



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES- FINAL

MEETING DATE: January 22, 2021
TIME: 9:00 AM
LOCATION: Board Chambers
Mariposa County Government Center
5100 Bullion Street, Second Floor, Mariposa, CA 95338

1. CALL TO ORDER

Vice-Chair Ed Walls called the meeting to order at 9:03 am.

Attendee Name	Title	Status	Arrived
Deni Smith	District IV Planning Commissioner	Present	8:55 AM
Ed Walls	District I Planning Commissioner	Present	8:55 AM
Mick Herman	District III Planning Commissioner	Present	8:55 AM
John McCamman	District V Planning Commissioner	Present	9:12 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Herman.

3. ACTION ITEMS

A. Selection of Chair and Vice Chair for 2021 Planning Commission

Planner: Sarah Williams

By motion of Commissioner Herman, seconded by Commissioner Smith, Commissioner Walls was appointed as the Chair of the Planning Commission for 2021.

2020-PCRES-1

Motion was carried by the following vote:

RESULT: ADOPTED [3-0]
AYES: Walls, Herman, Smith
ABSENT: McCamman

By motion of Commissioner Smith, (gavel was then passed from Commissioner Walls to Commissioner Smith), seconded by Commissioner Walls, Commissioner Herman was appointed as the Vice Chair of the Planning Commission for 2021. **2020 PCRES-2**

Motion was carried by the following vote:

RESULT: ADOPTED [3-0]
AYES: Walls, Herman, Smith
ABSENT: McCamman

Gavel was passed from Commissioner Smith to Commissioner Walls

B. Nominate and Appoint a Planning Commissioner to the Agricultural Advisory Committee

Planning Director, Sarah Williams, gave a summary of the Agricultural Advisory Committee.

Gavel was passed from Commissioner Walls to Commissioner Smith.

By motion of Commissioner Walls, seconded by Commissioner Herman, Commissioner Herman was appointed as the representative to the Agricultural Advisory Committee for 2021. **2020-PCRES-3**

Motion was carried by the following vote:

RESULT: ADOPTED [3-0]
AYES: Walls, Herman, Smith
ABSENT: McCamman

Gavel was passed from Commissioner Smith to Commissioner Walls.

4. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – December 18, 2020 9:00 AM

Commissioner Walls stated that due to Planning Commissioner changes, vacancies, and lack of quorum, these minutes will remain in draft form.

5. PUBLIC ADDRESS

Persons wishing to speak on any item of interest within the subject matter or jurisdiction of the Commission that is not on the agenda. None.

6. PUBLIC HEARING

Commissioner McCamman arrived 9:12 A.M.

A. Resolution Approving Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143 with Findings and Conditions, Including a Finding that the Project is Exempt from Environmental Review; Habitat for Humanity of Mariposa County, Applicant. Assessor's Parcel Number (APN) 013-130-055 and APN 013-130-058 (Unassigned Address), Stroming Road, Mariposa (ID # 11356) 2020-PCRES-4

Planner: Steve Engfer

Senior Planner, Steve Engfer, presented the project along with a power point presentation.

Public Comment: None

By motion of Commissioner Herman, seconded by Commissioner Smith, the Planning Commission adopted a resolution finding that the project is exempt from environmental review and approving Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143 with the recommended findings and conditions.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Walls, Herman, Smith, McCamman

Commissioner McCamman was excused at 9:32 A.M.

7. INFORMATION ITEMS

A. Planning Commission Training: Planning Commission Procedures

Presented by Sarah Williams.

Williams provided additional educational handouts to the Planning Commission.

8. PLANNING COMMISSIONER INFORMATION

Information was received from Commissioner Walls and Sarah Williams, Planning Director.

9. ADJOURN

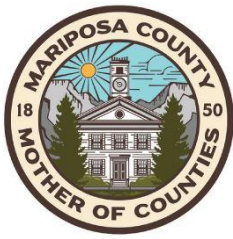
There being no further business Commissioner Walls adjourned the meeting at 10:04 A.M.

Ed Walls, Chair
Mariposa County Planning Commission

Carol Suggs, Secretary
Mariposa County Planning Commission

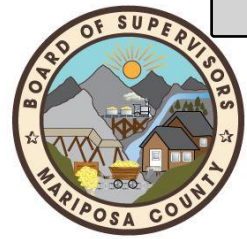
Note: Full audio recordings of the minutes are available from the Planning Department by request or on line:

<http://mariposacountyca.iqm2.com/citizens/calendar.aspx?view=list>.



MARIPOSA COUNTY

Planning Commission • 209-966-5151



3.A

MEETING: January 22, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Selection of Chair and Vice Chair for 2021 Planning Commission

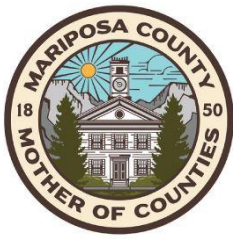
RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Mick Herman, District III Planning Commissioner

SECONDER: Deni Smith, District IV Planning Commissioner

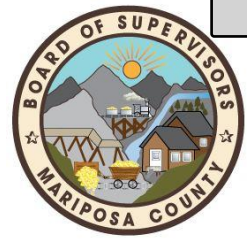
AYES: Ed Walls, Mick Herman, Deni Smith

ABSENT: John McCamman



MARIPOSA COUNTY

Planning Commission • 209-966-5151



3.B

MEETING: January 22, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Appoint a Planning Commissioner to the Agricultural Advisory Committee

Nominate and Appoint a Planning Commissioner to the Agricultural Advisory Committee

Pursuant to Mariposa County Code provisions establishing the Agricultural Advisory Committee (AAC), Section 2.110.030.B.6 specifies that a Planning Commissioner shall be nominated to serve on the Agricultural Advisory Committee. The Planning Commissioner representative serves as staff to the AAC, together with the Planning Director or designee, the Natural Resources Conservation Service (NRCS) District Conservationist, the County's Agricultural Commissioner or designee, the County Assessor or designee, the UC Cooperative Extension County Director or designee, and other professional staff as directed by the Board of Supervisors or the AAC Chair.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Deni Smith, District IV Planning Commissioner

SECONDER: Ed Walls, District I Planning Commissioner

AYES: Ed Walls, Mick Herman, Deni Smith

ABSENT: John McCamman



Mariposa County

MINUTES of the Planning Commission

ACTION SUMMARY MINUTES – DRAFT

MEETING DATE: December 18, 2020
TIME: 9:00 AM
LOCATION: Government Center Board Chambers
 Mariposa County Government Center
 5100 Bullion Street, Second Floor, Mariposa, CA 95338

These minutes will stay in draft form as due to change in Planning Commissioners there is not a quorum to be able to final them.

1. CALL TO ORDER

Commissioner Harris called the meeting to order at 9:02 am.

Attendee Name	Title	Status	Arrived
Tom Sweeney	District II Planning Commissioner	Present	9:01 AM
Larry Harris	District IV Planning Commissioner	Present	9:01 AM
Ed Walls	District I Planning Commissioner	Excused	
Mick Herman	District III Planning Commissioner	Present	9:01 AM
John McCamman	District V Planning Commissioner	Present	9:01 AM

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Commissioner Harris.

3. MINUTES APPROVAL

A. Planning Commission – Regular Meeting – November 20, 2020 9:00 AM

By Motion of Commissioner McCamman, Seconded by Commissioner Herman, the Minutes of the November 20, 2020, were approved as presented.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: McCamman, Herman, Harris, Sweeney

4. PUBLIC ADDRESS

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

Mike Healy, Public Works Director and Miles Menetrey, Supervisor of District V provided comments to the Planning Commission.

5. PUBLIC HEARINGS**A. Resolution Approving Variance Application No. 2020-115 with Findings and Conditions, including a Finding that the Project is Exempt from Environmental Review; Keith Rutherford, Applicant. Project is Located at 7255 Yosemite Park Way, Yosemite West APN 006-080-0090, PCRES 2020-17**

Planner: Sarah Williams

Project presentation was provided by Steve Engfer, Senior Planner along with a Power Point Presentation. At the end of the presentation, Engfer stated that the applicant is present.

Russ Marks, County surveyor provided access and easement clarification.

PUBLIC COMMENT:

Public comment was provided by Keith Rutherford, applicant.

By Motion of Commissioner McCamman, seconded by Commissioner Sweeney, the Planning Commission adopted a resolution finding that the project is exempt from environmental review and approving Variance No. 2020-115 with the recommended findings and conditions.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Sweeney, Harris, Herman, McCamman

6. ACTION ITEMS**A. Resolution Approving Year 2021 Planning Commission Meeting Dates, PCRES 2020-18**

Planner: Sarah Williams

Public Comment: None.

By Motion of Commissioner Herman, seconded by Commissioner McCamman, the Planning Commission adopted a resolution accepting the Planning Commission meeting dates for 2021.

Motion was carried by the following vote:

RESULT: ADOPTED [4-0]
AYES: Sweeney, Harris, Herman, McCamman

7. PLANNING COMMISSIONER INFORMATION

Information was received from Commissioners Harris, Sweeney, and McCamman.

8. INFORMATION ITEMS

Information was received from the Planning Director Sarah Williams.

9. ADJOURN

There being no further business the meeting was adjourned at: 9:46 am

Larry Harris, Chair
Mariposa County Planning Commission

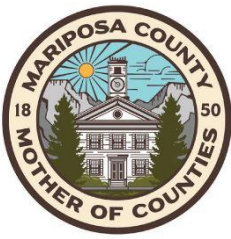
Carol Suggs, Secretary
Mariposa County Planning Commission

Note: Full audio recordings of the minutes are available from the Planning Department by request or on line:

<http://mariposacountyca.igmp2.com/citizens/calendar.aspx?view=list>

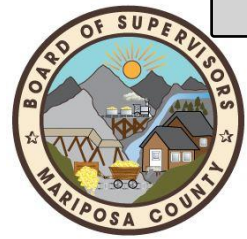
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Minutes Acceptance: Minutes of Dec 18, 2020 9:00 AM (Minutes Approval)



MARIPOSA COUNTY

Planning Commission • 209-966-5151



6.A

MEETING: January 22, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143

Resolution Approving Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143 with findings and conditions, including a finding that the project is exempt from environmental review; Habitat for Humanity of Mariposa County, Applicant. Assessor's Parcel Number (APN) 013-130-055 and APN 013-130-058 (Unassigned Address), Stroming Road, Mariposa

See Staff Report for additional information and justification.
See Attached.

ATTACHMENTS:

Staff Report (DOC)

Attachment A - Application Materials (PDF)

Draft Resolution (DOC)

Draft Notice of Exemption (DOCX)

Presentation (PPT) (PDF)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Mick Herman, District III Planning Commissioner

SECONDER: Deni Smith, District IV Planning Commissioner

AYES: Ed Walls, Mick Herman, Deni Smith, John McCamman



MARIPOSA PLANNING STAFF REPORT

From: Sarah Williams, Planning Director

Prepared By: Steve Engfer, Senior Planner

Planning Commission Meeting Date: January 22, 2021

PROJECT: Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143

APPLICANT: Habitat for Humanity of Mariposa County

NOTICING: Gazette Ad: January 7, 2021
Mailed Notice: December 31, 2020
Posted Notice: December 31, 2020

COMMISSION ACTION: The Historic Sites and Records Preservation Commission recommends the Planning Commission adopt a resolution:

A. Finding that this project is exempt from environmental review, and

B. Approving Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143 with the recommended findings and conditions.

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

The applicant proposes to develop a single-family residence (1,400+/- sf) on a General Commercial (GC) zoned 0.57-acre (+/-) parcel in the Historic Design Review Overlay (HDRO) Zone of the Mariposa Town Planning Area. A CUP is required for a single-family residential use in the GC zone. Project site is an unassigned address location off Stroming Road, adjacent to 5073 Stroming Road, in the Town of Mariposa; Assessor Parcel Numbers (APNs) 013-130-055/058 (one legal parcel, split by an assessment boundary) (hereinafter referred to as project site). Other properties in the vicinity of the project site are used for residential purposes.

The Historic Sites and Records Preservation Commission considered this application on November 9, 2020 and recommended the Planning Commission approve the project. Staff considers this project consistent with the surrounding development and recommends approval of this project.

Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143
 Applicant: Habitat for Humanity of Mariposa County
 Planning Commission Hearing of January 22, 2021

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Mariposa County Planning Department Project Vicinity Map



0 25 50 Feet
 1:655

PROJECT TYPE: Conditional Use Permit 2020-142 & Historic Design Review 2020-143

APPLICANT: Habitat For Humanity, Mariposa

APN: 013-130-0550 & 013-130-0580

SITE ADDRESS: Unassigned Stroming Road

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Tuesday, January 12, 2021

Data Source: Mariposa County Planning Department GIS;

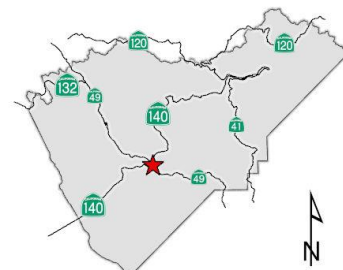
Assessor's Parcel Map Update: 7/2020

Map Credit: J.W.



Mariposa County Planning Department
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 Mariposa, California 95338-2039
 209.966.5151 FAX 209.742.5024
mariposaplanning@mariposacounty.org
<http://www.mariposacounty.org/planning>

Mariposa County makes no warranty regarding the accuracy of the GIS or the analysis and conclusions resulting from using our GIS data.

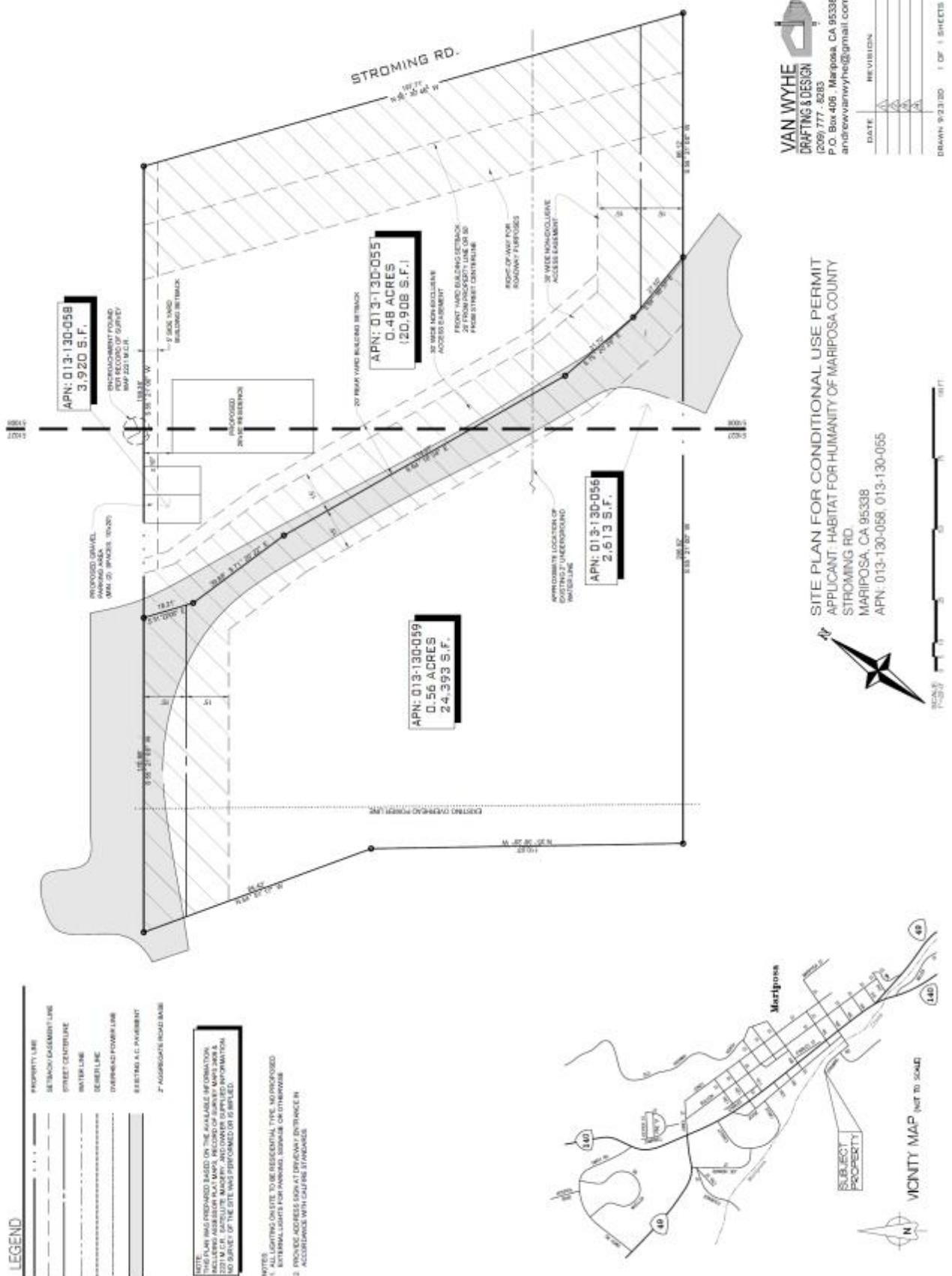


Location in Mariposa County

Attachment: Staff Report (2021-PCRES-4 : Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143)

Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143
 Applicant: Habitat for Humanity of Mariposa County
 Planning Commission Hearing of January 22, 2021

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Project Description for CUP No. 2020-142 And HDRO No. 2020-143

A. Description of Project (See Site Plan)

The project proposes the construction of one residence estimated at 1,400 square feet. The structure will meet all required setbacks from property lines and streets. Access to the project site will be from an unnamed road off Stroming Road. The residence is being developed by Habitat for Humanity for a low-income family.

The zoning within the Mariposa Town Planning Area Specific Plan designates these parcels as General Commercial and Historic Design Review Overlay; the Historic Sites and Records Preservation Commission has reviewed these projects and recommended approval of all aspects of the project. The residence is designed in keeping with the Design Review Guidelines distributed by the Planning Department for projects within the Historic Design Review Overlay.

Residential uses are conditional uses within the General Commercial zone. The purpose of the conditional use permit for residential developments in commercial zones is to ensure that the residential uses are properly integrated with the commercial uses by evaluating their site design, taking into account the characteristics of the individual site and the immediate area (restated from §17.338.010, Mariposa County Zoning Code). Staff has evaluated the project site and has determined that: 1) a residential use is consistent with the residential land uses in the project vicinity; 2) a residential use on this parcel will not conflict with the commercial land uses in the vicinity; and 3) the proposed residential use is appropriate for the parcel.

B. Project Background Data

Existing Zoning: General Commercial/Historic Design Review Overlay

General Plan: Mariposa Town Planning Area – General Commercial

Current Land Use: Vacant

Parcel History: APNs 013-130-055 and 058 are one legal parcel as described in Certificate of Compliance No. 927794, MCR.

*(*Please note that while there are two APNs shown, the project site is one legal parcel of land. The two APNs are applied for tax district related purposes only.)*

Adjacent Northeast: Mariposa Creek Parkway and Mountain Auto Repair

Land (Across Mariposa Creek)
Uses: Northwest: General Commercial
 Southeast: Single Family Residential
 Southwest: Vacant and Single-Family Residence

Site Topography And Vegetation: Project site topography is sloped, including slopes of 30%. There are few oak trees on the subject parcel along with evergreen trees and various grasses and shrubs.

Project Analysis for CUP No. 2020-142 And HDRO No. 2020-143

A. Agency Comments

Requests for comments were sent to the following agencies: Mariposa County Public Works, Mariposa County Environmental Health Unit, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Wildlife, the American Indian Council of Mariposa County, Mariposa County Resource Conservation District, Mariposa County Unified School District, CAL FIRE, Pacific Gas & Electric, Sierra Telephone, the Mariposa Public Utility District, and the chair of the Historic Sites and Records Preservation Commission.

Responses were received from Mariposa County Public Works and MPUD.

Public Works: Public Works commented that project may be subject to additional comments at time of final construction plans for building permit plan review for verification or requirement of the Building Permit as follows:

- Any construction within the public easement for Storming Road will require an encroachment permit.
- Proposed on-site parking shall be designed to not interfere with the 30' wide access easement.
- On-site drainage improvements shall not impact Storming Road.
- Prior to construction, the property setbacks for parking and structures shall be established and identified by a Licensed Land Surveyor, due to the limited space and site restrictions. The setbacks should be maintained throughout construction. (Field verification shall be required as a part of the Building Permit process).

