



# Mariposa County

Mariposa County MINUTES of the Planning Commission

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



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

DISTRICT I  
DISTRICT II  
DISTRICT III  
DISTRICT IV  
DISTRICT V

## PLANNING COMMISSION FINAL ACTION SUMMARY MINUTES FEBRUARY 21, 2025

### A. Call to Order and Roll Call

Chair Baggett called the meeting to order at 9:06 AM.

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

### B. Pledge of Allegiance

Commissioner Herman led the pledge.

### C. Public Comment on Non-Agenda Items

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

There was no public comment received.

### D. Approval of Minutes

#### 1. Planning

Planning Commission - Regular Meeting - January 10, 2025

By motion of Commissioner Smith, seconded by Commissioner McCamman, the Planning Commission approved the minutes of January 10, 2025, as presented. Motion passed.

RESULTS: APPROVED

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

NOES: None.  
ABSTAIN: None.  
EXCUSED: None

## **E. Action Items**

### **1. Selection of Chair and Vice Chair for 2025 Planning Commission**

By Motion of Commissioner Smith, Seconded by Commissioner Gray, the Planning Commission re-appointed Commissioner Baggett as the Chair for 2025. Motion Passed.

RESULTS: APPROVED

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

NOES: None.  
ABSTAIN: None.  
EXCUSED: None

By Motion of Commissioner Gray, Seconded by Commissioner Herman, the Planning Commission re-appointed Commissioner Smith as the Vice Chair for 2025. Motion Passed.

RESULTS: APPROVED

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

NOES: None.  
ABSTAIN: None.  
EXCUSED: None

### **2. Nominate and Appoint a Planning Commissioner to the Agricultural Advisory Committee for 2025**

By Motion of Commissioner McCamman, Seconded by Commissioner Smith, the Planning Commission re-appointed Commissioner Herman to be the representative for the Agricultural Advisory Committee. Motion Passed.

RESULTS: APPROVED

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

NOES: None.  
ABSTAIN: None.  
EXCUSED: None

## **F. Discussion and Action Items**

### **1. Discussion and Preliminary Action on the Draft Development Code Update, Articles 1, 6, 7 and 8**

Planning Director, Steve Engfer, introduced County Staff, Senior Planner, Ben Goger, former Planning Director Sarah Williams, Russ Marks, Public Works, and Michael Gibbons, Project Manager for Mintier Harnish.

Engfer noted that the goal was for the commission to take preliminary action to approve Articles 6, 7, and 8 for formal processing. He then gave the floor to Gibbons, who presented the proposed amendments to the Draft Articles for the Development Code Update. Gibbons provided a brief overview of the context, broke down the overall organization of the code, and described the proposed amendments to each of the articles, and explained the next steps.

Due to technical issues, staff had to interrupt Gibbon's presentation so that Baggett could announced the correct call-in ID# 999 713 026# so anyone listening from the public could provide their public comment.

Gibbons continued with the presentation and noted that they were working on preparing the revised drafts of Title 16 to be included in Article 5, then asked the commission for their input.

The following amendments to Article 1 were recommended:

Baggett asked for clarification using the 20 acres zoned in rural residential areas as an example from the consolidated matrix. He wanted to know if that meant 4 residents were allowed on the 20 acres zoned in rural residential. Williams explained that in 2006 the General Plan was changed to one residence per parcel. Engfer noted that there are codes in place for a secondary residence allowance and explained density is driven by the general plan, and the Accessory Dwelling Unit's (ADUs) allowances would be allowed.

At the end of the discussion, McCamman asked for an asterisk or footnote that stated applicable in every situation in the following.

Baggett recommended removing the entire paragraph on page 34, item I, Permits Issues in Error. Williams suggested replacing the term "shall" with "may" in the paragraph and add language to state "relied on and proceed with the proposed project". The commission concurred with using the term "may" to replace "shall".

Baggett asked for clarification regarding text on page 48, that states "so the director shall consider a public land survey system" and wanted to know what the difference between a public land survey system versus having a License Surveyor and proposed to include language "shall consider the public land survey and any other relevant to Section 17.06.50, Uncertainty of Boundaries, Item C,

Baggett called for recess at 10:11 AM and reconvened at 10:19 AM.

Public Comment received by Ken Melton (resident), disagreed with 17.02.040, Relationship to Prior Codes/Ordinances on page 35, he suggested referring to the code that was originally established instead, as the way this section was written is non-conforming. Then on page 37, section 17.02.090, Violation Constitutes a Public Nuisance, should be reviewed, and on page 47, under notes #3, suggested that adequate housing should be removed, under notes #5 regarding the established by base zone (open watershed overlay) that he could not locate this in the table.

Engfer noted that staff will review and amend the items brought forth by Melton, and Williams noted that direction should be provided to staff to meet with Environmental Health and Mariposa Public Utility District regarding the overlay zone and minimum parcel size.

