharrison@mariposacounty.org>

Cc: Danielle Bondshu <dbondshu@mariposacounty.org>; Tony Toso <tony@eltappraisers.com>

Subject: Staff Recommendations for AWLCP Draft #4 to Planning Commission

Please provide this email to the Planning Commissioners for their meeting on Friday.

Please provide this email to the Board of Supervisors for their information.

Please provide me with written confirmation that you've provided this correspondence as requested.

Commissioners,

As the Mariposa County Farm Bureau President and their representative as a voting member of the Ag Advisory Committee, I am very concerned about staff's wording on their report to you regarding the AWLCP Draft #4.

Both the Farm Bureau and the Ag Advisory Committee met many times and spent countless hours reviewing various drafts of this plan.

At the Ag Advisory Committee meeting on October 3, 2024, the committee took an action which was very carefully worded, based on our many concerns about the plan and potential (and unknown) impacts on the ag industry. That action was as follows:

"The Ag Advisory Committee recommends acceptance not approval of the Ag Working Landscape Plan Draft #4 conditioned that it is only a source document to help formulate the General Plan and that the AAC advise the Planning Commission and Board of Supervisors on sections of the Ag Working Landscape Plan that will benefit the General Plan."

We recognize that this plan was grant funded and hoped that accepting the plan would enable full grant reimbursement for work done to date. However, we do not and will not support approving or adopting the plan. We are aware of one other grant funded controversial project that was accepted, such as we are recommending for this plan.

It is unfortunate that staff chose not to present the Ag Advisory Committee's recommendation to the Commission. They are suggesting the Commission and Board accept and adopt the plan.

This is what County Code says regarding the Ag Advisory Committee's duties:

2.110.060 Duties

The committee shall provide comment, recommendation, and advice to the planning commission, board of supervisors and its personnel on the following matters:

1. A. Advise and provide recommendations on agricultural issues associated with the general plan and zoning;

2. B. Review and provide recommendations on changes in policy for implementing the Williamson Act (Land Conservation Act);
3. C. Review and provide recommendations on applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, and non-renewal of Williamson Act (Land Conservation Act) contracts; and
4. D. Recommendations to the board of supervisors on matters of importance to the agricultural community and agricultural industry.

Please give favorable consideration to the Ag Advisory Committee's recommendation for action on the AWLCP Draft #4 at your meeting on Friday.

Thank you,

Kelly Williams
209-401-3094

Public Comment #3

From: Jordan Cory

Received: November 14, 2024

Public Comment #3

From: Jordan Cory <jwcory14@gmail.com>
Sent: Thursday, November 14, 2024 4:00 PM
To: Steve Engfer
Cc: Hannah Harrison; Ben Goger; Danielle Bondshu
Subject: Upcoming Staff Recommendations for AWLCP Draft #4 to Planning Commission

You don't often get email from jwcory14@gmail.com. [Learn why this is important](#)

Good Afternoon,

My name is Jordan Cory and I am an alternate member for the Agricultural Advisory Committee (AAC) and a proud Farm Bureau board member. The Mariposa County Farm Bureau as well as our County's Agricultural Advisory Committee not only believe in helping out our fellow agricultural community, we have a responsibility to advocate for our industry.

With that said, I have found some discrepancies in language set to be used for the upcoming Agricultural Working Lands Conservation Plan (AWLCP) presentation that will be delivered to the Planning Commission tomorrow (11/15/2024). The discrepancies are from the language used in recommendation from the AAC.

During the most recent Agricultural Advisory meeting it was made very clear how the AAC viewed this plan and what our ultimate action/recommendation of the plan would be. During that meeting we, the AAC, were very specific with our motion to recommend "**acceptance**" of the AWLCP. We also specifically did not use the word "**adopt**" in our motion of a recommendation that would be passed along to the Planning Commission and then on to the Board of Supervisors. Below is the unanimous motion that passed:

"The Ag Advisory Committee recommends acceptance not approval of the Ag Working Landscape Plan Draft #4 conditioned that it is only a source document to help formulate the General Plan and that the AAC advising the Planning Commission and Board of Supervisors on sections of the Ag Working Landscape Plan that will benefit the General Plan."