MPUD: All MPUD requirements must be met for service connection will be required before service is established for water and sewer. Building permit plans shall be approved by MPUD prior to building permit issuance.

B. Practical Concerns

Planning evaluated the project for the following issues:

Nuisance Value: The residential use of the property will not create a nuisance in the form of light pollution, noise pollution, or unpleasant odors; the proposed building plans show minimal exterior lighting fixtures, all of which are located under the roof of the covered porch and required to be Dark Sky complaint. Residential uses typically do not cause noise pollution or unpleasant odors such as would be associated with industrial development.

Road Access, Improvements, and Maintenance: The project site is served by Stroming Road and an existing 30-foot-wide access easement, both of which are paved. The proposed driveway location shall meet the agency (CALFIRE and CALFIRE) requirements as applicable as a part of the building permit. Road Improvement and Circulation Policy does not require frontage improvements for projects that create less than 250 ADT.

Utilities: This property is located within a public utility district. Telephone and electric services are available to this property as well as water and wastewater services.

Historic Design Review: The roof of the residence is proposed to be Malarkey dove-white colored, dimensional "Legacy" roofing. The siding of the home is proposed to be Hardie Plank lap siding, with fiber cement to resist cracking, rotting, swelling and pests. The Select Cedarmill finish of the siding mimics wood. The residence will have baluster railing on the front of the home. The front porch decks will be concrete. The windows will be double-pane, annealed, double-hung vinyl window. Doors will be vinyl with main entrance door and the top 2 panels will be made of glass. The HVAC units at each respective residence are proposed to be screened with fencing or painted to match. The colors proposed for the structure and trim will be taken from a Victorian-era color palette.

The residence is designed with a covered porch and a hip or gabled roofline. Historic design elements include having a roof overhang, tall and narrow windows, and a steep, pitched roof. These elements of historic design, are set forth in the Design Review Guidelines; the Mariposa County Gold Rush Design Review Guidelines; Section 17.336.060 of the Mariposa County Zoning Code, the Architectural Theme and Development Guidelines for the Design Review Overlay Zone; and Section 17.336.070 of the Mariposa County Zoning Code, the Architectural Theme and Development Guidelines for the Historic Design Review Overlay Zone. If a retaining wall is needed, a "split-rock/block" wall with compatible colors will be constructed and the residences are otherwise designed in keeping with the Mariposa Town Planning Area Specific Plan.

At the November 9, 2020 Historic Sites and Records Preservation Commission (HSRPC) meeting, the Commissioners recommended to approve the project as proposed.

The proposed residential design elements are the same as previously approved by the Planning Commission on August 18, 2017 (Planning Commission Resolution No. 2017-009) which was for two other Habitat for Humanity residences (also on Stroming Road) in the General Commercial zone. (CUP No. 2017-41 and 42 and HDRO Nos. 2017-43 and 44.) (Attachment A - Project Application Materials).

Fee Waiver: The Board of Supervisors adopted Resolution No. 2020-746 on December 22, 2020 approving a Planning application (CUP) fee waiver to Habitat Humanity for the project.

Environmental Review: The project is exempt from environmental review pursuant to California Environmental Quality Act per Section 15303(a), CEQA Guidelines, New Construction or Conversion of Small Structures:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

Project Findings for CUP No. 2020-142 And HDRO No. 2020-143

1. **FINDING:** Adequate open space is provided by this proposal. (§17.112.040.A, Mariposa County Zoning Code)

EVIDENCE: The proposed development covers less than 50% of the total area of the parcel, including the driveway, the proposed house with covered porch, and the proposed parking area. This conditional use requires less parking than a permitted commercial use, and therefore this conditional use includes more open space than a permitted commercial use would.

2. **FINDING:** The site is physically suited for the proposed development. (§17.112.040.B, Mariposa County Zoning Code)

EVIDENCE: Based on the site inspection and the scale of the project as proposed, the applicant will be able to locate the proposed improvements entirely onsite while meeting all County requirements for setbacks, landscaping, and grading. If a retaining wall is needed, a "split-rock/block" wall with compatible colors will be constructed.

3. **FINDING:** Adequate provisions have been made for sewage disposal and the handling of solid waste. (§17.112.040.C, Mariposa County Zoning Code)

EVIDENCE: The project is required to connect to the Mariposa Public Utility District (MPUD) for sewage disposal; MPUD has confirmed that they have the capacity to serve this project. Disposal of solid waste is the responsibility of the applicant; the Mariposa County landfill has the capacity to process typical residential waste streams.

4. **FINDING:** The proposed development will have adequate potable water for public use and fire protection. (§17.112.040.D, Mariposa County Zoning Code)

EVIDENCE: The project is required to connect to the Mariposa Public Utility District water lines; MPUD has confirmed that they have the capacity to serve the water and fire protection needs of this project

5. **FINDING:** The project proposal complies with all standard and special setback requirements and adequate buffers have been provided for adjacent land uses. (§17.112.040.E, Mariposa County Zoning Code)

EVIDENCE: The project as proposed meets the minimum applicable County setback standards. Project Conditions of approval require licensed land surveyor field location of property line for setback compliance during building permit process. There are no special setbacks required for this project.

6. **FINDING:** Appropriate access is available or is proposed to the development. (§17.112.040.F, Mariposa County Zoning Code)

EVIDENCE: The project will not conflict with any public easement. The project has frontage on Stroming Road (a County-maintained road), and an existing 30-foot-wide private access easement, both of which are paved. The Public Works Department has made no objection to the project provided that county requirements are met including on-site drainage, and review for encroachment permit applicability, at the time of building permit application.

7. **FINDING:** The proposed use is consistent with the policies and standards of the General Plan and any applicable specific plan. (§17.112.040.G, Mariposa County Zoning Code)

EVIDENCE: Areas designated by the General Plan as Town Planning Areas have been determined to be suitable for higher-density residential development and for commercial uses that would not be appropriate in other areas of the County, as determined on a case-by-case basis. The proposed use is consistent with the policies and standards of the General Plan as related to Town Planning Areas. The Mariposa Town Planning Area Specific Plan governs this property. Residential uses such as the proposed use are conditional uses within the General Commercial zone, and the proposal is consistent with the policies and standards of the General Plan regarding

the processing of conditional use permits. This project will not impact the town of Mariposa's commercial center or core.

8. **FINDING:** The project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or it has been determined that the significant effects are unavoidable and acceptable due to overriding concerns. (§17.112.040.H, Mariposa County Zoning Code)

EVIDENCE: The project as proposed is categorically exempt from the provisions of the California Environmental Quality Act, as it is a new single-family residential structure. Additionally, the Mariposa Town Planning Area Specific Plan has a certified EIR which covers the development of all property within the TPA boundaries. The conditions attached to this approval are established to address the aesthetic quality, safe ingress and egress, impacts of exterior lighting and other potential impacts of this project on the surrounding parcels and neighborhood.

9. **FINDING:** The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, or general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. (§17.112.040.I, Mariposa County Zoning Code)

EVIDENCE: According to the project as proposed, no detriment will be posed to the health, safety, morals, comfort, or general welfare of the neighboring people or to the value of the surrounding property.

10. **FINDING:** The project proposal as conditioned conforms to the architectural theme and development guidelines established by the Board of Supervisors pursuant to Mariposa County Code and subsection 17.336.060 (Design Review Overlay) and subsection 17.336.070 (Historic Design Review Overlay).

Project Conditions for CUP No. 2020-142 And HDRO No. 2020-143

1. The approved project consists of construction of one residence located on APNs 013-130-055 and 058 (project site). The proposed residence is to be approximately 1,400 square feet in size. The project is 0.57-acres and zoned General Commercial in the Mariposa Town Planning Area; the property is also located within the Historic Design Review Overlay zone.

2. The roof of the residence is proposed to be dove white, Malarkey dimensional "Legacy" roofing (or equivalent). The siding of the home will be Hardie Plank lap siding, with fiber cement to resist cracking, rotting, swelling and pests. The Select Cedarmill finish mimics wood. The residence will have baluster railing on the front of the home. The front porch deck will be concrete. The windows will be double-pane, annealed, double-hung vinyl window. Doors will be vinyl with main entrance door and the top 2 panels will be made of glass. Two on-site parking spaces are required, and the driveway shall meet County (CAL FIRE) requirements.
3. If a retaining wall is needed, a "split-rock/block" wall with compatible colors will be constructed and the residences are otherwise designed in keeping with the Mariposa Town Planning Area Specific Plan.
4. This project is approved as of January 22, 2021. This approval shall expire January 22, 2024. If the conditions of approval are not completed by that date, the applicant may request one (or more) time extensions of up to eighteen (18) months. The applicant must make this request in writing prior to January 22, 2024.
5. All exposed and/or disturbed soils created by grading or construction activities shall be watered down or suppressed during grading operations to reduce the generation of dust and other particulate matter. During non-grading periods, all stockpiles of debris, soil, sand, or other materials shall be protected from wind erosion.
6. A grading plan and permit must be submitted for the building permit and soil erosion best management practices (BMPs) shall be included on the plans. Any exposed soils shall be revegetated.
7. Prior to issuance of the building and/or grading permit, County Engineer review and approval shall be obtained for the on-site drainage plans and civil design. The County Engineer shall also determine if an encroachment permit is required for any work proposed in the Stroming Road easement.
8. Prior to construction, the required property line and road setbacks shall be identified and posted on the project site by a Licensed Land Surveyor. The setback postings shall be maintained throughout construction. (Field verification shall be required as a part of the Building Permit process).
9. Construction activities occurring outdoors shall not commence prior to the hours of 7:00 a.m. Monday through Friday, and 8:00 a.m. on Saturdays. All construction activities occurring outdoors shall cease by sunset Monday through Saturday. No outdoor construction shall be permitted on Sundays. The Planning Department shall monitor noise through complaints by the neighbors.
10. Provisions shall be made for the on-site storage of all solid waste generated during construction and operation of the project. All solid waste shall be placed in trash bins to

maintain the site in a safe and attractive condition. Solid waste which cannot be contained in trash bins on site shall be removed from the site on a weekly basis.

11. All utilities, except for propane storage tanks, shall be underground within the project site.
12. All exterior mechanical equipment located on roof, building, and ground shall be enclosed or screened from public view either by utilizing materials compatible with the building or locating them away from public view. Proposed locations and screening of mechanical equipment shall be reviewed and approved by the Planning Department prior to issuance of a building permit.
13. Refuse storage areas, dumpsters, and propane tanks shall be enclosed or screened from public view. Proposed locations and screening of these facilities shall be reviewed and approved by the Planning Department prior to issuance of a building permit.
14. Prior to the issuance of a building permit, the applicant shall submit a landscaping plan for the site. The landscaping plans shall indicate existing native trees within the development site to be retained. The landscaping plan shall conform with Section 17.336.060.C of County Code, delineating the size, type, and location of landscape plantings as well as proposed irrigation methods. The landscaping plan shall provide for shading and building enhancement in conformance with Section 17.336.060.C.6. of County Code. This plan must be approved by the Planning Director prior to issuance of a building permit. Landscaping must be installed prior to issuance of a Certificate of Occupancy.
15. All landscaping shall be maintained in good condition in order to present a healthy and neat appearance for the life of the development. Dead or diseased plants shall be immediately replaced with plants which meet the size requirements of Section 17.336.060 of County Code.
16. The base color for the proposed building shall be a light color in a warm tone. Trim may be brighter or darker colors to compliment architectural features. Trim is proposed to be white. The color of the roof and the building shall be compatible and consistent with the purpose and intent of the Historic Design Review Overlay District and as approved by the Planning Commission. The applicant shall submit final building elevations which shall be approved by the Planning Director prior to issuance of a building permit.
17. All exterior lighting fixtures shall be shielded and shall be designed and located to confine lighting directly on the premises. Lighting should be of minimum, but adequate, intensity. Exterior lighting fixtures shall not shine light upon or directly illuminate any surface other than the area required to be lighted. A lighting plan showing the design and location of all exterior lights shall be submitted to the Planning Department. The Planning Director shall approve the design of the lighting fixtures prior to issuance of a building permit.

18. Minor amendments in the configuration and materials of the proposed development may be approved by the Planning Director provided that any expansion does not exceed 10% of the size of area of the approved facility (any amount of a reduction in size of area of the facility may be allowed), and provided a finding can be made that the modification does not create impacts which were not addressed in the original project approval.
19. Prior to issuance of a building permit (other than grading) all flammable vegetation shall be removed from each building site a minimum distance of one hundred (100) feet from any flammable building material, including finished structure. This condition shall not apply to vegetation proposed to remain as finished site landscaping, or offsite vegetation.
20. Prior to the issuance of a building or grading permit and prior to issuance of a Certificate of Occupancy, all fees associated with the County's processing of this project and filing of associated documents shall be paid.
21. The applicant may opt to have Planning staff file the Notice of Exemption (NOE). This filing notifies the public that Mariposa County has determined that the project is exempt from the California Environmental Quality Act (CEQA). While filing is not required, it is advisable to minimize legal exposure to the project, since the action of filing shortens the statute of limitations on appeals from 180-days to 35-days. If the applicant opts to file, then the NOE must be posted within five days of January 22, 2021. The County Clerk's Office requires a fee of \$50.00 for the filing of a NOE. If the applicant opts to file, cash or a money order made payable to the Mariposa County Clerk's Office must be submitted to Planning within 4-days of the approval of the applications. Within five (5) business days, the Notice of Exemption will be filed. A cashier's check or money order shall be made out to the Mariposa County Clerk in the amount of fifty (\$50) dollars. The Mariposa County Clerk will not accept a personal check for purposes of filing this document.
22. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify

Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143
Applicant: Habitat for Humanity of Mariposa County
Planning Commission Hearing of January 22, 2021

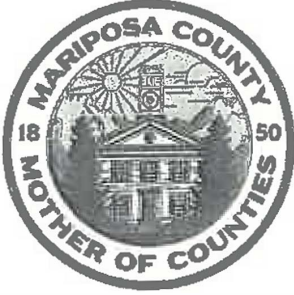
Page 13 of 13

the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

23. Non-compliance with any of the conditions of approval for Conditional Use Permit (CUP) No. 2020-142 may be grounds for revocation of the CUP.

Attachment: Staff Report (2021-PCRES-4 : Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143)



DESIGN REVIEW APPLICATION

Mariposa County Planning Department

5100 Bullion Street, P.O. Box 2039

Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

RECEIVED

SEP 28 2020

FOR OFFICE USE ONLY

Date Submitted

Received By

KC

Fees Paid \$

Mariposa County Planning Department

Receipt No.

317352

Received By

KC

Application No.

2020-193

Application Complete

Final Action

Date

Applicant Name HABITAT FOR HUMANITY
OF MARIPOSA COUNTYDay Phone 209-966-7444Mailing Address P.O. BOX 1420Zip 95338E-Mail ROBERT@MARIPOSAHABITAT.ORGProperty Owner Name MELINDA ABGLESDay Phone 209-347-7147Mailing Address 5399 AGUA FRIA ROADZip 95338E-Mail BHART-MELINDA@STI.NET

Agent Name _____

Day Phone _____

Mailing Address _____

Zip _____

E-Mail _____

Assessor Parcel Number 013-130-055
013-130-058Address of Site 5073 STROMING ROADTown MARIPOSAIs the structure/project within a National Historic District or on the Mariposa County Historic Resources Survey? Yes _____ No X Don't Know _____Is the property use: Commercial _____ Residential X Institutional _____ Industrial _____

200501

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

Property Owner (printed name): Melinda Abekes	2nd Property Owner (printed name): 	Applicant (printed name): ROGER L. POWELL
Property Owner (signature): 	2nd Property Owner (signature): 	Applicant (signature): 
Date: 9/22/2020	Date: 	Date: 9/21/2020

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

200501

Check any which apply for the Design Review that you are seeking:

- ☒ Structure (building, windows, roofing, doors, mechanical, lighting, painting, etc.)
- ☐ Preliminary or final Grading Plan for site, including retaining walls if they are necessary
- ☐ Landscaping
- ☐ Sign(s)
- ☐ Parking Lot
- ☐ Other. Please List: _____

For ANY Design Review please provide your project description (Examples: structural changes to a building, type of new building, addition or replacement of exterior equipment, re-roof, grading, sign, lighting etc.). If you have schematics, drawings, photos, color sample or examples that will help describe your project please provide them.

WE ARE CONSTRUCTING A SINGLE FAMILY RESIDENCE. WE ARE
 PLANNING TO FOLLOW THE SAME GUIDELINES THAT WERE ESTABLISHED
 FOR THE PREVIOUS TWO HOUSES WE HAVE BUILT ON STROMING ROAD.
 5063 STROMING ROAD
 5055 STROMING ROAD

200501

**CONDITIONAL USE PERMIT APPLICATION**

Mariposa County Planning Department

5100 Bullion Street, P.O. Box 2039

Mariposa, CA 95338

Telephone (209) 966-5151 FAX (209) 742-5024

www.mariposacounty.org planningdept@mariposacounty.org

RECEIVED

SEP 28 2020

FOR OFFICE USE ONLY

Date Submitted Mariposa County Planning Department Received By KC
 Fees Paid \$ 3220.00 Receipt No. 317 349 Received By KC
 Application No. 2020-142 Application Complete _____
 Final Action _____ Date _____

Applicant:**Agent: (if applicable)**Name HABITAT FOR HUMANITYOF MARIPOSA COUNTYMailing Address P.O. BOX 1420MARIPOSA, CA 95338Daytime Telephone (209) 966-7444(614) 806-1957 () _____E-Mail Address ROGERP@MARIPOSAHABITAT.ORGProperty Owner Name(s)* MELINDA ABELES

*If different than applicant, attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest.

5399 AGUA FRIA ROADMARIPOSA, CA 95338**Property Information:**Assessor's Parcel Number (APN) 013-130-055 013-130-058 Parcel Size .48 ACRES 3,920 S.F.Address 5073 STROMING ROAD UNASSIGNED Town MARIPOSAMARIPOSA PLANNINGGeneral Plan Land Use ARCA Zoning Districts GENERAL COMMERCIAL

200501

Project Information:

Please briefly describe the proposed use (attach additional pages if necessary).

SINGLE FAMILY RESIDENCEIs a new structure to be constructed? ☒ Yes ☐ No

If yes, please briefly describe the structure and its intended use (attach additional pages if necessary).

SINGLE FAMILY RESIDENCEIs an existing structure to be remodeled? ☐ Yes ☒ No

If yes, please briefly describe the remodeling activities and the intended use (attach additional pages if necessary).

Days of Operation N/AHours of Operation N/ANumber of Employees N/ANumber of Anticipated Customers N/ANumber of Existing On-site Parking Spaces N/ANumber of Proposed On-Site Parking Spaces N/APrimary Access from* PAVED DRIVEWAY, SEE RECORD OF SURVEY

Secondary Access from* _____

*Please provide information on whether the access road is a County road, non-County road, private easement or driveway, information on the width and type of surface, and the name of the road. If an existing or proposed easement is located off-site, please attach adequate documentation that clearly demonstrates the subject property has the necessary rights to use the easement, or that the necessary easement could be obtained from the adjoining property owner. Adequate legal access is a requirement for commercial development.

200501

Road Encroachment Permit Needed? ☒ Yes ☐ No

(may be required from Mariposa County Public Works Department or from CalTrans)

Water Source:

(circle) Well Spring Public Water System Other _____

Sewage System:

(circle) Sewer Septic Tank/Leach Field Other _____

Are there any prior Planning Commission actions affecting this property that you are aware of?

☐ Yes ☒ No (i.e., Lot Line Adjustment, Variances, Use Permits, etc.)

If so, please describe:

Previous building permits? ☐ Yes ☒ No; Project or building _____**Construction Time Frame:**Can the project be constructed in a 3-year time frame? ☒ Yes ☐ NoIf no, can the project be constructed in a 4-1/2 year time frame? ☐ Yes ☐ No**Preliminary Environmental Information:**

Provide information on the adjacent land uses for those properties adjacent to the project site (i.e., vacant, residential, commercial, grazing land, agricultural, mining, timber, etc.).

