DEPARTMENT: PLANNING BY: TONY LASHBROOK PHONE: 966-5151

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes __ No X) Adoption of a resolution denying the appeal and upholding the Planning Director's determination that operation of a sawmill in the Mountain Home Zoning Designation is in violation of Section 17.20.010 of the County Code and a finding that the sawmill operation does not meet the standards of a Rural Home Industry.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Request for extension of abatement period - March 10, 1992.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

1. Approve appeal and allow use based upon a determination that the Rural Home Industry standards have been complied with.

________________________________________________________________________________________

COSTS: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required Add'1 funding $________
D. Source:

SOURCE: ( ) 4/5ths Vote Required
A. Internal Transfers $________
B. Unanticipated revenues $________
C. Reserve for contingency $________
D. Description: ___________________________________________________________

Balance in Reserve for Contingencies, if approved: $________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
1. Memo to the Board
2. Appeal
3. Planning Director's determination
4. Correspondence
5. Letters of complaint
6. Location map

CLERK'S USE ONLY:
Res. No.: 92-309
Ord. No.: __________________________
Vote - Ayes: _______ Noes: _______
Absent: _______ Abstained: _______
( ) Approved ( ) Denied
( ) Minute Order Attached

5/9
The foregoing instrument is a correct copy of the original on file in this office.

DATE: __________________________
ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of CA
By: _____________________________________

ADMINISTRATIVE OFFICER'S RECOMMENDATION

☑ Recommended
☐ Not Recommended
☐ For Policy Determination
☐ Submitted with Comment
☐ Returned for Further Action

Comment: ________________________________________________________________

A.O. Initials: C

Action Form Revised 12/89
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR

FROM: MARGIE WILLIAMS, CLERK OF THE BOARD

RE: BISSMEYER APPEAL

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on May 19, 1992

ACTION AND VOTE:

Tony Lashbrook, Planning Director;
Continued PUBLIC HEARING to Consider an Appeal of the
Planning Director's Determination Regarding a Zoning
Violation for the Operation of a Sawmill at 4180
Sebastopol Road; Bissmeyer, Appellant

BOARD ACTION: Tim Evans/Senior Planner, presented
staff report and introduced letter received from Howard
Dudley into the record. Tony responded to questions.
Public input in support of the appeal was received from: Stanley Bissmeyer/applicant-appellant, Bob
Bissmeyer, Steve Striplin, Paul Curtis, Rick Auswald,
Ken Bissmeyer, and Mike Buchan. Public input opposing
appeal was received from: Don Mills, Rose Marie
Elsqood, and Wanda Wackerman. (M) Erickson,
(S) Baggett, to support appeal failed by the following
vote - Ayes: Baggett, Erickson; Noes: Punte, Taber;
Abstained: Radanovich. Board recessed at 5:07 p.m.
and reconvened at 5:10 p.m. (M) Radanovich, (S) Baggett,
vote on the previous motion was rescinded/Ayes:
Baggett, Punte, Erickson, Radanovich; Noes: Taber.
Hearing was continued to June 9, 1992, at 3:00 p.m.

cc: File
May 13, 1992

MEMORANDUM

TO: Board of Supervisors

FROM: Tim Evans, Senior Planner

SUBJECT: Bissmeyer Zoning Violation, 4180 Sebastopol Road; Appeal of Planning Director's Decision Regarding Violation

STAFF RECOMMENDATION: Adoption of a resolution denying the appeal and upholding the Planning Director's determination that operation of this Sawmill in the Mountain Home Zoning designation is in violation of Section 17.20.010 of the County Code and a finding that the sawmill operation does not meet the standards of a Rural Home Industry.

Background/Chronology

January 2, 1992 - Complaint received by the Building Department and the Planning Office from an affected property owner regarding operation of a sawmill at 4180 Sebastopol Road.

January 3, 1992 - Site visit made to the property in question. Based upon the site visit, it was staffs determination that a sawmill operation was established and in operation in violation of Section 17.20.010 of the County Code.

January 6, 1992 - Zoning violation letter sent to the property owner to cease violation within thirty (30) days. The letter identifies the potential remedy of submitting for review an application for a Rural Home Industry.

January 27, 1992 - Operator of the sawmill submitted an application for a Rural Home Industry.

January 30, 1992 - A letter was sent from the Planning Department to the applicant outlining the conditions that must be met for approval of a Rural Home Industry.
February 14, 1992 - Letter sent to the applicant informing him of continued zoning violation and non-compliance with the standards for the operation of a Rural Home Industry and to cease operation within thirty (30) days.

February 26, 1992 - Applicant submitted a written request for additional time to meet the standards for a Rural Home Industry.

March 10, 1992 - The applicant appeared before the Board of Supervisors to request an extension to the abatement period for the zoning violation. No action was taken by the Board.

Subsequent to the March 10, 1992, Board meeting, the applicant met with the Planning Director to discuss how the standards of the Rural Home Industry could be met. As a first step in meeting these standards, the applicant constructed a wooden fence in an effort to screen the outside storage associated with the milling operation, from adjacent properties.