This is recorded if you would like to go back and listen to the discussion and the ultimate result of that meeting on the AWLCP Draft #4 action item.

In tomorrow's (11/15/2024) Planning Commission meeting agenda Section F Action Items - Planning 1 reads as follows:

"A Resolution recommending that the Board of Supervisors accept and **adopt** the Agricultural and Working Lands Conservation Plan (AWLCP) as a supporting plan to the General Plan and work with the Agricultural Advisory Committee to select portions of the AWLCP that will benefit the 2026 General Plan Update of the Agriculture Element."

A few things come to mind here with this Action Item:

1. Drawing attention to the bolded word "**adopt**." This language was specifically not used in the recommendation from the AAC and it goes without question that this resolution recommending the board of supervisors accept and **adopt** is not an accurate representation of what the AAC discussed and recommended moving forward.
2. The word **adopt** can be interpreted in a much more powerful way than accept or approve. "Adopting" the AWLCP would mean placing precedence on this document over others and is a stronger commitment than approving.

3. The recommendation from the AAC is not listed, why? As noted above the AAC has the duty to be the voice for agriculture in the county and the specific recommendation of the AAC to the Planning Commission should be noted. The county outlines the importance of the AAC's recommendations when it comes to action items affecting the Ag Industry in the county.

A great deal of volunteer time, resources, and efforts have been put forth to help make the AWLCP a successful plan on behalf of the Ag community. With that said, I strongly feel that as the AWLCP moves forward to the Planning Commission and the Board of Supervisors that the AAC should have its recommendation depicted and conveyed justly and accurately.

Please take the following letter of concern forward to the Planning Commission on the 11/15/2024 meeting and an upcoming Board of Supervisors meeting where a recommendation will be made regarding the action item of the AWLCP.

Please provide written confirmation of receipt of this letter.

If there are any questions do not hesitate to reach out and let me know.

Kind Regards,
Jordan Cory
765-401-4078

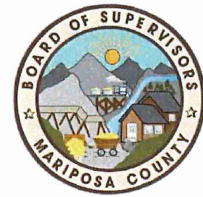
Agricultural Advisory Committee
Draft Minutes from October 3, 2024



Mariposa County

<http://www.mariposacounty.org/>

Mariposa County DRAFT of the Agricultural Advisory Committee



DRAFT MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE

October 3, 2024

TIME: 8:30 A.M.
LOCATION: GOVERNMENT CENTER UPPER FLOOR
BOARD OF SUPERVISORS CHAMBERS
5100 BULLION STREET, MARIPOSA

A. Call to Order and Roll Call

Chair Tony Toso called the meeting to order at 8:30 am and called for the roll:

Members present: Tony Toso, Jordan Cory (alternate), Carla Kelly, John Shimer, Kelly Williams, and Lyle Turpin (alternate).

Members excused: David Mecchi.

Planning Staff: Steve Engfer, Sophea Craighead, Hannah Harrison, and Ben Goger.

Other County Staff or Representatives Present: Monica Nielsen (Ag Commissioners Office), and Mick Herman (District 3 Planning Commissioner).

B. Public Comment on Non-Agenda Items

Persons wishing to speak on a matter not on the agenda, but within the jurisdiction of the committee. None.

C. Approval of Minutes

1. **September 28, 2023** (Clarification needed on approval from June 20, 2024 meeting)

Kelly Williams made a motion to approve the September 28, 2023 draft minutes at the June 20, 2024 meeting when he was not yet a member; therefore, he could not vote. Staff requested clarification as to whether Williams was in attendance or had listened to the audio of the meeting and read the minutes in its entirety for a technical vote.