	<u>Parcel Size</u>	<u>Use of Property</u>
North	_____	_____
Northeast	<u>.18 ACRES</u>	<u>SINGLE FAMILY RESIDENCE</u>
East	<u>.56 ACRES</u>	<u>VACANT LOT</u>
Southeast	<u>2,613 S.F.</u>	<u>VACANT LOT</u>
South	<u>.22 ACRES</u>	<u>VACANT LOT</u>
Southwest	_____	_____
West	_____	_____
Northwest	<u>.584 ACRES</u>	<u>BLACK BURN AUTOMOTIVE REPAIR SHOP</u>

200501

Are the following items listed below applicable to the project with respect to having a possible effect on the environment? A brief discussion of those items checks 'yes' or 'maybe' must be attached to the application.

Yes	Maybe	No	
☒	☐	☐	1. Would the construction of roads, driveways, and building pads associated with the project result in grading on slopes of greater than 20% result in a change in the existing topography of any hills on the site, or result in the alteration of any lakes, ponds, rivers, or drainage courses? <i>SURFACE</i> <i>ONLY IN THE DIRECTION OF GROUND WATER</i>
☐	☐	☒	2. Would the project result in any change in the pattern, scale, or character of development in the general area of the project?
☒	☐	☐	3. Would the project result in a change in the quantity or quality of ground and surface water supplies? <i>SURFACE</i> <i>ONLY A CHANGE IN THE DIRECTION OF GROUND WATER</i>
☒	☐	☐	4. Would the project result in an increase in noise or light levels in the vicinity of the project site?
☒	☐	☐	5. Would the project result in the use of hazardous materials such as toxic substances, chemicals, flammables, or explosives? <i>NO</i>
☐	☐	☒	6. Are there any historical or archaeological structures or sites located on the project site or in the surrounding area?
☒	☐	☐	7. Would the project result in an increase of traffic or existing easement roads?

↑ ONLY TO THE EXTENT THAT A NORMAL SINGLE FAMILY RESIDENCE WOULD CAUSE.

200501

Mandatory Findings:

In order to approve a conditional use permit, the Planning Commission must make the findings listed below. Please provide supporting information for each finding.

1. Adequate open space is being provided.
OF THE 24,828 Sq. Ft. OF SPACE AVAILABLE WE ARE USING
1700 SQ FT. FOR A SINGLE FAMILY RESIDENCE AND A
PARKING AREA WHICH IS ^{ONLY} 14.6% OF THE TOTAL SPACE.
2. The site is physically suited for the proposed development.
THE NORTHEAST CORNER OF THIS LOT IS PHYSICALLY
SUITED FOR A SINGLE FAMILY RESIDENCE.
3. Adequate provisions have been made for sewage disposal and the handling of solid waste.
WE WILL BE HOOKING UP TO MPUD.
4. The proposed development will have adequate potable water for public use and fire protection.
WE WILL BE HOOKING UP TO MPUD.
5. The project complies with all standard and special setback requirements, and appropriate buffers have been provided for adjacent land uses.
SEE SITE PLAN.

200501

6. That appropriate access is available or is proposed to the development.

YES, SEE P. 7 "PRIMARY ACCESS FROM"

7. That the proposed use is consistent with the policies and standards of the general plan and any applicable specific plan

THE PROPOSED USE IS CONSISTENT WITH THE MARIPOSA PLANNING AREA.

8. That the project as approved will not have a significant effect on the environment, or the significant impacts have been eliminated or substantially lessened, or determined that the significant effects are unavoidable and acceptable due to overriding concerns.

THIS STATEMENT IS TRUE FOR OUR PROJECT WHICH IS THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.

9. That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case; be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the county. The planning commission shall impose any conditions and/or requirements it finds necessary to guarantee compliance with the findings in this Section. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).

THIS STATEMENT IS TRUE FOR OUR PROJECT WHICH IS THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.

200501

REQUIRED SIGNATURE(S)

Affidavit

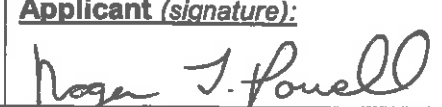
I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

Property Owner (printed name): <i>Melinda Abete S</i>	2nd Property Owner (printed name): 	Applicant (printed name): <i>ROGER L. POWELL</i>
Property Owner (signature): 	2nd Property Owner (signature): 	Applicant (signature): 
Date: <i>9/16/2020</i>	Date: 	Date: <i>9/15/2020</i>

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

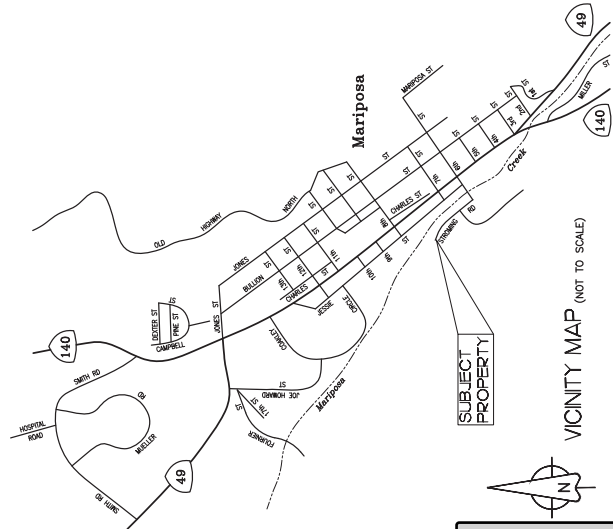
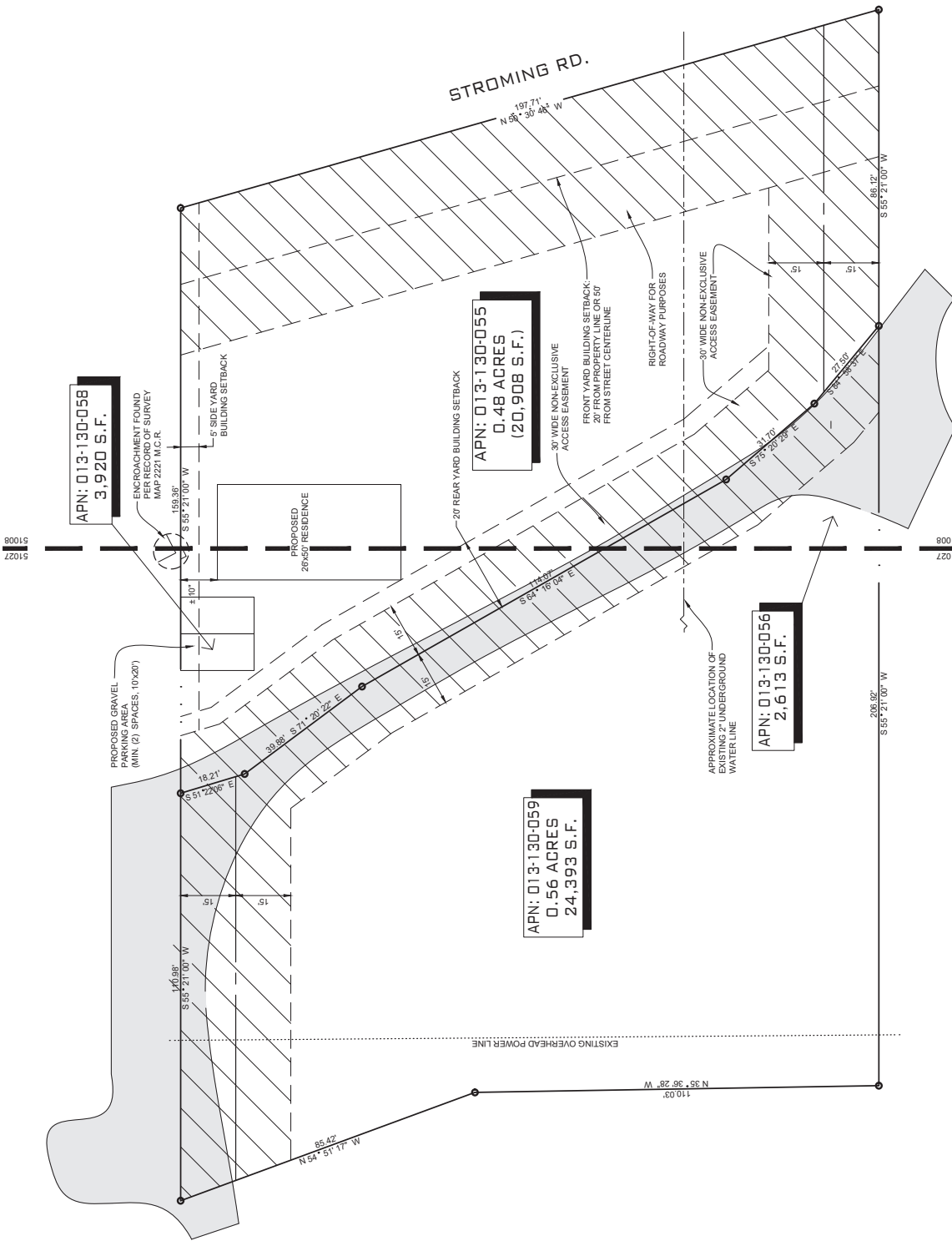
IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

LEGEND

PROPERTY LINE	---
SETBACK/EASEMENT LINE	---
STREET CENTERLINE	---
WATER LINE	---
SEWER LINE	---
OVERHEAD POWER LINE	---
EXISTING A.C. PAVEMENT	---
2' AGGREGATE ROAD BASE	---

NOTE:
THIS PLAN WAS PREPARED BASED ON THE AVAILABLE INFORMATION
INCLUDING ASSESSOR PLAT MAPS, RECORD OF SURVEY MAPS 2409 &
2221 M.C.R., SATELLITE IMAGERY, AND OWNER SUPPLIED INFORMATION.
NO SURVEY OF THE SITE WAS PERFORMED OR IS IMPLIED.

- NOTES:
1. ALL LIGHTING ON SITE TO BE RESIDENTIAL TYPE, NO PROPOSED
EXTERNAL LIGHTS FOR PARKING, SIGNAGE OR OTHERWISE
 2. PROVIDE ADDRESS SIGN AT DRIVEWAY ENTRANCE IN
ACCORDANCE WITH CALIFRE STANDARDS

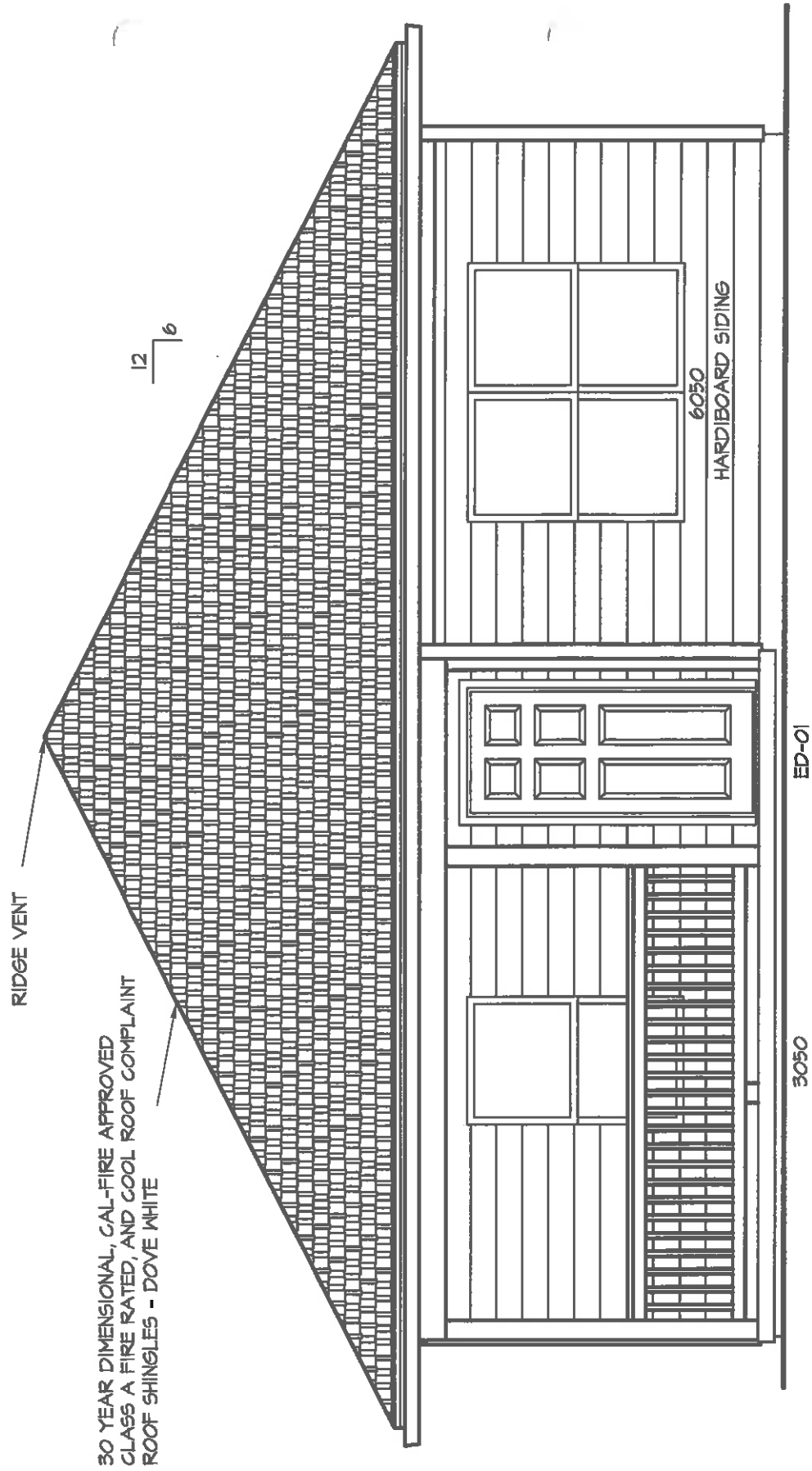


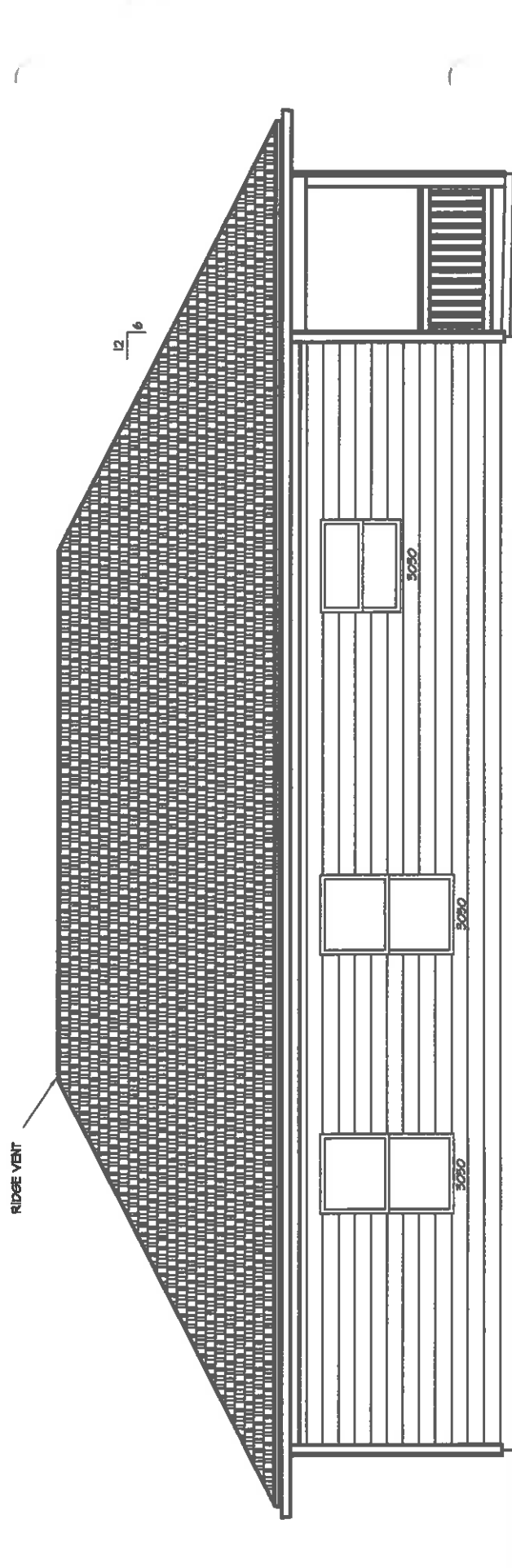
VAN WYHE
DRAFTING & DESIGN
(209) 777 - 8283
P.O. Box 406, Mariposa, CA 95338
andrew@vanwyhe.com

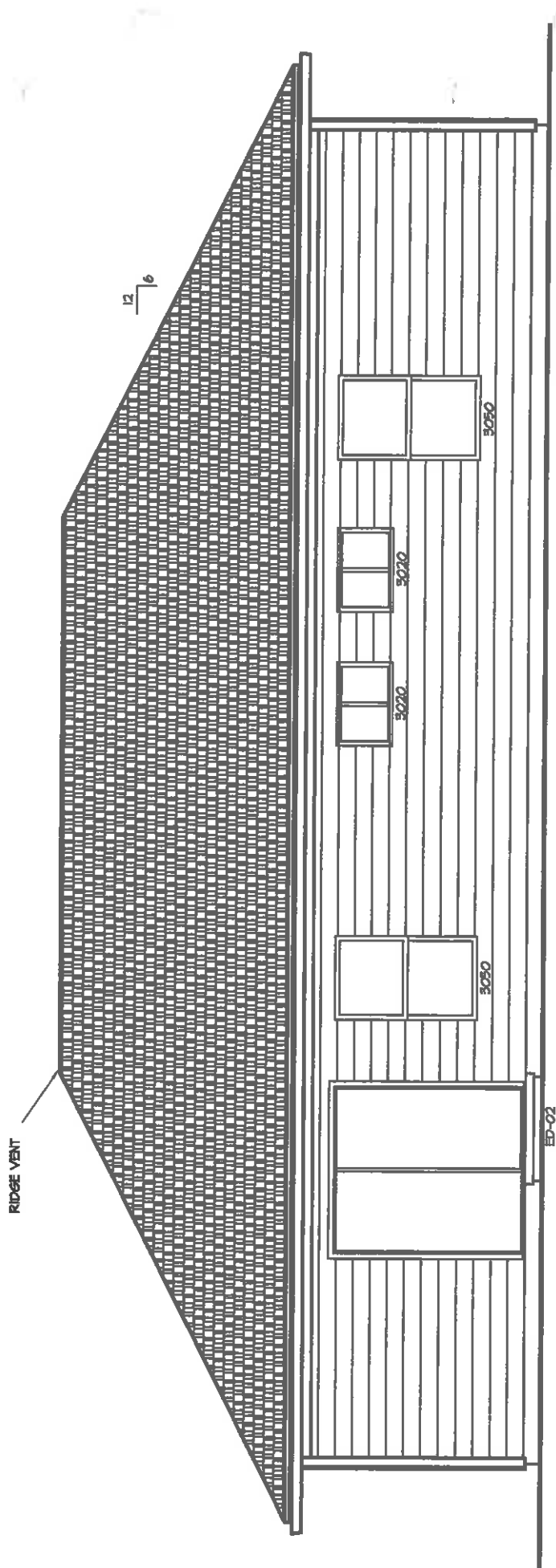
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SITE PLAN FOR CONDITIONAL USE PERMIT
APPLICANT: HABITAT FOR HUMANITY OF MARIPOSA COUNTY
STROMING RD.
MARIPOSA, CA 95338
APN: 013-130-058, 013-130-055