The following amendments to Article 6 were recommended:

McCamman expressed concerns regarding page 53, Item F2, Changes to a Nonconforming use, and suggested that this paragraph be removed all together because the county needed more housing. After discussion, the recommendation was to keep the first sentence and strike the rest of the paragraph, adding language that stated, Planning Commission has the authority to grant expansions greater than 50%.

Public comment received by Ken Melton (resident), provided recommendations for the following:

- page 51, Section B1, under Intent, that paragraph should be removed, and asked for clarification regarding the intent of certain nonconformities for B3.
- Page 52, 17.90.030, General Continuation and Maintenance, asked for clarification regarding a portion in the last sentence of the first paragraph that states “except as otherwise provided in this Article”.
- Page 53, he disagreed with the commission regarding the 50% expansion and suggested that the previous code should be applied.
- Page 57, 17.796.10, Continuation of Legal Nonconforming Parcels, B – Individual Parcel Legally Created by Deed, asked for clarification for the meaning of “single ownership” and questioned why this term is listed in this section.
- Page 58, C – Minimum Parcel Size Standards, #3, paragraph should be removed completely. The Consensus from the commission was to add language that applied only to new subdivisions or strike the paragraph and include text that is like Article 5 under subdivision.

Williams provided the amendment per Melton’s recommendations to page 57, 17.796.10, Continuation of Legal Nonconforming Parcels, B – Individual Parcel Legally Created by Deed, asked for clarification for the meaning of “single ownership” to state, “The parcel was legally created by recorded deed”.

Williams noted that staff needed to add item G, A Record Certificate of Development, that’s a process that Mariposa County followed to acknowledge a parcel created legally through a gifted ordinance when the county had gift deed ordinance provision.

Due to technical issues Baggett called for recess at 11:12 AM and reconvened at 11:25 AM.

The following amendments to Article 7 were recommended:

McCamman expressed concerns about the integration of what was previously done related to housing and density bonuses that’s being integrated into what they’re amending because on page 66 and page 85 there are references to density bonus for affordable housing, and wanted to confirm that staff understood the commission’s interest in density bonuses often tied to workforce housing, and not to affordable housing.

McCamman made the recommendation for staff to remove “density bonus for affordable housing” to “density bonus for housing” on page 66, item C2, and Page 85, item E2.

Baggett recommended including the language from Yosemite Conservancy for workforce housing and zoning.

Williams shared that the current code uses the term PRD (Planned Residential Development), and staff are working on adding a new process in this code that does not exist and that provided the county with the ability to consider unique mixed-use and proposals developed by an applicant or a developer for specific purposes.

Baggett recommend adding a Time Frame to page 72, 17.102.040, Concurrent Processing. Williams stated that staff could add text about the review authority time frame for processing concurrent applications process.

McCamman noted that on page 84, Item A, Provide for Efficient Use of Land and Excellence of Design, he recommended making the use of this process for identifying conservation lands to be conserved explicit but not a mandatory requirement.

Baggett asked for clarification on page 73, 17.102.070, Filing Fees and Requirements, regarding an invoice not being paid in the 30-day time frame that the application will be automatically closed or shall be considered for closure. Williams noted that “shall” should be changed to “may” to provide some discretion.

McCamman and Smith recommended that the on page 81, item #10, under Conditional Use and Administrative Use Permit, to strike the term “morals and comfort”. Williams suggested replacing health, safety and general welfare, to match the Conditional Use Permit findings that the text currently uses that’s required for an administrative use permit. The commission concurred.

Public comment received by Ken Melton (resident), shared that the Design Review section needed to be more specific.

The following amendments to Article 8 were recommended:

Public Comment received by Ken Meton (resident), regarding the filing appeals fees on page 135, Item #3, and noted that it was his understanding that the Board made it clear that the third party filing the complaint would be responsible for the filing fees and not the property owner. He then noted that on page 139 pertaining to Affected Owners, it needed to be reviewed, and page 141, under Hearing Procedures, Item B, Burden of Proof, the entire section should be removed.

A discussion occurred regarding the Burden of proof and Baggett suggested a language that’s more concrete and to strike the word “competence”.

## **G. Commissioner Reports**

Baggett noted that he will be excused from the March 7<sup>th</sup> and April 18<sup>th</sup> Planning Commission meetings.

## **H. Information Items**

Engfer provided an update regarding the Code Compliance Advisory Committee (CCAC) providing staff directions to draft language for Title 1 that will come back to the commission.

Engfer noted that staff published the initial study for the Happy Goat Project to the Sate Clearing House, and public notices were sent out for the March 21, 2025, Planning Commission meeting as a Conditional Use Project Permit Project.

## **I. Future Agenda Items**

Baggett suggested scheduling a joint meeting with the CCAC again, and with the Agricultural Advisory Committee.

## **J. Adjournment**

There being no further business, the meeting was adjourned at 12:31 PM.

Respectfully submitted,

ART BAGGETT, Chair  
Mariposa County Planning Commission

SOPHEA CRAIGHEAD, Secretary  
Mariposa County Planning Commission

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