Toso noted that he found errors in the minutes and requested the following items be corrected:

- Lyle Turpin's name was misspelled on the agenda.
- Identify the alternate members (Jordan Cory and Lyle Turpin) on the agenda.
- Correct "ACC" throughout the minute as it should be "AAC".
- To include the vote count.
- Item #3 Elections, replace "appointed" with "elected".
- Page 2, Item 5a, change the language from "The parcel being undersized and not in compliance on its' own" to "The parcel being undersized and not substandard to minimal 160 acre requirement".

In compliance with the American Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board's Office.

- Page 2, Item 5a, change the language from “Concerns were raised about the neighboring parcel, under separate ownership which is also undersized and cannot stand on its own for compliance” to “Concerns were raised about the neighboring parcel under separate ownership which is also undersized and not substandard to the minimal 160 acre requirement”.
- Page 2, Item 5a, remove “a” before Non-Renewal and replace “were” with “where” to state “The option of Non-Renewal was suggested for the applicant where they could come back after the orchard....”.
- Page 2, Item 5a, amend “By Motion of Kelly, Seconded by George, the ACC was unable to support a recommendation at this time to allow for a building permit for a residence , application was denied” to “By Motion of Kelly, Seconded by George, the AAC voted that they were unable to support an approval recommendation at this time. Application was denied”. Also, to include the votes.
- Page 2, Item 5a, last paragraph, change “After the vote, Toso stated that it is the Department of Conservation that sets the rules and is our duty to support the program” to “After the vote, Toso stated that it is the California Department of Conservation that sets the base LCA guidelines and the county is obligated to follow them.”
- Page 2, Item 5b, to include “approval of “ before the project as presented, and to include the votes.
- Page 3, Item 5c, replace “agricultural operations” with “LCA contracted property”.
- Page 3, Item 5c, last paragraph, to include “an approval for” before the project as present. Also, include votes after motion moved.
- Page 3, Item 5d, change “By Motion of Kelly, Seconded by George, the AAC recommended to retain the \$3,000 minimum income requirement for intensive use” to By Motion of Kelly, Seconded by George, the AAC recommended for approval to retain the \$3,000 minimum income requirement for intensive AG use for properties in an LCA contract”. Also, to include votes after motion moved.

Engfer suggested to bring the draft minutes back for final approval at the next meeting. Toso agreed and requested for a motion to table the September 23, 2023 draft minutes to the next meeting.

By Motion of Carla Kelly, seconded by Kelly Williams, the AAC approved to tabled the September 28, 2023 draft Minutes to the next meeting for final approval with the recommended amendments. Motion passed. 4 Ayes, 0 nays, 1 excused (David Mecchi), 1 abstained (Lyle Turpin).

2. June 20, 2024

Toso recommended the following corrections to the June 20, 2024 draft minutes:

- Identify Lyle Turpin as an alternate.
- Item 3, Election, replace “John Shimer is the Vice Chair” with “John Shimer has been the Vice Chair”.
- Correct “ACC” throughout the minute as it should be “AAC”.
- To include votes for all motions passed throughout the draft minutes.

- Item 3, Election, replace “re-appointed” with “re-elected”.
- Item 3, Election, last paragraph, identify that Kelly Williams is representative for the Farm Bureau, and Jordan Cory is the alternate for the Farm Bureau.
- Page 2, Item 5a, 4th paragraph, 1st sentence, change “approving” to “recommending the approval of” the draft.
- Page 2, Item 5a, 4th paragraph, 2nd sentence, include “AWLCP” before recommendations.
- Page 2, Item 5a, last sentence, replace “farming area consisting of cattle ranchers which is the most natural form of farming” to “is an area primary consisting of cattle ranches which is the most common agricultural practice”.
- Page 2, Item 5b, 1st sentence include “made a motion to” after Shimer, to state: “After discussion, Shimer made a motion to nominate Toso to be on the Ad-Hoc committee”.
- Correct the spelling of Shimer.