6.A.b

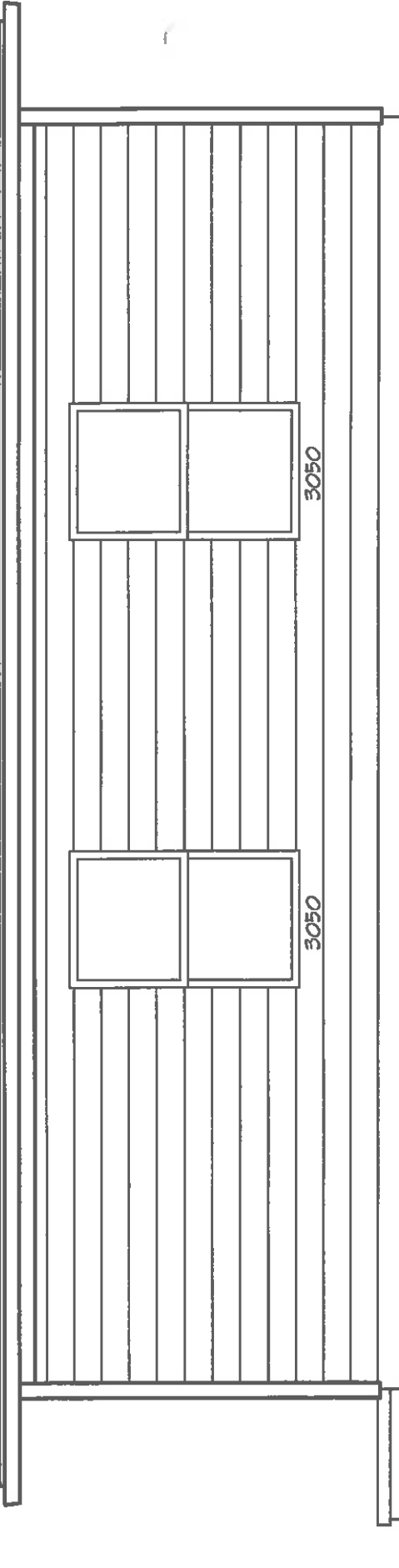






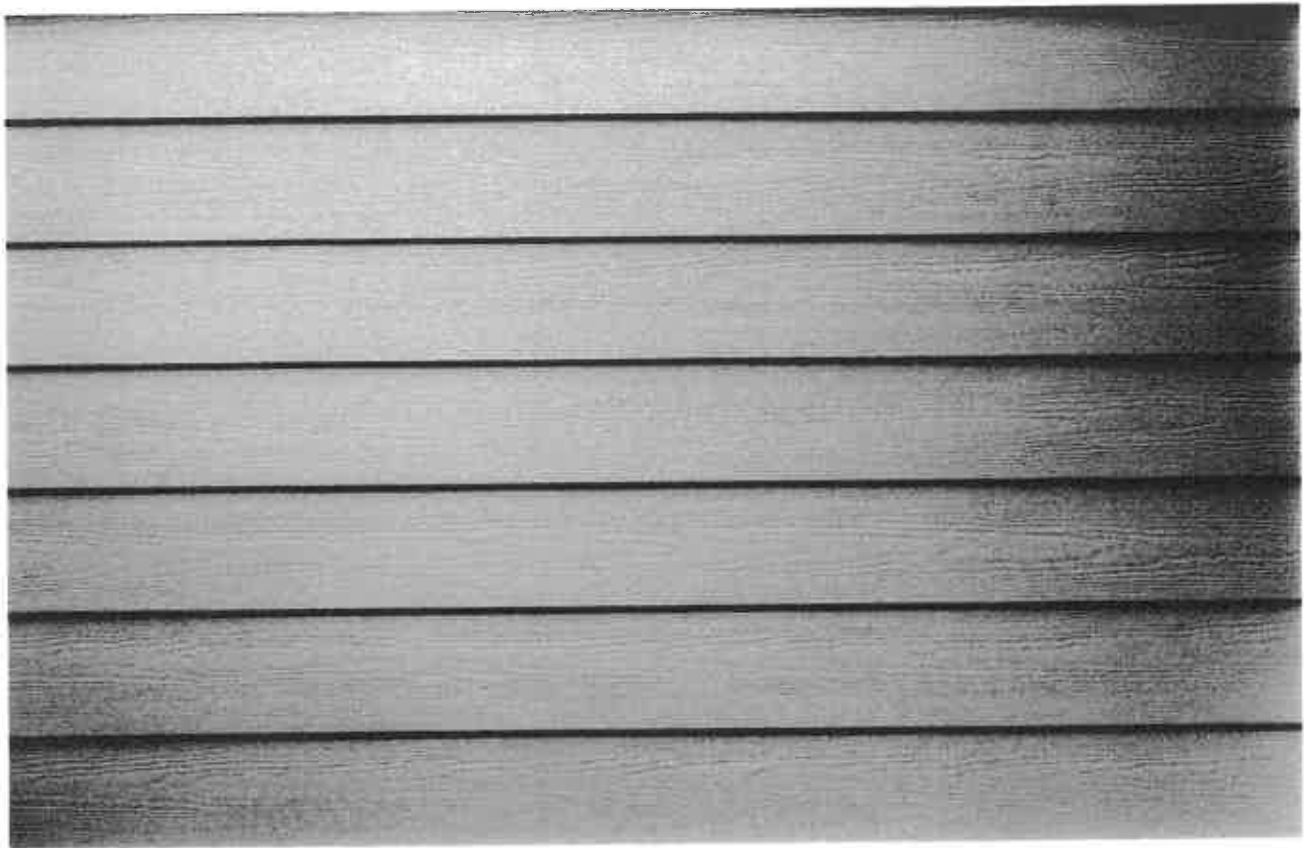
RIDGE VENT

12
6





Malarkey dimensional "Legacy" roofing (dove white)

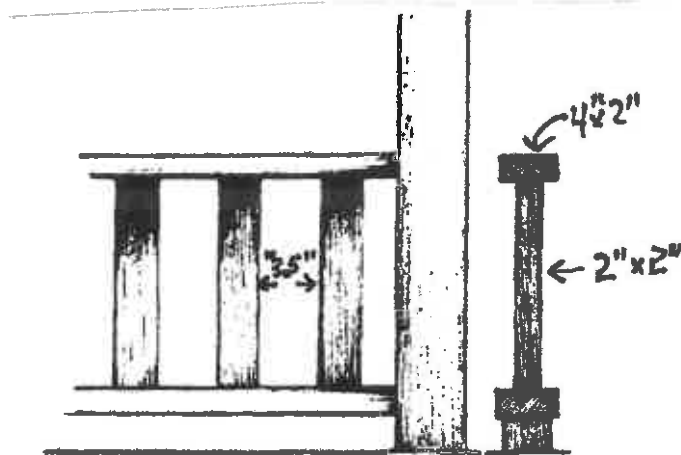


Hardie Plank lap siding

Fiber cement siding resists cracking, rotting, swelling and pests

Our Select Cedar mill finish has a soft texture that mimics wood

Pre-primed and engineered to enhance the performance of paint



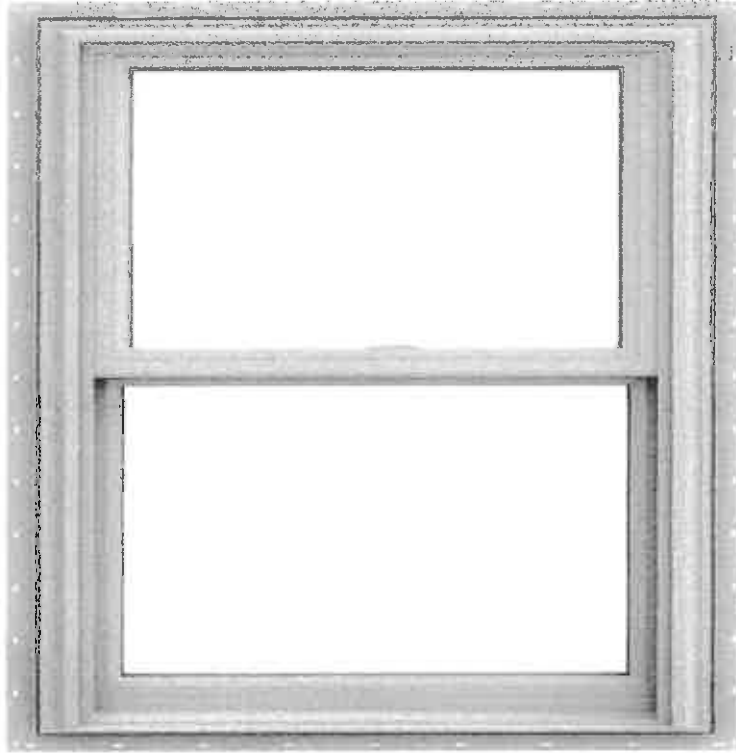
3RD ALTERNATIVE

USES PLAIN LUMBER IN THE
SAME PROPORTIONS AND WITH
THE SAME SPACING AS THE
ORIGINAL RAILING

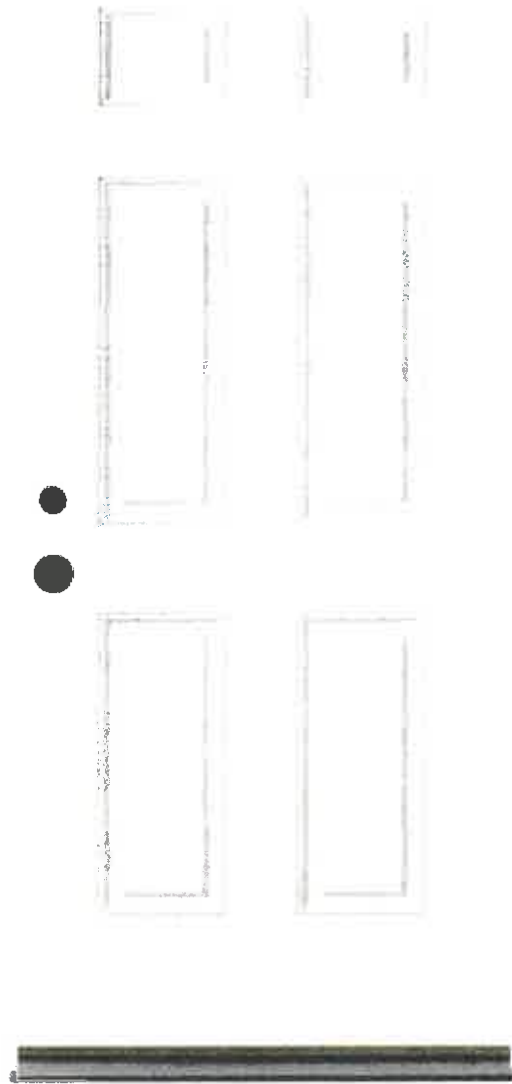
Baluster railing (material depends on
preference for decking on porch).



Front porch deck alternatives



Double pane, annealed, double-hung vinyl window.



Doors (vinyl w/ main entrance door having glass in the top 2 panels)



Victorian era color palette (c. 1871)

DRAFT
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2021-___

A resolution approving Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143; Habitat for Humanity of Mariposa County, applicant. Assessor's Parcel Number 013-130-055 and 058.

WHEREAS, an application for a Conditional Use Permit was received on the 28th day of September 2020 from Habitat for Humanity of Mariposa County for a single family residential use located at an unassigned address location off of Stroming Road, (adjacent to 5073 Stroming Road), in the Town of Mariposa, also known as Assessor's Parcel Number 013-130-155 and 058; and

WHEREAS, the subject parcel is in the General Commercial (GC) Zone and Historic Design Review Overlay Zone (HDRO) of the Mariposa Town Planning Area; a residential use is a conditional use in the GC zone. The residence is proposed to be approximately 1,400 square feet; and

WHEREAS, the project was reviewed by the Historic Sites and Records Preservation Commission on the 9th day of November 2020 and the Historic Sites and Records Preservation Commission made a recommendation to the Planning Commission for approval of the project; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 22nd day of January 2021; and

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

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Notice of Exemption and Staff Report, testimony presented by the public concerning the application, the recommendation of the Historic Sites and Records Preservation Commission and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Conditional Use Permit Nos. 2020-142 and Historic Design Review Application Nos. 2020-143.

BE IT FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1 and with the conditions set forth in Exhibit 2.

Attachment: Draft Resolution (2021-PCRES-4 : Conditional Use Permit No. 2020-142 and Historic Design Review No. 2020-143)

ON MOTION BY Commissioner _____, seconded by Commissioner _____, this resolution is duly passed and adopted this 22nd day of January 2021 by the following vote:

AYES:

NOES:

EXCUSED:

ABSTAIN:

_____, Chair
Mariposa County Planning Commission

Attest:

Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit 1

***Project Findings for CUP No. 2020-142
And HDRO No. 2020-143***

(insert findings as approved by the Planning Commission)

Exhibit 2

***Project Conditions for CUP No. 2020-142
And HDRO No. 2020-143***

(insert conditions as approved by the Planning Commission)

MARIPOSA COUNTY NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

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

Project Title: Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143

Project Location: The property is located at an unassigned address location off Stroming Road (adjacent to 5073 Stroming Road), in the Town of Mariposa; Assessor Parcel Numbers (APNs) 013-130-055/058

Description of Project: A single-family residence (1,400+/- sf) on a General Commercial (GC) zoned 0.57-acre (+/-) parcel in the Historic Design Review Overlay (HDRO) Zone of the Mariposa Town Planning Area. A CUP is required for a single-family residential use in the GC zone.

Name of Public Agency Approving Project: Mariposa County Planning Commission

Name of Person Carrying Out Project: Habitat For Humanity, Mariposa County

Exempt Status: Categorical Exemption, Class 5; Section 15303(a), CEQA Guidelines, New Construction or Conversion of Small Structures.

Reason Why Project Is Exempt: Project proposes one single family residence in an area served by public utilities with nearby single family residential uses.

Lead Agency Contact Person: Steve Engfer, Senior Planner

Phone Number: (209) 966-5151

Mariposa County Planning Department

Sarah Williams
Planning Director

Date



Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143

Single Family Residential Use in the General
Commercial Zone

Planning Commission Public Hearing

January 22, 2021

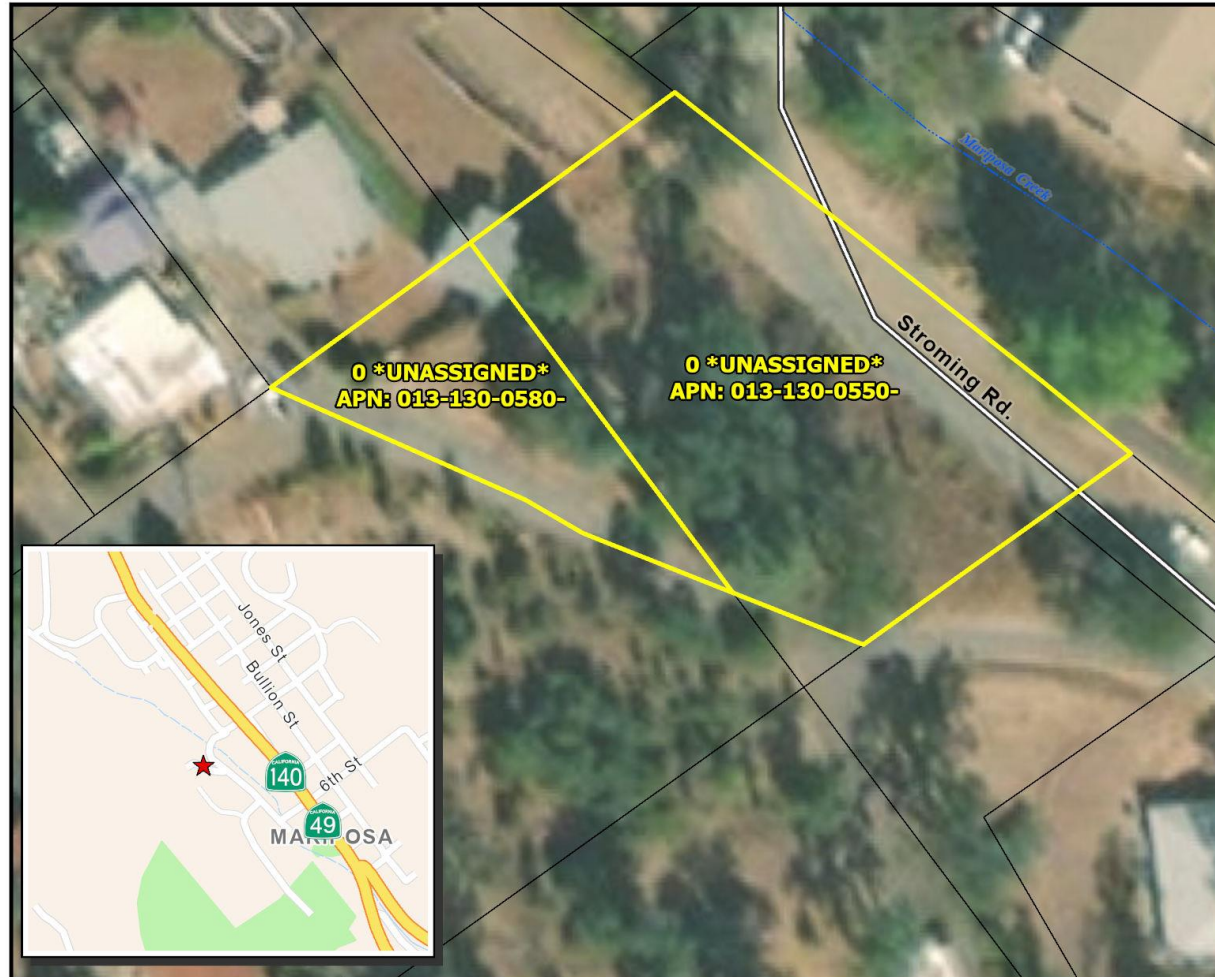
Project Consideration and Action

Applicant: Habitat For Humanity, Mariposa County

Project Background

- The project involves two APNs totaling .57 +/- acres 013-130-055 and 058
 - (*One legal parcel, split by an assessment boundary)
- General Plan Land Use
 - Mariposa Town Planning Area
- Zoning
 - General Commercial
 - Historic Design Review District Overlay
- Current on-site uses
 - Vacant

Mariposa County Planning Department Project Vicinity Map



0 25 50 Feet
1:655

PROJECT TYPE: Conditional Use Permit 2020-142 & Historic Design Review 2020-143

APPLICANT: Habitat For Humanity, Mariposa

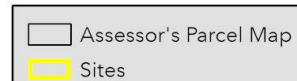
APN: 013-130-0550 & 013-130-0580

SITE ADDRESS: Unassigned Stroming Road

Coordinate System: NAD 1983 State Plane California III FIPS 0403 Feet

Date: Tuesday, January 12, 2021

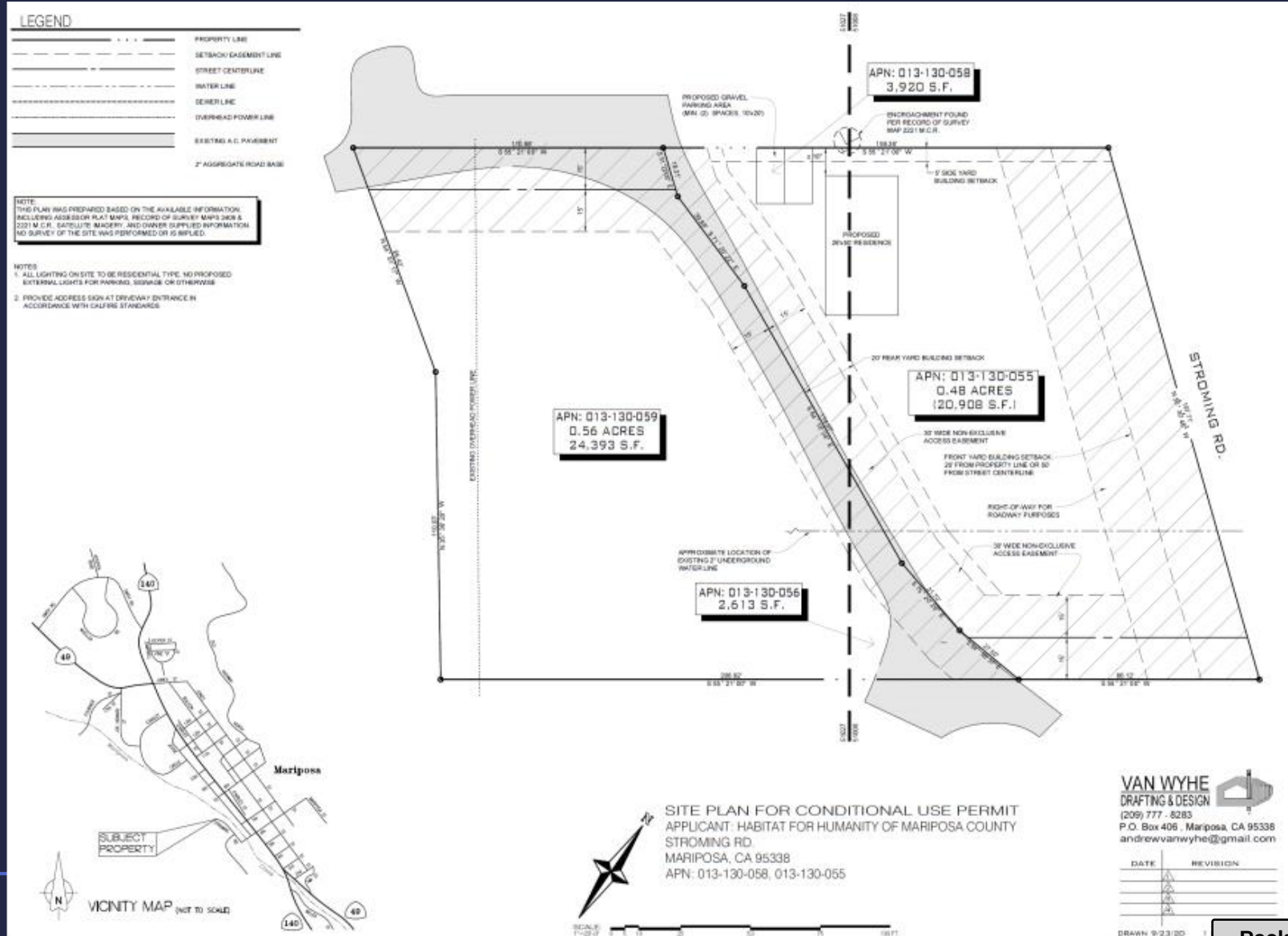
Data Source: Mariposa County Planning Department GIS;



Project Description

- Construction of one single family residence estimated at 1400 square feet.
- The structure is required all setbacks from property lines and streets.
- Access is from Stroming Road and existing 30 wide private access easement, both paved.
- Two parking spaces are proposed and required
- The residence is being developed by Habitat for Humanity for a low-income family.