By Motion of Carla Kelly, seconded by John Shimer, the AAC approved the June 20, 2024 draft Minutes as amended. Motion passed. 4 Ayes, 0 nays, 1 excused (David Mecchi), 1 abstained (Lyle Turpin).

D. Actions Items - Recommendation Requested

Toso opened the Action items and provided a brief introduction noting that the first four applications the committee will be providing recommendations, the fifth application is for discussion and providing input, and the sixth item will be covering the Agricultural and Working Lands Conservation Plan (AWLCP).

1. Land Conservation (Williamson) Act Application Number 2023-143; APNs 017-090-015, 017-070-002, 017-090-002, 017-090-011; 3000 Old Highway; Craig Mathis, applicant.

Prior to Planning Director, Steve Engfer’s presentation, he introduced the applicant, Craig Mantis, who was on the phone.

Applicant is proposing four parcels to be included in the new Land Conservation Act (LCA) contract for a total of 750.69 +/- acres that exceeds the requirements of 160 acres minimum size that has been used for cattle grazing and will continue to be used for cattle grazing in the future.

There was no public comments received.

Committee member Turpin questioned why the 11 acre parcel wasn’t included in the map that should have been presented to the committee. Engfer explained that there was an error when the map was generated. Williams noted that this was not noted in the project description.

A brief discussion occurred regarding an error on the map when it was generated showing the

11 acre parcel being separated from the other parcels.

Williams made an amendment to the previous motion to include this 11 acre parcel, Assessor's Parcel Number 017-070-002-000, should have been listed in the project description as not being separated as showed on the map and should state contiguous.

By Motion of John Shimer, seconded by Carla Kelly, the AAC recommended the approval of the LCA application 2023-143 as amended with clarification for Planning Commission and the Board of Supervisors appropriately included in the recommendation. Motion passed. 5 Ayes, 0 nays, 1 excused (David Mecchi), 0 abstained.

2. Land Conservation (Williamson) Act Application Number 2024-085; APN 017-080-059; 3520 Ben Hur Road; Matthew Dimmick, applicant.

Applicant proposed one parcel to be included in the new Land Conservation Act (LCA) contract. This parcel has 210.09+/- acres and currently being leased as rangeland for cattle grazing for three years and he plans to continue this use with a shop on the parcel.

Steve Engfer, Planning Director, presented the project and noted that the Agricultural Preserve questionnaire was not included in the agenda packet, but was provided to the committee prior to the meeting.

Williams noted that the vicinity map included in the packet is not for this parcel. Toso noted that the Assessor's Parcel Number listed in the resolution is incorrect and not for this parcel. Engfer noted that these will be corrected.

A discussion occurred regarding the acre number listed per pair on the Ag Preserve questionnaire provided by the property owner. Dimick (on the phone) stated that the information was provided by a cattle guy and explained that he hasn't seen a fluctuation in the cattle numbers which have been consistent.

Committee member, Turpin expressed his concerns regarding the biennial report. Engfer noted and explained that there is an evaluation base on the carrying capacity for different lands throughout the county, and noted that in the future, staff will take into consideration for the information provided by the land owners, in response to the biennial report to meet the reasonable assessment.

There was no public comment received.

By Motion of Kelly Williams, seconded by Carla Kelly, the AAC recommended the approval of the LCA application 2024-085 as presented. Motion passed. 5 Ayes, 0 nays, 1 excused (David Mecchi), 0 abstained.

3. Land Conservation (Williamson) Act Application Number 2024-095; APNs 017-580-003 & 017-580-004; 3397 Ben Hur Road; Galen Alldrin, applicant.

Applicant proposed two parcel to be included in the new Land Conservation Act (LCA) contract. This parcel has 445.21 +/- acres and currently being leased as rangeland for cattle grazing and will continue this use.

Steve Engfer, Planning Director, presented the project and noted that the Ag Preserve Questionnaire was not included in the agenda packet, but provided to the committee prior to the meeting.