Project Site Plan













Project – Two Actions

- CUP- approval of a single-family residential use within the General Commercial zone (a conditional use)
- Historic Design Review - approval of the proposed structure to meet architectural theme and design requirements of the HDRO.

Project Evaluation

- Residential uses are conditional uses within the General Commercial zone.
- The purpose of the conditional use permit for residential developments in commercial zones is to ensure that the residential uses are properly integrated with the commercial uses by evaluating their site design, taking into account the characteristics of the individual site and the immediate area (restated from §17.338.010, Mariposa County Zoning Code).

Project Evaluation

- Evaluation of the use at the subject parcel determined that:
 - 1) a residential use is consistent with the residential land uses in the project vicinity
 - 2) a residential use on this parcel will not conflict with the commercial land uses in the vicinity
 - 3) the proposed residential use is appropriate for the parcel.

Project Evaluation – Agency Review

- Public Works
 - Any work in Stroming Road requires an encroachment permit
 - Evaluation for on-site drainage design required
 - On-site improvements including parking must be out of the easements and meet setbacks
 - Licensed land surveyor field verification required
- MPUD- All MPUD requirements for sewer and water shall be met

Historic Design Review

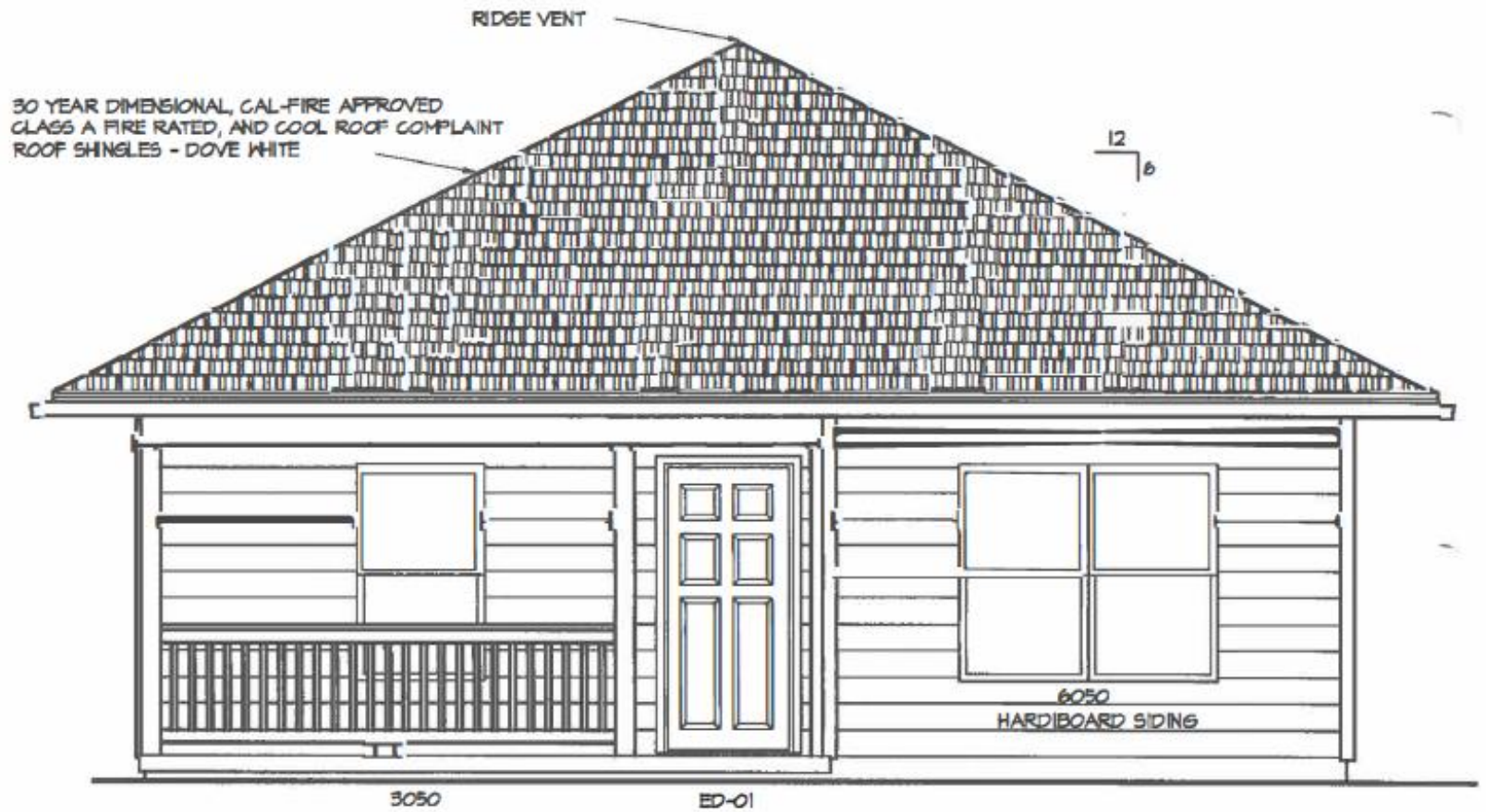
- Roofing- Malarkey dove-white colored, dimensional “Legacy” roofing.
- Siding -Hardie Plank lap siding,. The Select Cedarmill finish of the siding mimics wood
- Baluster railing on the front of the home
- Windows -double-pane, annealed, double-hung vinyl window.

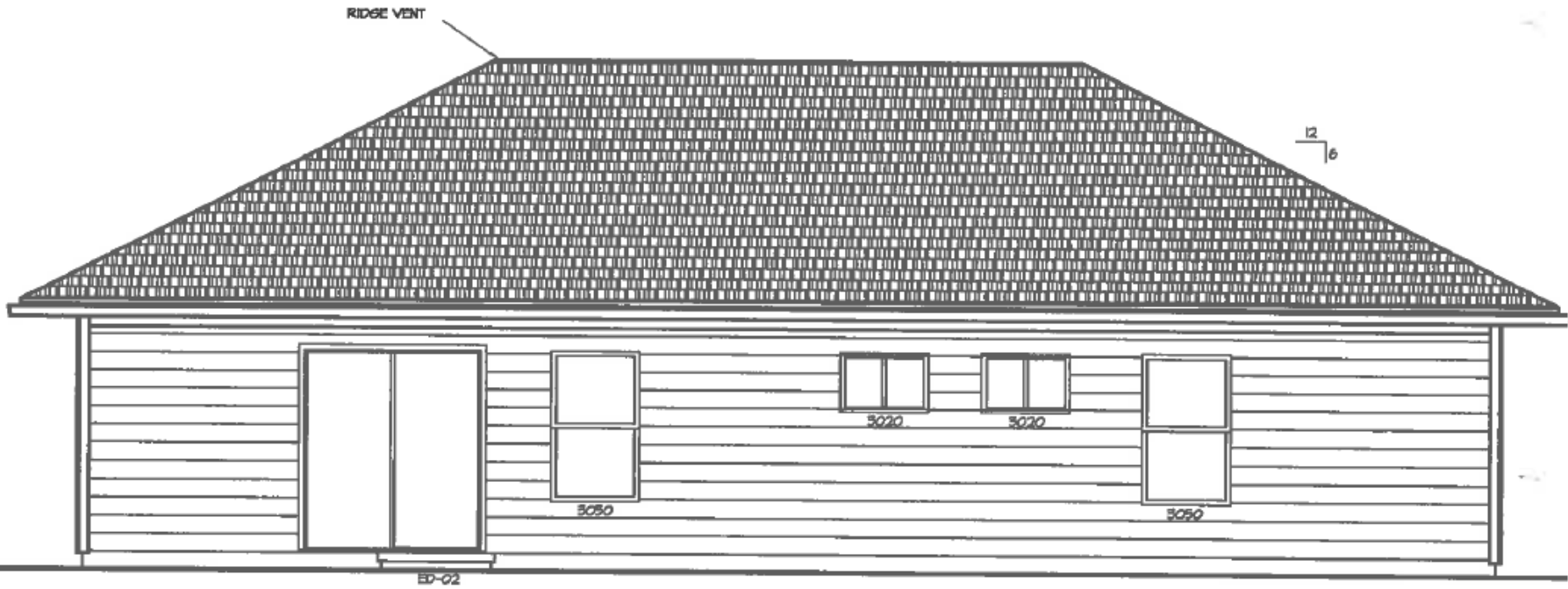
Historic Design Review

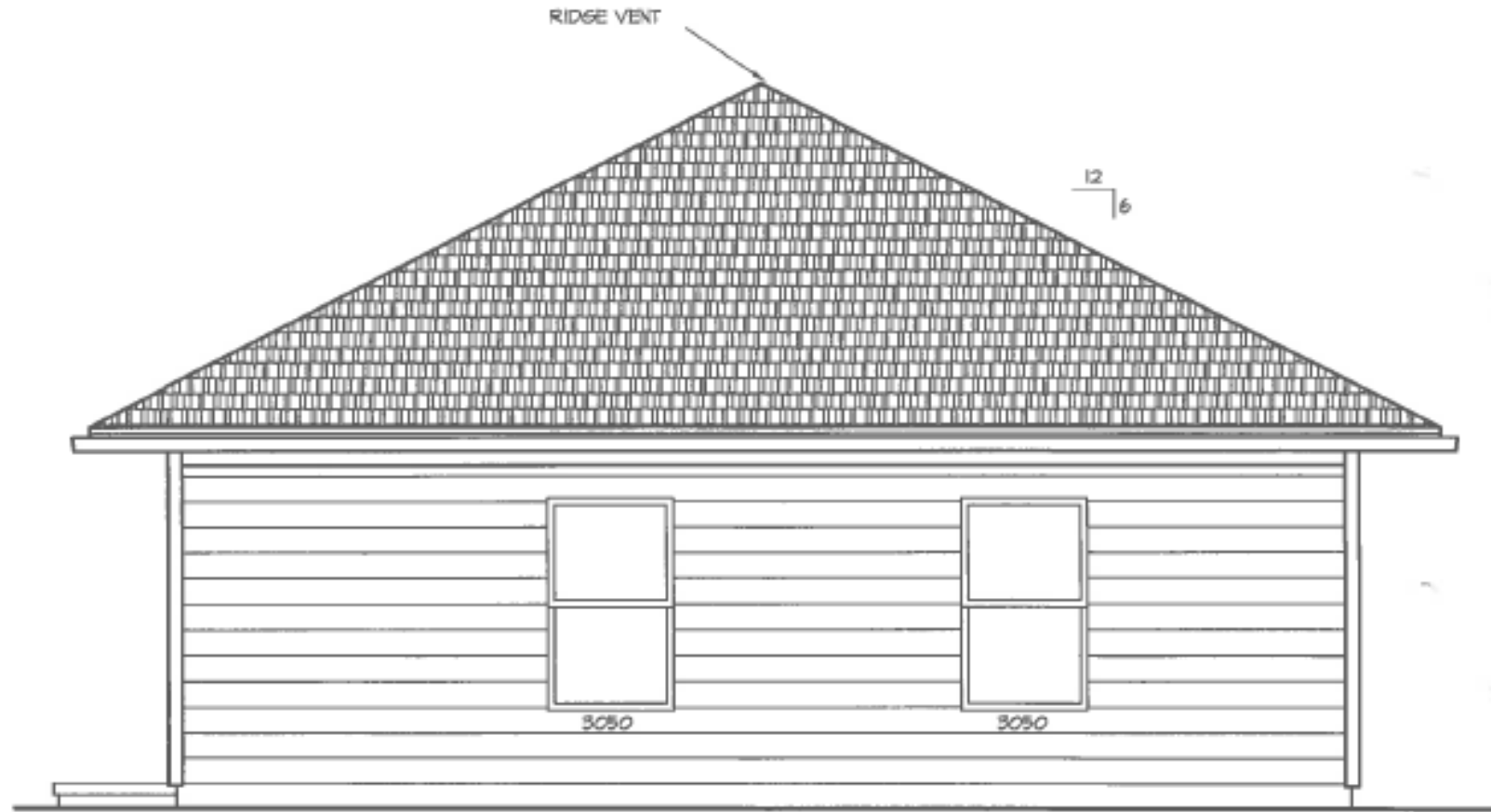
- Doors - vinyl with main entrance door and the top 2 panels will be made of glass.
- HVAC unit proposed to be screened with fencing or painted to match.
- Paint colors proposed for the structure and trim will be taken from a Victorian-era color palette.

Historic Design Review

- Design also includes:
 - a covered porch
 - hip or gabled roofline
- Historic design elements include having a roof overhang, tall and narrow windows, and a steep, pitched roof.







Historic Design Review

- The proposed design elements are the same as approved by the Planning Commission on August 18, 2017 (Planning Commission Resolution No. 2017-009) for two other Habitat for Humanity residences (also on Stroming Road) in the General Commercial zone.(CUP No. 2017-41 and 42 And HDRO Nos. 2017-43 and 44.)

Historic Design Review

- At the November 9, 2020 Historic Sites and Records Preservation Commission (HSRPC) meeting, recommended to Planning Commission approve the project as proposed.

Project-Environmental Review

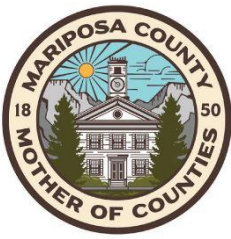
- The project is exempt from environmental review pursuant to California Environmental Quality Act per Section 15303(a), CEQA Guidelines, New Construction or Conversion of Small Structures.

Conclusion and Recommendation

The Historic Sites and Records Preservation Commission recommends the Planning Commission adopt a resolution:

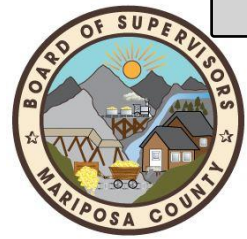
A. Finding that this project is exempt from environmental review and

B. Approving Conditional Use Permit No. 2020-142 and Historic Design Review Application No. 2020-143 with the recommended findings and conditions.



MARIPOSA COUNTY

Planning Commission • 209-966-5151



7.A

MEETING: January 22, 2021

TO: The Mariposa County Planning Commission

FROM: Sarah Williams, Planning Director

RE: Planning Commission Training: Planning Commission Procedures

Planning Commission Training: Planning Commission Procedures

Staff will conduct training regarding Planning Commission Procedures, focusing on conduct of public hearings.

Attachments to this packet include:

1. Memorandum to Planning Commission
2. Planning Commission Resolution No. 2015-010, Rules of Procedure for Meetings of the Planning Commission
3. Planning Commission Resolution No. 2015-004, Rules for the Conduct of Public Hearings by the Planning Commission
4. Planning Commission Resolution No. 2015-008, Use of Action Minute Format for Meetings of the Planning Commission
5. PowerPoint Presentation on Planning Commission Public Hearings

ATTACHMENTS:

- 1 210122 PC- Meeting Procedures (DOCX)
- 2 150911 RES 2015_010 for PC Meeting Procedures (PDF)
- 3 150710 RES 2015_004 for PC Rules for Public Hearings (PDF)
- 4 150821 RES 2015_008 PC Action Minute Format (PDF)
- 5 210122 Meeting Procedures Presentation (PDF)
- 210122 additional info for Training (PDF)

RESULT: INFORMATION RECEIVED



MARIPOSA PLANNING

COUNTY OF MARIPOSA

5100 BULLION STREET • POST OFFICE BOX 2039

MARIPOSA, CALIFORNIA 95338-2039

209 . 742 . 1215 • FAX 209 . 742 . 5024

Sarah Williams, Director
swilliams@mariposacounty.org

January 21, 2021

TO: Planning Commission
FROM: Sarah Williams, Planning Director
RE: Planning Commission Procedures and Rules

It's the start of a new year, we welcome a new commissioner to the dais, and it's a good time to review Planning Commission Procedures and Rules!

Attached, please find:

1. Planning Commission Resolution No. 2015-004; Rules for Public Hearings (will give PowerPoint presentation on these rules)
2. Planning Commission Resolution No. 2015-008; Action Minute Format
3. Planning Commission Resolution No. 2015-010; Meeting Procedures

We can email you pdf copies of these documents, so you can save them to your laptop. We can also provide you with hard copies of these procedures. Please familiarize yourselves with these procedures.

If you believe that any changes to these procedures are appropriate, we can schedule a formal review and provide an opportunity to edit these.

Attachment: 1 210122 PC- Meeting Procedures (11411 : Planning Commission Training: Planning Commission Procedures)

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2015-010

**A Resolution Adopting Rules of Procedure for Meetings of the
Planning Commission of Mariposa County**

WHEREAS, Title 2 of Mariposa County Code, Chapter 2.52 establishes general provisions for the functioning and authorities of the Mariposa County Planning Commission (Commission); and

WHEREAS, Mariposa County Code, Section 2.52.120 "Adoption of rules" states, "The Commission shall adopt rules for the transaction of its business and shall keep a public record its resolutions, transactions, findings and determinations"; and

WHEREAS, the Commission adopted rules of procedure for meetings in January 2008 and amended these rules in February 2009; and

WHEREAS, it is the desire of the Commission to update these rules and adopt them by resolution; and

WHEREAS, the Commission believes these rules of procedure further the Commission's goal and mandate to provide a consistently fair and equitable service to all interested parties; and

WHEREAS, on the 7th day of July, 2015 Mariposa County Planning Staff presented the Commission with updated rules of procedure for meetings for review; and

WHEREAS, the updated rules of procedure for meetings were developed based on consideration of the Board of Supervisors' adopted rules of procedure for meetings and the Planning Commission's previously adopted rules of procedure for meetings; and

WHEREAS, the Commission discussed these rules of procedure at their regularly scheduled meeting on the 7th day of July, 2015 and considered all public input; and

WHEREAS, the Commission directed staff to make amendments to the rules and schedule the item for further consideration at a later meeting; and

WHEREAS, the amended rules were scheduled for the Planning Commission's regularly scheduled meeting on the 11th day of September, 2015. The Commission discussed these amended rules and considered all public input.

NOW, THEREFORE BE IT RESOLVED THAT, in accordance with the requirements of Mariposa County Code, Section 2.52.120, and in accordance with the authority granted to it by that section, the Planning Commission hereby adopts the rules of procedure for meetings of the Planning Commission shown as Exhibit A.

BE IT THEREFORE FINALLY RESOLVED THAT the rules of procedure shown in Exhibit A replace and supersede any and all previously adopted rules of procedure for meetings of the Planning Commission.

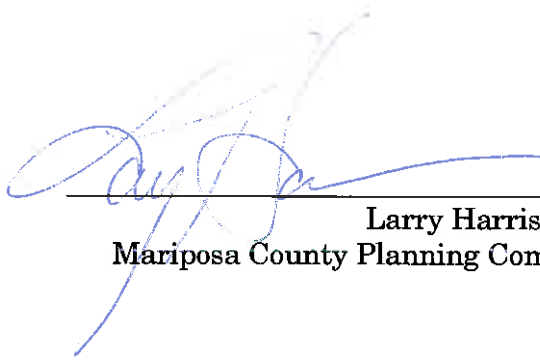
ON MOTION BY Commissioner Bernikoff, seconded by Commissioner Kennec this resolution is duly passed and adopted this 11th day of September, 2015 by the following vote:

AYES: Kennec, Becker, Bernikoff, Harris, Harter

NOES: None

EXCUSED: None

ABSTAIN: None



Larry Harris, Chair
Mariposa County Planning Commission

Attest:



Susan Hunter, Secretary
Mariposa County Planning Commission

EXHIBIT A

Rules of Procedure for Meetings Conducted by the Planning Commission of Mariposa County

I. MEETINGS:

A. Regular meetings shall be held pursuant to Mariposa County Code sections 2.52.060 and 2.52.080.

B. Special meetings may be called by the Chair, by the Vice-Chair in the Chair's absence, or by a majority vote of the Commission, provided notice is given as required by Section 54956 of the California Government Code, and shall be limited to those items listed on the noticed agenda.

C. Meetings may be continued by the Chair, the Vice-Chair in the Chair's absence, or by a motion of the Commission, without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting.

II. CHAIR:

A. The Chair of the Commission shall be selected by a majority vote of the members of the Commission at the first regular meeting of each calendar year, and shall serve for one (1) year so long as the individual selected continues in office as a Commissioner. If, for any reason, the Chair ceases to hold the position of commissioner, a new Chair shall be selected by the same process at the next regular meeting. Four (4) affirmative votes shall be required to remove the Chair and cause a replacement to be selected at any other time; however selection of the replacement shall require only three (3) votes.

B. A Vice-Chair shall be selected by the same process described in Section II.A of these rules and shall act as Chair in the absence of the Chair.

III. CONDUCT OF MEETINGS:

A. Planning Commission meetings are conducted under the direction of the Chair, and in the Chair's absence the meeting shall be conducted under the direction of the Vice-Chair. When both are absent, the meeting shall be opened by the Secretary of the Commission and those in attendance shall select an acting Chair for that meeting only by a majority vote of those in attendance.

B. A meeting may be opened, continued and adjourned by the Chair at the Chair's discretion, or by a majority vote of the Commission.

C. Any action or decision by the Chair may be reversed by a majority vote of the Commission, if reversal action is taken during the same meeting.

D. The order of business shall follow the final agenda for the meeting; however, the Chair, or the Commission by majority vote, may consider agenda items out of order as long as notice is announced to the public during the meeting. Public hearings shall proceed as scheduled whenever possible, but may be continued during the meeting provided notice is announced to the public at the scheduled hearing time.

E. Actions and decisions by the Commission shall result from a motion followed by a second and passage by three (3) affirmative ("aye") votes.

F. For purposes of proposing a motion or a second, the Chair may relinquish the Chairmanship to the Vice-Chair or any other Commission member willing to act as temporary Chair, and may then move or second an action. The Chair shall not resume the Chairmanship until after the vote is taken on the motion or it is otherwise acted upon at the meeting.

G. Rules for the Planning Commission's Conduct of Public Hearings are established by separate resolution.

H. The Chair is authorized to limit time for public testimony.

I. The Chair may call a break or the Planning Commission may continue an item to another date, should there not be appropriate conduct exercised by the public in attendance at a public hearing.

IV. QUORUM:

A. A quorum shall consist of three (3) commissioners, and no action requiring a vote shall be effective unless at least three (3) affirmative ("aye") votes are recorded by commissioners present at the meeting.

B. In the absence of a quorum, a meeting may be canceled, continued, or relocated by the Chair, or in the Chair's absence the Vice-Chair, or by the Secretary of the Commission at the direction of the Chair, or Vice-Chair in the Chair's absence, provided that:

1. Notice of the action is given to all commissioners, the media and the public as required by State law; and
2. Notice of the time and place of the meeting is posted.

V. VOTING:

A. When a vote is called for by the Chair, silence shall constitute an affirmative ("aye") vote and the Secretary of the Commission shall record it as such.

B. A commissioner may change their vote up to the time the vote is announced. After that they can only make the change by permission of the Commission, which may be given by general consent, meaning no commissioner objects. Should there be any objection, the granting of permission shall only occur following a motion and second and an affirmative vote by a majority of the Commission. The motion shall be undebatable. This process may occur at any time during the meeting at which the vote was taken and prior to the next vote of the Commission, after which their vote shall be permanently recorded.

C. A commissioner who has a financial interest in a decision within the meaning of Section 87100 of the California Government Code shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded.
4. Notwithstanding paragraph V.C.3, a commissioner may speak on the issue during the time that the general public speaks on the issue.

D. A commissioner who abstains or is absent from a vote shall not be deemed to have voted for or against a measure unless the remaining number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same. In such a case, a commissioner present but abstaining shall be deemed to have voted with the majority.

E. Where a tie vote results due to absence or abstention, the motion fails. If the subject matter is an appeal, a tie vote on each side of the question shall result in affirmation of the action appealed.

F. A commissioner may abstain from voting on any matter at any time. The effect of abstaining shall be the same as not voting, except for circumstances as described in Paragraph V.D above.

G. A commissioner may raise an objection to a procedure at any time, and when called upon shall state the basis of the objection. The Chair shall rule on the objection but may be overruled by a majority vote of the Commission.

H. At any time prior to adjournment of the meeting, a motion may be passed by majority vote to reconsider, revise, amend or rescind any action of the Commission at that meeting provided that any matters subject to legal public notice requirements shall require new notice prior to any action.

I. At any time prior to the effective date of any official enactment the Commission, by majority vote, may rescind such action provided that notice is given in advance if required by law.

J. After the effective date of any enactment, the Commission may repeal the enactment but such repeal shall operate prospectively only.

K. A motion may be tabled by majority vote to be taken up at a date and time certain.

L. Planning Commission actions taken on applications pursuant to County Code Section 2.52.180 shall be by formal resolution.

M. Planning Commission actions or direction on any other matter may be by formal resolution or by minute order.

N. Voting rules as described herein shall apply to formal resolutions and minute orders.

VI. AGENDAS:

A. The agendas for Commission meetings shall be prepared by the Secretary of the Commission.

B. The deadline for submission of agenda items for regular meetings shall be Thursday, by Noon, eight (8) calendar days prior to the requested meeting date.

C. Agendas and agenda packages for regular meetings will normally be available on the Friday preceding a meeting.

D. Agendas shall be posted at least seventy-two (72) hours before a regular meeting of the Mariposa County Planning Commission, and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

E. Agendas for regular meetings shall provide an opportunity for members of the public to directly address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section VI.G below.

1. The Commission shall allow public presentations to the Commission as follows:
 - a) A public comment period shall be provided on the Agenda to allow the public to comment on items not on the Agenda, which are of interest to the public that are within the subject matter jurisdiction of the Commission, and any item on the Agenda which is not a timed item.
 - b) The public shall be allowed to comment on items which are on the timed schedule during the time that the Commission considers that particular item.

- c) The Chair of the Commission, at the Chair's discretion, shall have the authority to allow public comment at any time during the Commission meeting.
2. The Chair may implement reasonable restrictions as needed in order to ensure that the intent of this section is carried out including, but not limited to, restrictions limiting the total amount of time allocated for public input on particular issues and for each individual speaker.

F. Agendas for each regular meeting shall provide an opportunity for each commissioner to address the Planning Commission, Planning Department staff and the public regarding current and future topics the planning commissioner deems important to report. The agenda item shall be entitled "Planning Commission Information." Each commissioner, if they choose to present information, will be allotted five minutes for this presentation. The Commissioner shall not discuss formal projects previously acted upon by the Commission, projects on the current meeting agenda, or projects to be scheduled on a future meeting agenda. The Commissioner may suggest future Planning Commission agenda topics for discussion and possible action. Suggestions by individual commissioners are subject to the following:

1. Direction to staff to schedule an item on a future agenda or direction to staff to conduct research shall require a formal motion and an affirmative vote by a quorum of the commission.
2. Prior to taking action on a motion to give staff direction as described in Section VI.F.1 above, the Planning Commission shall consider input from the Planning Director or designee regarding staff availability and potential workload impacts resulting from the direction.

G. No action shall be taken on any item not appearing on the posted agenda unless an exception applies as described below.

H. The Commission may take action on items of business not appearing on the posted agenda under the following condition:

1. **IMMEDIATE ACTION NEEDED:**
 Upon a determination of a two-thirds vote of the Commission or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action was identified subsequent to the agenda being properly posted pursuant to Paragraph VI.D above.

I. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any Planning Commission proceeding.

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2015-004

**A Resolution Adopting Rules for the Conduct of Public
Hearings Held by the Planning Commission of Mariposa County**

WHEREAS, Title 2 of Mariposa County Code, Chapter 2.52 establishes general provisions for the functioning and authorities of the Mariposa County Planning Commission (Commission); and

WHEREAS, Mariposa County Code, Section 2.52.120 "Adoption of rules" states, "The Commission shall adopt rules for the transaction of its business and shall keep a public record its resolutions, transactions, findings and determinations"; and

WHEREAS, Mariposa County Code, Section 2.52.180 "Applications—Scope of matters to be heard by Commission" states the range of matters the Commission shall hear and render decisions on; and

WHEREAS, the Commission adopted rules for the conduct of public hearings in January 2008 and amended these rules in February 2009; and

WHEREAS, it is the desire of the Commission to update these rules and adopt them by resolution; and

WHEREAS, the Commission believes these rules of conduct further the Commission's goal and mandate to provide a consistently fair and equitable service to all interested parties; and

WHEREAS, on the 10thday of July, 2015 the Mariposa County Planning Staff presented the Commission with updated rules for the conduct of public hearings for review; and

WHEREAS, the updated rules for the conduct of public hearings as contained herein were developed based on consideration of Mariposa County Code Chapter 17.132, the Board of Supervisors' adopted rules for the conduct of public hearings, and the Planning Commission's previously adopted rules for the conduct of public hearings; and

WHEREAS, the Commission discussed these rules of conduct of public hearings at their regularly scheduled meeting on the 10thday of July, 2015 and considered all public input.

NOW, THEREFORE BE IT RESOLVED THAT, in accordance with the requirements of Mariposa County Code, Section 2.52.120, and in accordance with the authority granted to it by that section, the Planning Commission of the County of Mariposa hereby adopts the rules for the conduct of public hearings of the Planning Commission shown as Exhibit A.

BE IT THEREFORE FINALLY RESOLVED THAT the rules shown in Attachment A shall replace and supersede any and all previously adopted rules for the Planning Commission's conduct of public hearings.

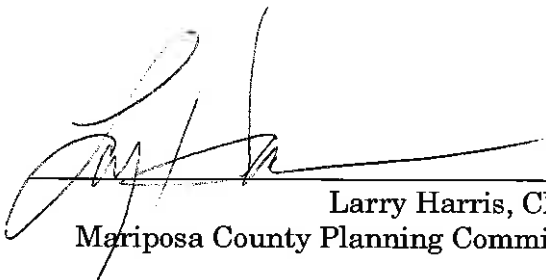
ON MOTION BY Commissioner Bernikoff, seconded by Commissioner Kennec this resolution is duly passed and adopted this 10th day of July, 2015 by the following vote:

AYES: Becker, Bernikoff, Harris, Harter, Kennec

NOES:

EXCUSED:

ABSTAIN:



Larry Harris, Chair
Mariposa County Planning Commission

Attest:



Susan Hunter, Secretary
Mariposa County Planning Commission

EXHIBIT A

Rules for the Conduct of Public Hearings Held by the Planning Commission of Mariposa County

Planning Commission meetings are conducted under the direction of the Chair. All public hearings scheduled for the Planning Commission shall be conducted in accordance with these procedures and rules. The Chair will announce the process for conduct of the hearing. All questions and/or presentations shall be directed to the Planning Commission. Any Commissioner may direct questions to staff and witnesses at any time during the hearing or deliberation process.

The hearing will be conducted as follows:

1. Open Public Hearing

The Chair shall open the public hearing on the specific agenda item and shall announce the title of the hearing item.

2. Staff Presentation

A. Planning staff will present their report on the matter being heard.

The report shall include facts regarding the history of the matter and the authority and basis for the decision to be rendered.

The report may contain a recommended action.

B. The Commission will be provided an opportunity to ask questions of staff about the staff report. Only questions should be asked at this time. There should be no discussion or deliberation regarding the recommendation or conditions, including any discussion on amending the conditions. All commenting agencies, including state agencies, are considered staff.

3. Open Public Portion of Public Hearing

A. The Chair will open up the public portion of the public hearing.

B. Persons presenting testimony to the Planning Commission are not required to sign in or state their name. Other rules for public testimony are established by Section 4 below.

C. The Chair will ask the project applicant and/or agent (appellant, if appeal hearing) to present their testimony. (This step shall be skipped if there is no applicant, agent or appellant). The Commission may ask questions of the applicant and/or agent or appellant about the testimony or the project.

- D. The Chair will ask those in support of the application or project (or appellant) to come to the podium to present any testimony they wish to give in regard to the proposal or appeal. The Commission may ask questions about the testimony.
- E. The Chair will ask those in opposition to the application or project (or appellant) to come to the podium to present any testimony they wish to give in regard to the proposal (or appeal). The Commission may ask questions about the testimony.
- F. The Chair will ask those with general comments to address the Commission. The Commission may ask questions about the testimony.
- G. The Chair will offer the project applicant and/or agent (or appellant) an opportunity for rebuttal of any testimony against the proposal (or appeal) or to clarify information previously presented. (This step shall be skipped if there is no applicant, agent or appellant).
- H. Any documentary evidence submitted to the Planning Commission during the public portion of the public hearing shall also be provided to the Planning Commission Secretary, Planning staff and the applicant and/or agent. Photographs or similar information submitted to the Planning Commission are part of the official record and must be retained by the Planning Commission Secretary.

4. Rules for Public Testimony

All persons presenting testimony to the Planning Commission in a public hearing must observe the following rules:

- A. All testimony shall be presented from the podium. If an individual is unable to speak from the podium, a hand held microphone may be used. Since all meetings are recorded, speakers are requested to speak clearly and use the microphone provided.
- B. All remarks must be addressed to the Chair. Conversations or debate between a speaker at the podium and a member of the audience or staff is not permitted.
- C. Testimony should be kept as brief as possible and speakers are asked to avoid duplicate testimony.
- D. Planning Commission hearings can involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect.
- E. The Planning Commission Chair may call a break or the Planning Commission may continue an item to another date, should there not be appropriate conduct exercised by the public in attendance at a public hearing.

- F. Written testimony may be presented in place of, or together with oral testimony. Written testimony must be submitted prior to the close of the public input portion of the public hearing. Written correspondence does not need to be re-read into the record.

5. Summary and Clarifications by Staff

- A. The Chair will ask staff for a summary wrap-up or a response to issues or questions raised by speakers. Staff may make recommendations on issues raised. All commenting agencies, including state agencies, are considered staff.
- B. Staff may inform the Commission that, based on the evidence presented, additional time for staff research is required or additional information from the applicant, proponent and/or proponents is needed.

If it is known how long it will take to obtain the additional information, the Planning Commission may continue the public hearing to a "date and time certain" and further public noticing of the public hearing need not occur (other than appearing on the agenda of the meeting to which the hearing was continued).

If it is not known how long it will take to obtain the additional information, the public hearing may be closed. Full public hearing noticing will need to occur prior to continued conduct of the hearing in the future.

- C. If new information is provided as determined by the Commission during this wrap-up/question period, the Chair shall provide an opportunity for additional public input on the new information only.

6. Close Public Input Portion of Public Hearing

The Chair will close the public input portion of the public hearing.

7. Planning Commission Deliberation

- A. The Planning Commission will conduct their deliberations on the matter. This is the time during which the Commission may discuss their positions regarding the recommendations and/or any specific conditions without interruption from the public.
- B. No further public testimony may be taken during deliberations without re-opening the public portion of the public hearing to anyone wishing to present additional testimony.

8. Planning Commission Action

- A. The Planning Commission shall take action on the project (or appeal) in the form of a formal resolution. Rules governing voting are established by separate resolution adopting Planning Commission's Rules of Procedure for meetings.
 - B. If the Planning Commission takes action on the project (or appeal) and that action is an appealable action, the Chair shall announce the appeal period to the public.
 - C. If the Planning Commission needs additional information or additional time in order to act on the project (or appeal), or if the draft resolution needs to be revised based on the commission's deliberation, the Planning Commission may continue the public hearing to a "date and time certain" and further noticing of the public hearing need not occur (other than appearing on the agenda of the meeting to which the hearing was continued).
 - D. A Commissioner who has not listened to all of the public testimony on a project (or appeal) may not vote on the project (or appeal). A Commissioner who is excused for one meeting, but present for a meeting at which a continued public hearing is conducted, may only vote on that project (or appeal) if he / she has listened to the recording of the public hearing and reviewed all of the information in the record.
9. Formal rules of evidence or procedure applicable in judicial proceedings shall not apply in any Planning Commission proceeding.

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION**

Resolution
No. 2015-008

**A Resolution Approving Use of Action Minute Format for
Meetings of the Mariposa County Planning Commission**

- WHEREAS, Section 2.52.170, Title 2, Mariposa County Code, requires the Secretary of the of the Planning Commission to keep minutes of each meeting and record each hearing and official action; and
- WHEREAS, Section 2.52.320 of Title 2 "Time and manner of planning commission decision" states, "After hearing the evidence and considering the application, the planning commission shall make its findings and have them entered into the minutes of the commission and shall file them with the planning department"; and
- WHEREAS, currently, meeting minutes are prepared in summary format which provides a narrative of proceedings; evolution of decisions; comments from public and staff; and action by the Planning Commission; and
- WHEREAS, the preparation of summary minutes can be a time consuming task for the secretary who must listen to the audio (often times repeatedly) to accurately capture the discussion; the consumption of time being especially acute for complex issues and projects; and
- WHEREAS, currently, Planning Commission meetings are recorded using three different technologies to insure there is adequate audio of the meeting with the audio available to the public on line; and
- WHEREAS, the Planning Commission has historically been consistent with the Board of Supervisors with respect to meeting procedures; and
- WHEREAS, on June 2, 2015 the Mariposa County Board of Supervisors approved changing their meeting minute format from a summary format to an action format when there is a confirmed audio recording; for those instances where audio does not exist, the Board Clerk's notes will be used to create summary minutes as the record for the meeting; and
- WHEREAS, action minutes include the item description, corrections/edits/amendments, motions, substitute motions, votes, a list of individuals who spoke on the item whether in support or opposition, and any direction from the Planning Commission.
- NOW, THEREFORE BE IT RESOLVED THAT, the Planning Commission hereby amends the minute format from a summary format to the action minute format as the official record of Commission meetings when a confirmed audio recording exists.

Resolution 2015-008 Approving Use of Action Minute format for Planning Commission Meetings

August 21, 2015

Page 2 of 2

BE IT FURTHER RESOLVED THAT, for those instances where audio recordings do not exist, the Secretary's notes shall be used to create summary minutes as the official record of the meeting.

BE IT FINALLY RESOLVED THAT, the use of action minute format shall commence at the next regularly scheduled meeting of the Planning Commission following adoption of this resolution.