There was no public comment received.

By Motion of John Shimer, seconded by Kelly Williams, the AAC recommended the approval of the LCA application 2024-095 as presented. Motion passed. 5 Ayes, 0 nays, 1 excused (David Mecchi), 0 abstained.

4. Land Conservation (Williamson) Act Application Number 2024-099 & Zoning Amendment Application Number 2024-119; APNs 014-290-020, 014-290-021, 014-300-027, 014-300-028, 014-300-029, 014-300-031, 014-300-032 & 014-300-034; 4282, 4284 Triangle Road; Frederik Rodenhuis, applicant.

Applicant proposed 8 parcels totaling 638.93 +/- acres, currently zoned Mountain Home or Mountain General, to be included in the LCA Contract. The applicant is required to rezone all proposed LCA parcels to Agricultural Exclusive within one year of the LCA contract being executed. The parcels have been used for grazing in the last 3 years.

Steve Engfer, Planning Director, presented the project and announced that the property owner is present at the meeting to answer any questions.

No public comment received.

By Motion of Kelly Williams, seconded by Carla Kelly, the AAC recommended the approval of the LCA application 2024-099 and Zoning Amendment application 2024-119 as presented. Motion passed. 5 Ayes, 0 nays, 1 excused (David Mecchi), 0 abstained.

5. Pre-Application Number 2024-062; APN 008-030-006; 4816 Telegraph Hill Road; Shantikunj of North America, applicant.

Prior to Engfer's presentation, he introduced the applicant who was present and announced that this item is for discussion and possible recommendation. Then stated that the letter from UC Davis Ag Extension was not included in the packet, but provided to the committee prior to the meeting, and noted that today's goal is to request that the committee consider the pre-application proposal.

Engfer presented the project along with a PowerPoint presentation. He spoke about the parcel originally having a LCA contract until December 2016, a notice of Non-Renewal for the LCA was recorded by the previous owners. Then spoke about the proposal from the applicant for improvements on the property:

- Solar farm and power bank for electricity
- Wind mills for electricity
- Gazebo/monuments for religious symbols
- Learning and training center/residence for residence and ancillary religious training
- Sheds for dairy, nursery, spice, organic fertilizer
- Parking areas with accessible parking
- Septic tank with bio digester for bio gas
- Bio fuel storage tank
- 70,000 gallon water storage tank

Engfer recommended that staff and AAC members conduct a site visit for a better understanding of the project.

Travis Van Ligten (Land Use Attorney) introduced himself and his client, SONA (applicant) noted that they are here to address any questions and have no problem with a site visit. He stated that they are hopeful to run those efforts conjointly with staff's processing of the ultimate determination letter on whether certain usages are compatible and which usages are not. They are asking for clear directions so they can potentially move forward with some of the project. Then he spoke about some of the work that has been done on the property and address the monument, gazebo and housing plans.

After a lengthy discussion, the AAC recommended that County Council review the proposal and advise if this project is appropriate with the Williamson Act and will maintain the integrity. Engfer noted that staff will work with the applicant and Council and bring the project back to the committee.

Recess was taken at 10:27 AM and reconvened at 10:36 AM.

6. Discussion, Direction and potential recommendations on the Agriculture and Working Landscape Conservation Plan (AWLCP) DRAFT #4

Engfer introduced Planning Staff: Ben Goger, Senior Planner and Hannah Harrison, Community Design Development Planner, who presented the AWLCP draft #4 with a PowerPoint presentation.

Harrison introduced the AWLCP Draft #4, noting that this draft included the changes recommended by the AAC members and the Farm Bureau. Then provided a quick recap including the background of plan, why the plan was developed, and the key changes to Draft #4, review the table activity, discussion and direction from the AAC.