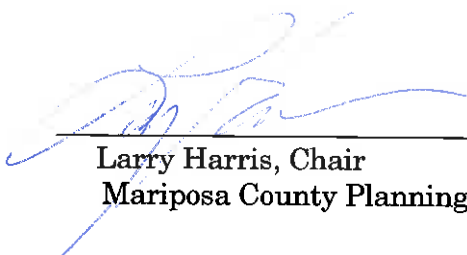
ON MOTION BY Commissioner Becker, seconded by Commissioner Kennec this resolution is duly passed and adopted this 21 day of August 2015 by the following vote:

AYES: Becker, Bernikoff, Harris, Harter, Kennec

NOES:

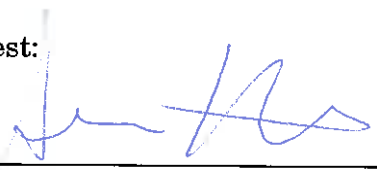
EXCUSED:

ABSTAIN:

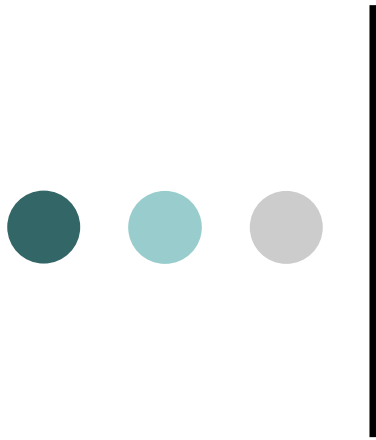


Larry Harris, Chair
Mariposa County Planning Commission

Attest:

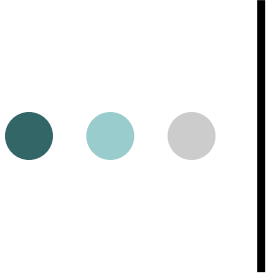


Susan Hunter, Secretary
Mariposa County Planning Commission



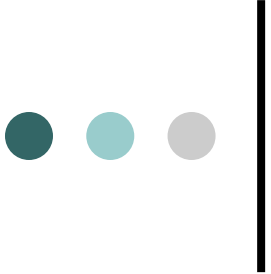
Planning Commission Meeting Procedures for Public Hearings

Presentation 1/22/21



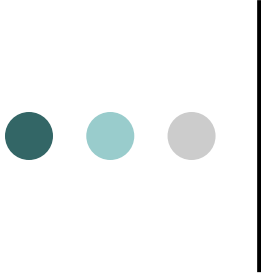
Public Hearings required for:

- Conditional Use Permits
- Use Permit Determinations
- Variances
- Amended Conditions / Amended Map
- Appeal of Planning Director Determination
- Subdivisions (major and minor)
- Time Extensions
- Mining Permits and Reclamation Plans
- Amended Reclamation Plans



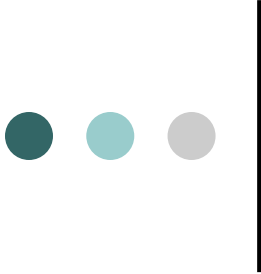
Public Hearings required for:

- General Plan Amendments
- Zoning Ordinance / Map Amendments
- Specific Plans
- Specific Plan Amendments
- CIM Plans
- Williamson Act Applications
- Williamson Act Contract Amendments
- Williamson Act Contract Cancellations



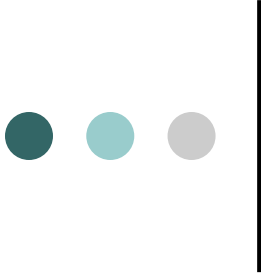
Procedures for Public Hearings

- Governed by Chapter 17.132, County Code
 - Public notification requirements for a public hearing (APO or affected property owner notice, Newspaper notice & Posted notice)
 - Agency notification requirements
 - Required content for notice, timing, area noticed
 - Rules of conduct, including requirement that decisions be rendered by ordinance or resolution, allowance for public hearing to be continued and reference to rules of procedures



Procedures for Public Hearings

- County Code Section 17.132.050
Burden of proof
 - Applicant or petitioner has the burden and shall offer competent evidence in support of their application or petition.

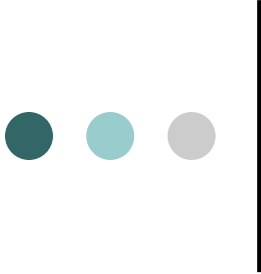


Conduct of Public Hearing / Planning Commission Rules of Procedures

- Meetings and public hearings conducted under direction of the Chair
- Open the public hearing & public hearing project title is announced by the Chair
- Following public hearing item announcement, the hearing conduct occurs in a specified manner

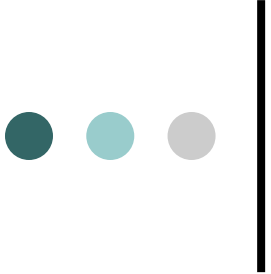
(Before public input portion)

- Planning staff will present their report and recommendations on the matter being heard.
- Commission members will be provided an opportunity to ask questions of staff about the staff report.
- Only questions should be asked at this time.
- **There should be no discussion or deliberation regarding the recommendation or conditions, including any discussion on amending the conditions.**
 - [The decision body should consider ALL testimony, including that presented during the public input portion of the public hearing, before reaching a conclusion.]



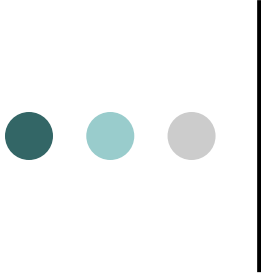
(public input portion open)

- **The Chair will open up the public portion of the public hearing.**



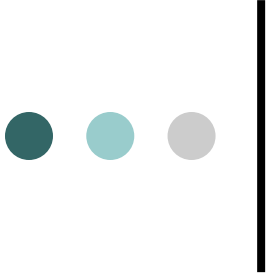
(public input portion open)

- The Chair will ask the project applicant and/or agent to present their testimony.
 - Commissioners may ask questions of the applicant and/or agent about the testimony or the project.
- The Chair will ask those in support of the application to come to the podium to present any testimony they wish to give in regard to the proposal.
 - Commissioners may ask questions about the testimony.



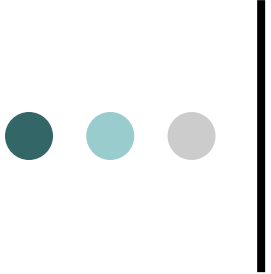
(public input portion open)

- The Chair will ask those in opposition to the application to come to the podium to present any testimony they wish to give in regard to the proposal.
 - Commissioners may ask questions about the testimony.
- The Chair will ask those with general comments to address the Commission.
 - Commissioners may ask questions about the testimony.



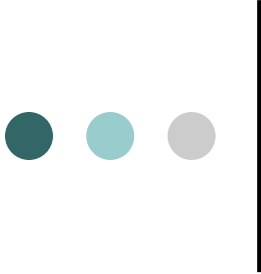
(public input portion open)

- The Chair will offer the project applicant and/or agent an opportunity for rebuttal of any testimony against the proposal or to clarify information previously presented.
 - Questions by Commissioners



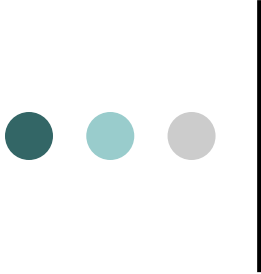
(public input portion closed)

- **The Chair will close the public portion of the public hearing.**
- **There can be no more public input following this, unless the Planning Commission re-opens up the public input portion of the public hearing.**



(public input portion closed)

- The Chair may ask staff for a summary wrap-up or a response to issues or questions raised by speakers.
 - Staff may or may not have a wrap up presentation (depending on testimony and issues)
 - Staff may or may not make a recommendations on issues raised.

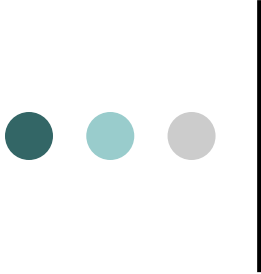


(public input portion closed)

- Any new information raised AFTER public input portion closed
 - Public input portion of hearing should be RE-OPENED to give members of the public opportunity to address the NEW INFORMATION (only)

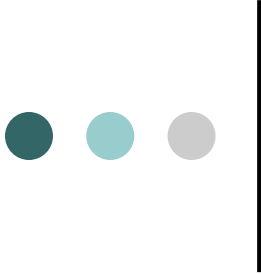
(public input portion closed)

- The Planning Commission will conduct their DELIBERATIONS on the matter.
- This is the time during which the Commission may discuss their individual positions regarding the staff recommendations, the CEQA determination, the required findings, and/or any specific conditions.
- No interruption from the public are allowed during deliberations.
- No further public testimony is taken during deliberations without re-opening the public portion of the public hearing to anyone wishing to present additional testimony.



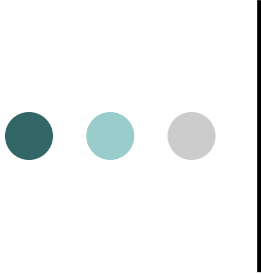
(public input portion closed)

- Following deliberations, the Planning Commission may take ACTION on the project in the form of a formal resolution with FINDINGS.
- Required findings for a project are legal requirements – established by code –
- All required findings have to be made in order to support a project action.
- Findings “bridge the analytical gap” between the project, the ordinance requirements, the issues and the decision.



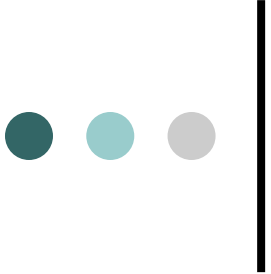
(public input portion closed)

- Three aye votes are necessary for approval of a motion.
- A tie vote results in failure of the motion.
- The chair cannot make a motion unless he/she “passes the gavel” to the vice chair. The chair does not resume chair responsibilities until after the vote is taken on the motion.



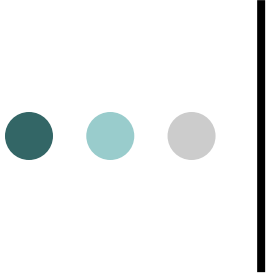
Note 1

- If the Planning Commission needs additional information or additional time in order to act on the project or review an environmental issue or make a finding, the Planning Commission may CONTINUE the public hearing to a “date and time certain”.
- Further noticing of the public hearing need not occur if public hearing is “continued” (other than to show up on the agenda of the meeting to which the hearing was continued).



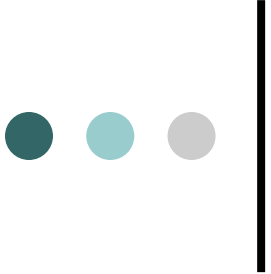
Note 2

- A Commissioner who has not reviewed or listened to all of the public testimony on a project may not vote on a project.
- A Commissioner who is excused for one meeting, but present for a meeting at which a continued public hearing is conducted, may only vote on that project if he has listened to the audio recording of the public hearing from which he was excused.
- The Commissioner should announce that he/she has listened to the audio recording of the meeting which he/she missed.



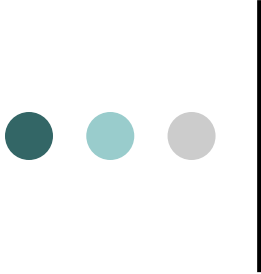
Note 3

- Order of business shall follow the order of the agenda; deviations from the agenda may be allowed by 3 votes of the commission.



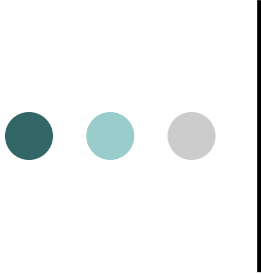
Note 4

- A quorum (3 Planning Commissioners) is required in order to conduct a meeting.
- No matter how many commissioners are present at a meeting, a quorum (3 Planning Commissioners) is required in order to take action (all 3 must take positive action on a motion).



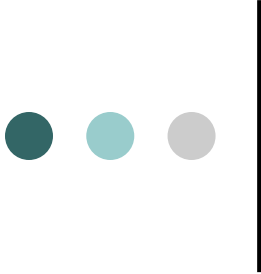
Rules for Presenting Testimony

- Persons who wish to present testimony to the Planning Commission in a public hearing are requested to observe procedural rules:



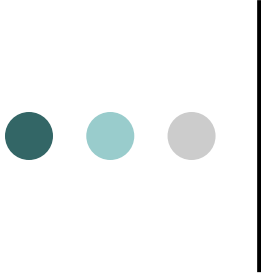
Testimony

- All testimony must be presented from the podium.
- Identification of the speaker is not required, although it is encouraged for the record.
- Since all meetings are recorded, speakers are requested to speak clearly and to use the microphone provided.



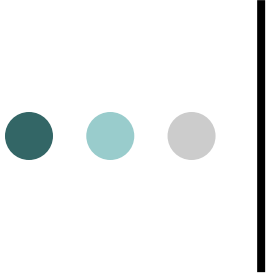
Testimony

- All remarks must be addressed to the Chair and Commission (not the audience or staff).
- Conversations or debate between a speaker at the podium and a Planning Commissioners is not appropriate.
- Planning Commission can ask questions for a better understanding of the input.
- The Planning Commission is not obligated to answer to testimony given at a public hearing – they must only listen to the testimony.



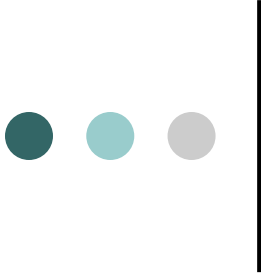
Testimony

- Conversations or debate between a speaker at the podium and a member of the audience or staff is not permitted.
- If a speaker asks staff a question, staff will not answer unless directed to do so by the chair.
- Generally, speaker's questions are all answered by staff following the public input portion of the public hearing.



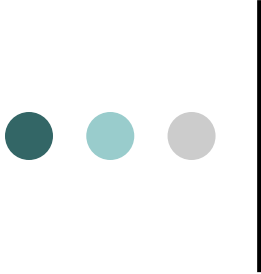
Testimony

- All remarks are to be kept as brief as possible.
- Testimony must be related to the project.
- Testimony should be focused on the most important facts, issues, findings, conditions and the environmental determination to be presented for consideration by the Planning Commission.
- The public may be asked to avoid duplicate testimony.
- The Chair may establish a time limit for public testimony.



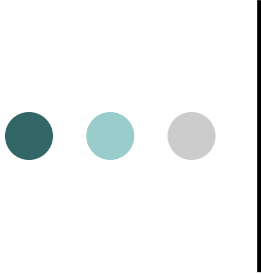
Testimony

- Planning Commission public hearings can involve highly emotional issues, so it is important that all participants conduct themselves with courtesy, dignity and respect.
- The Planning Commission Chair may call a break, or the Planning Commission may even continue an item to another date, should there not be appropriate conduct exercised by the public in attendance at the public hearing.
- Cheering, clapping, booing, jeering, or asking for a vote by those in attendance is not appropriate conduct.



Testimony

- Whenever possible, staff encourages written testimony be presented as well as oral testimony.
- Written testimony should be submitted for Planning Commission consideration in advance of the actual hearing date (so Commission has adequate time to consider testimony).
- If lengthy written testimony is presented the day of the hearing, Planning Commission may take a break for time to read the testimony.
- Photographs which are presented to the Planning Commission during public testimony are part of the official public record and must be retained by the Commission Secretary.



In conclusion

- These are YOUR procedural rules.
- Amend any of these procedures at your direction (not formally adopted by resolution).
- Taken from the September 2015 version of the rules.
- Keep a copy of the rules, for your reference.

ADDITIONAL INFORMATIONAL ITEM
PROVIDED TO THE PLANNING
COMMISSIONERS FROM THE PLANNING
DIRECTOR AT THE MEETING

The Planning Commission at Work

Top 10 Mistakes to Avoid When Holding Public Hearings or Meetings

by Jim Segedy, FAICP, and Lisa Hollingsworth-Segedy, AICP

May 14th, 2013

Read the start of this article below; to view full article you need to be a PlannersWeb member. Already a member? — be sure you're logged-in. Not a member? Consider [joining the PlannersWeb](#).

In a recent PlannersWeb survey of readers, this topic was one that many of you requested. So with our apologies to David Letterman, and in the spirit of helping you avoid the holes in the rocky road of being a planning commissioner, we present the Top Ten Mistakes to Avoid When Holding Public Hearings or Meetings.

For many of our suggestions, please speak with your municipal attorney — obviously laws vary from state to state. Also, take a look at the sidebar to your left for related articles from the planning commissioners Journal.



10. Knowing the difference between a public hearing and a public meeting. These

are two different kinds of gatherings for very different purposes. A public meeting is generally defined as a meeting in which business is conducted by a public body. This may or may not include participation by the public. A public hearing is a special type of public meeting for the purpose of the governing body accepting public comment and testimony on local legislation. In a number of communities, the elected body holds public hearings and the planning commission holds public meetings, though this will be governed by state statute. The standards for public hearings and public meetings should be contained within your planning commission by-laws and in your zoning ordinance.

9. Improper notice. Most if not all states have an open meetings law to ensure that all business of the local government is transparent and adequate notice is given so the public can attend meetings where business is discussed. These transparency standards generally apply to ALL levels of local government, including the planning commission and other local advisory bodies.

We have heard planning commissioners from various locations say, “we don’t have to advertise meetings if we’re not going to be voting on anything.” Most states’ statutes for open meetings apply to all meetings held by all public bodies. Therefore to avoid having your actions challenged on the basis of an Open Meetings Act violation, you should give adequate notice of all planning commission meetings, even for site visits to review subject properties for rezoning requests.

8. Engaging in ex parte communication. Someone who knows you’re a planning commissioner sees you in the checkout line at the grocery store, or at church, or at the PTO meeting, and wants to talk to you about a pending rezoning or a development permit under consideration. Though it may seem harmless, this is an important mistake to avoid.



illustration by Marc Hughes; copyright PlannersWeb.com

Ex parte communication is a violation of open meeting laws because you are giving one person unfair advantage by discussing a business matter outside of a public meeting where everyone present would otherwise have access to the same information. When you are approached for ex parte communication, politely explain that this is official government business and you simply cannot discuss it outside of a properly advertised meeting. Then invite the person to attend the next meeting of the planning commission.

7. Actual or apparent conflict of interest. If you or a member of your family stands to gain from a case before the planning commission, you should disclose this to the planning commission in the public meeting when the case is introduced. What happens after that depends on

the conflict of interest standards specified in your by-laws. You may or may not be required to abstain from voting, and you may even need to remove yourself from the room during discussion of the case. If there is a conflict of interest, do not discuss the case with other members of the planning commission. Be familiar with the standards in your by-laws, and follow them. If you're not sure how they apply in a specific instance, seek the advice of your local government's legal counsel.

6. Showing up unprepared. A plumber who comes to your house to repair your faucet without his tool bag won't be able to do his job effectively. As a planning commissioner, you also have a tool bag: your community's comprehensive or master plan, zoning ordinance, subdivision regulations, existing and future land use maps, and zoning map.



Your chief elected official, government manager or planning staff should provide these documents to you at the beginning of your term as a planning commissioner, and you should have them for every meeting you attend. They are your basic reference materials for every decision you consider. Likewise, you should be thoroughly familiar with the written site plan review and/or staff report for each case you are to hear, and you should always visit each subject property to visually verify the information in the report and to

observe conditions at the site and surrounding properties. You may also need to review engineering reports, traffic data, and other information to be fully prepared to make an informed decision.

End of excerpt ... article continues with:

5. Being afraid to disagree.
4. Accepting and/or acting on an incomplete application.
3. Dancing naked.
2. Making up your mind beforehand.
1. Getting political.

... to read the rest of the article you need to be a PlannersWeb.com member. If you're already a member, be sure you're logged in (use the box in the upper right-hand corner of the page).



Jim Segedy, FAICP, worked for many years in Ball State University's Community Based Planning program, providing assistance to more than one hundred communities and many plan commissions (as planning commissions are called in Indiana). He is currently a member of the Edgewood (Pennsylvania) Planning Commission and previously served on the Delaware County (Indiana) Plan Commission.



Lisa Hollingsworth-Segedy, AICP, is the Associate Director for River Restoration for American Rivers' Pittsburgh field office. Before moving to Pennsylvania, she spent over a decade as a circuit-riding planner for a regional planning organization serving the western fringe of Metropolitan Atlanta.

You must be [logged in](#) or a [PlannersWeb member](#) to read the rest of the article.

Tags: [Being Effective](#), [Citizens](#), [Making Meetings Work](#), [The Segedys](#)

Printed From: <http://plannersweb.com/2013/05/top-10-mistakes-meetings/>

Special Feature

Holding Effective Public Meetings

October 16th, 2014

Summary:

Survey results on a key planning commission responsibility: holding public meetings and hearings.

Over the past 24 years, the primary focus of the Planning Commissioners Journal and PlannersWeb.com has been on assisting planning commissioners in being as effective as possible in their role — including the key role of holding public meetings and hearings. We daresay that's a core function of just about every planning commission across the country.

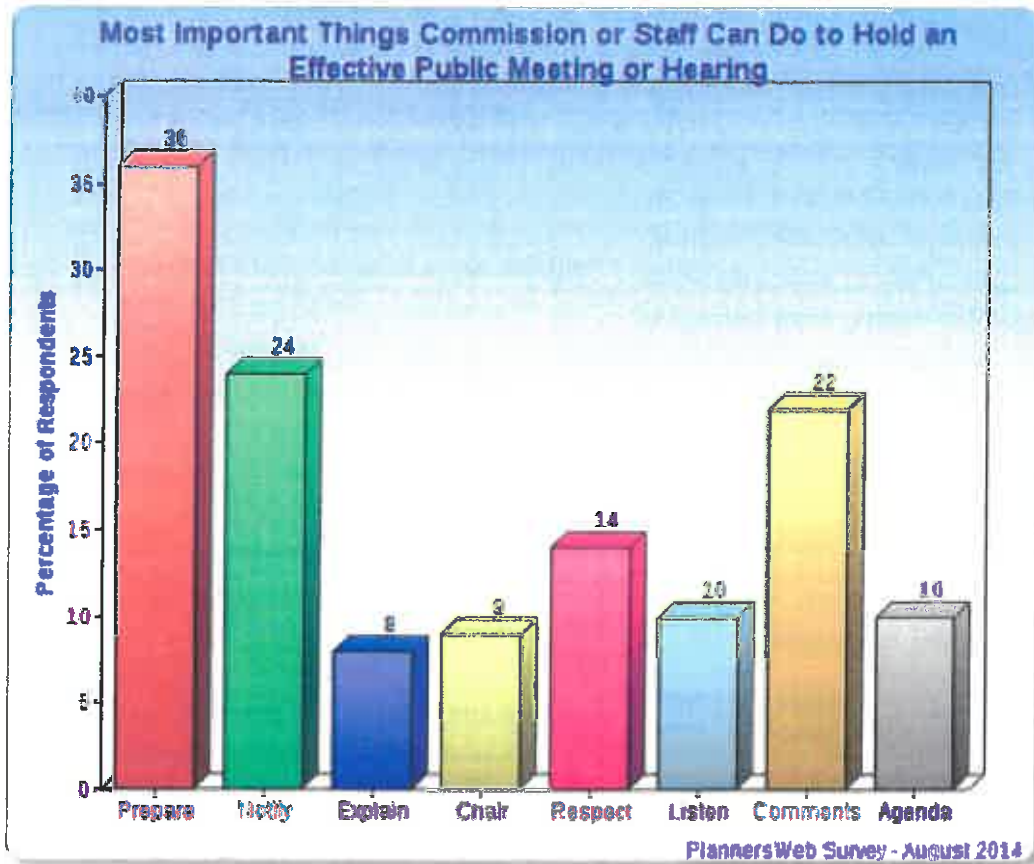
We've published dozens of article on holding meetings and meeting management. So — to say the least — we were curious about what we'd hear back in response to the following open-ended question:

Based on your experience, what are the most important things a planning commission and/or planning staff can do in order to hold an effective public meeting or hearing? You can provide up to 3 responses.

We received 950 comments from 379 individuals in response to this question. The three largest groupings of comments related to being well-prepared for the meeting; providing effective public notice; and running a meeting in a respectful manner, where members of the public were listened to and had adequate opportunity providing their comments.

1. Getting Prepared. The importance of what happens before the meeting was clearly on our respondents mind in responding to our question about what's necessary in order to hold an effective public meeting or hearing. A total of 136 individuals (36 percent of those who replied to the question) commented on the importance of commissioners being prepared for the meeting.

A large number of those responding noted the importance of good public notice as a key element to holding an effective public meeting.



Totals come to more than 100% since respondents could provide up to three comments. From left to right, columns show percentage of comments relating to: Being Prepared; Notifying the Public; Explaining the Process; Role of the Chairperson; Showing Respect; Listening to the Public; Public Comments; and Keeping to the Agenda.

We also received other groupings of comments — which we'll mention near the end of the post — about the importance of: following ordinance criteria; meeting time and location; planning commissioner education and training; and following rules of order during meetings.

Editor's Note: If you haven't yet read them, I would highly recommend you take a look at the late Fred Riggins' insightful suggestions for how planning commissioners (and others) should conduct themselves at public hearings. See ["The Riggins Rules: Suggested Do's & Don'ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions, & Other Bodies."](#)

Details on What We Heard:

Before the Meeting:

I. Getting Prepared

Our question asked planners and planning commissioners to identify up to three keys to holding effective public meetings. A very large number of individuals (136 of the 379 responding) mentioned things which related closely to getting prepared for the meeting.

Reviewing Meeting Packets & Agendas

The most common refrain — mentioned by 72 individuals in their comments — was the importance of planning commissioners spending the time to read through the information on all the agenda items before the meeting. As a plan commissioner from Indiana wrote: “Know the agenda items prior to coming to the meeting and view properties being discussed so you know what you are dealing with. BE PREPARED.”

A number of comments were short and to the point, like “prepare before the meeting” and “come to meetings well-prepared. A bit more bluntly, a Nebraska planning commissioner noted that it “would help if members actually read the meeting agenda prior to sitting down at meeting.”

Many comments were straightforward, like “read the packet ahead of the meeting” and “review staff reports prior the meeting.” Several individuals stressed the importance of getting meeting packets to board members in advance.

Read the packet ahead of the meeting.

A Vermont respondent who has served as a planner and a planning commissioner wrote that staff should “provide background materials, including context, on items to be discussed.” Several focused on the need to develop “a concise agenda” or “a workable agenda.”

Asking Staff Questions

Half a dozen individuals highlighted the help staff can provide to commissioners before meetings.

Contact staff with clarifying questions prior to the meeting.

A planner from Alaska suggested that commissioners “contact staff with clarifying questions prior to the meeting.”

Similarly a planner from New Mexico noted that “Commissioners need to review the materials before hand, and ask staff for clarification or additional materials well in advance of the hearing.”

Site Visits

In terms of meeting preparation, nine comments noted the value for planning commissioners to do site visits in advance of the meeting. Two examples of these comments: a Texas planning commissioner said, “Visit the sites to have basic knowledge of the surrounding neighborhoods,” while a Virginia planner noted, “Create opportunities for planning commissioners to visit site with staff.”

Editor’s note: While site visits are a quite important part of meeting preparation, they can also lead to complaints from members of the public about ex-parte contacts between commissioners and property owners. We’ve run two articles that touch on this issue: Greg Dale’s “Site Visits: Necessary, But Tricky,” and part two of Alan Weinstein’s “Avoiding Open Meeting Law Violations.”

2. Notifying the Public

A large number of those responding (92 individuals) mentioned the importance of good public notice as a key element to holding an effective public meeting.

Many of these comments were brief, like: “get the word out,” “give public better notice of meetings,” and “publicize meeting purpose.” A few commented on the benefit of having good posted notice signs.

One respondent from Alaska offered an interesting perspective on why public outreach is important: “Public outreach is crucial in having people come out of the woodwork to address a planning issue so that a commission can balance out both sides of an argument.”

In the previous section we cited comments about the importance of providing planning commissioners with the agenda and meeting packets in advance. An Idaho planner pointed out that it’s not just planning commissioners who should be receiving this kind of information: “Provide as much material as possible prior to the meeting so the public has time to review and make meaningful comments.”

Several recommended making documents available not just at the hearing, but online. Others mentioned the value of using the web and social media: “Notify the public in as many ways as possible, including social media sites,” said a planning commissioner from Virginia.

A Minnesota planner suggested providing information on posted notices about projects by “using QR codes ¹ to link to project information.”

Provide factual information in advance to quell rumors. As a planner from Idaho wrote, notifying the public means providing “as much material as possible prior to the meeting so the public has time to review and make meaningful comments.” Another benefit noted by a Texas planner: “Provide factual information in advance to quell rumors.”

Several comments also focused on more long-term strategies for getting people engaged. A Missouri planner commented on the need to “develop a public engagement plan,” while a planning board member from Massachusetts wrote, “Create capacity for typically underrepresented groups to participate more effectively.”

During the Meeting:

Show Up ... and ... Be on Time.

A West Virginia planning commissioner summed up in two words what’s perhaps the most important piece of advice for a planning commissioner: “Show Up.” And when you show up, said a Michigan planning commissioner, “be on time.”



And don’t forget, as a planning commissioner from Pennsylvania observed, the importance of “Starting promptly and moving along without games.”

3. Explaining the Process

One issue we’ve highlighted in the Planning Commissioners Journal over the years is the significance of the very start of the meeting in explaining the meeting rules and process, and in creating a welcoming

atmosphere for members of the public. In fact, 32 individuals mentioned the importance of providing these explanations at the beginning of a meeting.

A planning commissioner from Washington State noted, “be welcoming and appreciative” — while also suggesting the value of “offering refreshments.”

Provide clear instructions of how to participate and what to expect since for many it is the first interaction with local government.

“Provide clear instructions of how to participate and what to expect since for many it is the first interaction with local government,” wrote a planner from New York. A planner from Virginia put it this way, “Provide enough information as part of the intro to the public hearing that the item is clear to the public what is being discussed.”

An additional five comments noted the importance of having adequate copies of agenda, handouts, and other materials.



As another Virginia planner noted, “Anticipate the crowd and have adequate agendas and information packets,” while a planning board member from Massachusetts wrote, “Distribute written materials to all attending.”

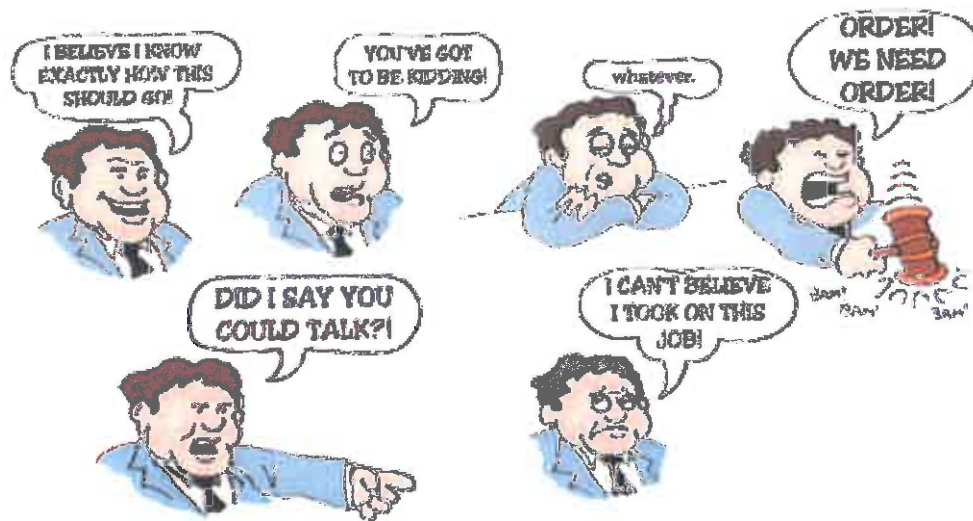
4. Role of the Chairperson

Comments from 34 individuals specifically mentioned the key role the chair of the planning commission plays. One common refrain: “recruit a very skillful chairperson!,” “select/elect a capable chair.”

Strong chair leadership to curb digressions.

Commenters often stressed the chair’s role in controlling the meeting, and keeping to the agenda. As a Minnesota

planner said, “Effective chairman to keep the meeting on track,” while a planner from Colorado wrote, “Strong chair leadership to curb digressions.”



The Not-So-Effective Commission Chair!

Note, we have a separate section below “Keep to the Agenda” — many comments on the need to keep to the agenda did not explicitly mention the chair’s role in this, and were not included in the number of responses mentioned in the previous paragraph, though it’s usually the chair who has primary responsibility for keeping the meeting on track.

Editor’s Note: For more on the role of the Chair, see Elaine Cogan’s Leading the Commission, and Carol Whitlock’s Chairing the Planning Commission.

5. Respect & Decorum

Some 37 of those responding mentioned the importance of showing respect — and good manners — to those attending the commission meetings. In fact the word “respect” or “respectful” showed up in 21 responses. Other responses used similar words, like “civil,” “fair,” and “courteous.”

“Be courteous to the public,” noted a Louisiana planning commissioner/planner, and “be kind and civil to all testifiers,” said a planner from Hawaii. A planning commissioner from Alaska wrote, “Treat people with respect when they testify, do not grill them.”

A Kansas planning commissioner highlighted the importance of “making sure citizens feel as welcome as applicants,” while a planning board member from South

Maintain a fair, open, and respectful forum.

Dakota wrote, “Maintain a fair, open, and respectful forum.”

We also included under “Respect & Decorum” seven comments which mentioned the importance of being “transparent” as part and parcel of showing respect.

Another way of showing respect is by keeping order and decorum in the meeting room. We received comments from 17 survey respondents that related to this. As a planner from Washington State said, “Create a non-threatening atmosphere that encourages public comments.”

Don’t allow for intimidation of any kind at the meetings. Similarly, a California planner noted, “Don’t allow for intimidation of any kind at the meetings,” while a planning commissioner from Montana observed, “Don’t let bullies dominate or drown out anyone.”

A specific suggestion from a Virginia planner on decorum, “Do not allow crowd to clap or boo on controversial topics.”



6. Listening & Keeping an Open Mind

Listening to the public was mentioned by 39 individuals one of the three most important things to do in order to hold an effective public meeting or hearing.

Many replies were short, like: “Listen carefully to those

Remember that you represent the community and not your own personal views.

testifying;” “Listen more than speak;” “Be patient and listen to the public;” “Listen, don’t argue;” and “Genuinely listen to what is being said.”

An elected official from Washington State seemed to best sum up what we heard in three words: “Listen, Listen, Listen.”

Implicit in the act of listening, and specifically mentioned by nine other individuals, is the importance of keeping an open mind. As an Indiana plan commissioner put it: “Stay calm and keep an open mind. Remember that you represent the community and not your own personal views.”

7. Receiving Public Comments

Eighty-four individuals indicated that receiving public comments was one of the most important things to running an effective meeting.

A majority of those commenting highlighted the need to provide for adequate time for public comment (for example: “offer ample time for public comment,” “give public opportunity to weigh in,” and “give everyone a chance to speak”), while a few respondents focused more on the need to limit the time for public comments.

Make sure everyone has an opportunity to express their opinion, but ensure that the same points aren’t being repeated over and over.

One point that several stressed was the need to balance the opportunity to speak with keeping the meeting on schedule.

A Pennsylvania planning commissioner commented, “Make sure everyone has an opportunity to express their opinion, but ensure that the same points aren’t being repeated over and over,” while a planner from Texas wrote, “allow pertinent public comment, but do not allow the public to veer off the agenda.” A Washington planner advised “giving everyone a chance to speak before allowing those who already had a speaking opportunity” to talk again.

How much time should be allowed for public comments? That’s something several commented on in their replies. Five individuals specifically recommended sticking to a three minute limit, four others more generally noted the need to “limit time for public speaking.” But others had a different view. An Illinois planning commissioner wrote, “Don’t set time limits for comments,” while a planning board member from Massachusetts cautioned to “Avoid hurrying a meeting to ‘get out of there.’”

There was also this suggestion from an Ohio planner (echoed by several others): “Collect all public comments and questions before responding to any of them.”

8. Keeping to the Agenda / Staying on Topic

In the preceding section we noted a comment about not allowing the meeting to veer off the agenda. In fact, 38 individuals specifically mentioned the importance of keeping to the agenda and staying on topic.

Most of these comments were brief, like: “Stay on agenda and on time,” and “Have an agenda and stick to it.”

As a planning commissioner from Washington State put it, “Keep the meeting on topic — reduce chit chat — not a social event.”

We also received this advice from a California planner: “Manage the agenda so that non-controversial projects can get out quickly and time can be spent on the most challenging items.”

Other Suggestions:

Pre-Hearing Meetings

We received a half dozen comments that mentioned the value of meetings in advance of formal public hearings. An Oregon planner said, “Require pre-application neighborhood meeting by applicant to be held, while a planner from New York noted “Encourage developers to meet with public before a formal public hearing.” A Virginia planning commissioner suggested that commissions hold “work sessions” prior to a public hearing.

Meeting Time & Meeting Room

Four individuals commented on the importance of having meeting times convenient for the public, while two people suggested evening instead of day time meetings.

We also heard from several people about the importance of the meeting room location and how it’s set up for a meeting — considerations sometimes not given enough attention.

Among the suggestions: “Have adequate sound systems and/or room acoustics;” “Microphones so all can hear!” and “Display maps/graphics prominently.”

One other comment worth thinking about, in this case from a Vermonter: “Change format of room so it’s not like a panel of judges ... typical hearing discourages attendance and speaking up.”

Change format of room so it’s not like a panel of judges.

Training & Education

Twenty individuals commented on the importance of planning commissioner training and education. We didn't include these comments when we spoke earlier about meeting preparation since these comments focused on a longer-term approach, not preparation for a specific meeting (which the earlier mentioned comments related to).

A Kansas planner, for example, noted the importance of "providing training to the Planning Commission Chair on effective meeting running," while a planner from Mississippi recommended "orientation for new planning commission members."

Several comments also mentioned the value for planning commissioners to be familiar with the local ordinance or land development code requirements.

Following Ordinance Criteria in Decisionmaking

Several individuals also reported that one important aspect of holding an effective meeting involves sticking to your ordinance's or code's criteria.

"Make decisions based on the duly-adopted ordinances of the community," said a planner from Maine. Similarly an Oregon planner wrote that, "Commission members must put their own values aside and apply the facts to the criteria and render a decision."

Just because you don't like it, isn't a reason to deny a project. A Montana planner put it this way: "Just because you don't like it, isn't a reason to deny a project," while a planner from Hawaii said: "Clarify and re-clarify the purpose of the hearing and basis for decision-making."

Rules of Order

We received six comments noting the importance of following rules of order. As a local official from Colorado wrote, "Observe Robert's Rules of order; speak in order instead of a back and forth chatter mode."

Interestingly, a Washington planner suggested as important maintaining a "very informal atmosphere even though Robert's Rules are used," while a planner from Texas said, "Set clear and easy to understand rules of order."

Editor's note: We've periodically received emails about the use of rules of order during planning commission meetings or hearings. Some years ago we published two excellent articles by the David Allor (since deceased), a planner who taught at the University of Cincinnati, about modifying Robert's Rules of Orders for easier use by planning commissions. We strongly urge you to download and read Allor's "[The](#)

Commission Will Come to Order,” and also his related article, “Keeping Things in Order: Planning Commission Model By-Laws.”

An Assortment of Suggestions:

Not surprisingly, we received a wide variety of other comments about what’s most important to running an effective meeting. Among them:

- “Avoid reactionary decision making based upon one or two upset citizens.”
 - “Don’t speak in acronyms,” and “don’t assume your audience knows terms.”
 - “Be professional. Take off the ‘friends’ hat.”
 - “Have necessary staff from other departments to respond to technical questions.”
 - “Make sure there is enough information to make a good choice.”
 - “Make timely decisions instead of kicking the bucket down the road.”
 - “Work very hard to avoid group think.”
 - “Provide a range of ways for people to share their ideas.”
-

Our Next Post: Strengthening the Planning Commission – Governing Body Relationship

Notes:

1. What’s a QR code? See this Wikipedia entry. 

Tags: Being Effective, Leadership, Making Meetings Work

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