Goger spoke on the back ground intent of the AWLCP when they applied for the Agricultural Planning Grant Resolution 2019-522, and the specific Task 3.1 (General Plan Strategic Implementation Plan (GPSIP). Noting that Task 3.1 consideration of the impacts and benefits of the forest and agriculture on Mariposa GHG Reduction Program. Then noted that information was given on State executive orders and subsequent legislative actions that set Green House Gas.

Goger noted the key changes in draft #4:

- Remove language in the General Plan to focus on the General Plan Implementation Study.
- The GH Reduction Plan was not previously noted in a couple of the drafts, it was important this be noted, along with the reasons for why they applied for the grant.
- Incorporated the noxious weed management plan.
- Removal of obligatory language to voluntary language.

Goger spoke about the 2A (explore meat and animal product sales) and 3A (analyze viability for local beef processing) in Draft #4, and briefly noted the role that the USDA plays in the meat and animal product sales.

The AAC expressed their concerns and noted that the sale of meat is a private regulation and that the role of government in this instance should be focused on the health and safety of the meat sales. The AAC does not understand why this item would need to be included in the AWLCP plan and feels that this item is not agricultural.

Also, the AAC shared positives about the AWLCP and concurred to move forward to receive the grant to fund the agricultural needs and be incorporated into the General Plan. They noted that they are passionate about agricultural issues and the ag industry. In addition, they understand that this is not a regulatory document but a collection of suggestions, recommendations based off the community's input and research. The AAC would like to come to a common ground to recommend the approval of the AWLCP without compromising Agricultural.

Chair called for Recess at 12: 13 PM and the meeting reconvened at 12: 20 PM.

After a lengthy discussion, staff recommends following the AAC's recommendations of "Recommend acceptance (not approval) of the AWLCP Draft #4, conditioned that it is only a source document to help formulate the General Plan, and that the Agricultural Advisory Committee advise the Planning Commission and Board of Supervisors on the sections of the AWLCP that will benefit the General Plan."

There was no public comment received.

By Motion of Kelly Williams, seconded by Carla Kelly, the AAC recommended the acceptance (not approval) of the AWLCP Draft #4, condition that it is only a source document to help formulate the General Plan, and that the AAC advise the Planning Commission and the Board of Supervisors on the sections of the AWLCP that will benefit the General Plan. Motion passed. 5 Ayes, 0 nays, 1 excused (David Mecchi), 0 abstained.

E. Informational Items: no action will be taken by the Committee
None.

F. Set Next Meeting (if necessary) and Adjournment

Chair Toso adjourned the meeting at 12:35 PM.

Respectfully Submitted by Sophea Craighead, Acting Secretary for Agricultural Advisory Committee,
Office Technician, Planning Department

**Here are some setback requirements from the 2022 California Building Code:
Urban Setting**

Residential houses

The minimum distance from the front property line is 35 feet, but the zoning map may specify a greater distance. The minimum distance from the side and back property lines is 10 feet, and 3 feet from any easement. For lots that are 50 feet or less in width, the distance from the side property lines is 5 feet.

Pools

The setback between pools and slopes is half the building footing setback distance. The portion of the pool wall within 7 feet of the top of the slope must be able to support the pool's water without soil support.

Photovoltaic arrays

If a photovoltaic array occupies more than 33% of the roof's total plan view area, there must be a clear setback of at least 36 inches.

Building separation

The California Building Code requires separation between buildings on a single lot or on adjacent lots based on occupancy use.

Examples:

Fire-resistant walls

In two-family dwellings, dwelling units must be separated by walls and floors with a fire-resistance rating of at least one hour.

Automatic sprinklers

New Group R-3 occupancies must have fire sprinklers, unless allowed by Technical Bulletin RESD-3-4. Additions, alterations, or remodels to Group R-3 occupancies that increase the floor area by more than 50% also require automatic sprinkler

Separated occupancies

Different occupancies must be separated by rated walls and floors or ceilings and base on the type of material use, wood, metal studs, etc.

Fire separation distance

The minimum distance between a building with polypropylene siding and an adjacent building is 10 feet.