April 15, 1992 - A signed letter from seven (7) affected property owners, complaining about dust, noise and truck traffic was received by the Planning Department.

April 16, 1992 - A letter was sent from the Planning Department to the applicant stating that written complaints regarding noise, dust and truck traffic had been received by the Planning Department and the Board of Supervisors and that the Planning Department determined that the use was not in compliance with the Rural Home Industry Standards due to visible outside storage areas and objectionable levels of noise, dust and truck traffic being generated by the use. The applicant was instructed to cease operation of the milling operation within thirty (30) days or formal violation proceedings would be initiated against him. The applicant was also informed of his appeal rights.

April 23, 1992 - The applicant filed a letter, appealing staffs determination to the Clerk of the Board.
ISSUES

It is staffs determination that the applicant is now and continues to be in violation of Section 17.20.010 of the County Code which does not specify this type of land use as being an permitted use or conditional use in the Mountain Home Zone and is therefore prohibited within this zoning designation. The applicant attempted to rectify the violation by complying with Section 17.108.070 and 17.108.080 of the County Code which set forth the standards for the operation of a Rural Home Industry.

Section 17.108.080 sets forth the criteria to be considered in approving a Rural Home Industry and states the following:

"Excludes any use the normal operation of which causes objectionable noise, odor, dust, or smoke to be emitted, radiated or carried beyond the boundaries of the property on which the operation is located".

Additionally, Section 17.108.080 B, prohibits outside storage which is visible from exterior property lines, streets, roads or other public rights of way fronting the site.

Staffs decision that the sawmill does not comply with the Rural Home Industry Standards and therefore is operating in violation of the Zoning Code is based upon the following:

1. Site inspections which revealed that areas of outside storage of materials and equipment are still visible from the road fronting the project site and property boundaries even after installation of the fence.

2. Receipt and consideration of a series of complaints mostly in writing submitted by 75% of the property owners/residents within a 600 foot radius of the sawmill. The complaints raise objections based upon noise, dust, truck traffic, fire hazard and deterioration of Sebastopol Road. Copies of the written complaints that were addressed to the Board are attached for the Boards information. The remainder of the complaints were addressed to the Planning Department and are confidential in accordance with established office policy.
From: Stanley Bissmeyer  
P.O.Box 710  
4180 sebastopol Rd.  
Mariposa  

To: Clerk of the Mariposa County Board of Supervisors  

RE: Request for appeal hearing.  

I, Stanley Bissmeyer, hereby requesting a formal hearing before the Board of Supervisors to appeal a decision by the Mariposa County Planning Dept. Specifically the Planning Dept. has issued an order to cease sawmill operations at 4180 Sebastopol Rd. This decision was based on complaints of "heavy truck traffic and the associated noise and dust".  

I believe I have grounds for an appeal of this decision based on the fact that NO legal criteria has been established for what is a allowable impact, or adverse impact for ANY Rural Home Industry in Mariposa County. Further, neighbor complaint is not a LEGAL basis for specific County Policy decisions from which legal proceedings against a citizen will ensue.  

Your attention to this matter will be sincerely appreciated.  

Sincerely,

Stanley Bissmeyer
April 16, 1992

Stan Bissmeyer  Robert Bissmeyer
P.O. Box 710  4180 Sebastopol Road
Mariposa, CA 95338  Mariposa, CA 95338

RE: Bootjack Custom Milling, 4180 Sebastopol Road
APN: 14-250-21; Zoning Violation

Dear Mr. Bissmeyer,

This office has again received written complaints regarding your milling operation at 4180 Sebastopol Road. Specifically, heavy truck traffic, and the noise and dust associated with the milling operation. Although an effort on your part was made to screen the property from adjacent property owners, the issues described above are still apparent and ones for which no solution can be expected. Therefore, approval of your Rural Home Industry cannot be expected and you remain in violation of Section 17.20.010 of the County Code. You are hereby given notice to cease operation of the sawmill and remove from the site all equipment and material related to the milling operation within thirty (30) days. Failure to do so will initiate formal violation proceedings against you.

Staff appreciates the efforts you have put into trying to resolve the complaints received against you. However, the complaints received by this office regarding your milling operation are overwhelming and the county must act responsibly by taking conclusive action against you in resolving this matter. This determination may be appealed to the Planning Commission or the Board of Supervisors. An appeal procedures guideline is enclosed for your convenience.

If you have any questions regarding this letter, please feel free to call me at 966-5151.

Sincerely,

Tim Evans
Senior Planner

CRRR
cc: County Counsel
enclosure
April 7, 1992

To: Mariposa Board of Supervisors & Planning Dept.

P. Derwude Hake - district 5

Regarding: Bisemann Saw Mill

I, my husband, family and our concerned neighbors are outraged at the new Bisemann Saw Mill on Redactopal Rd. between Indian Rk. and Ashworth.

To put the value of our homes and properties in jeopardy by progressing and infuriating, it becomes the epitome of the beauty and tranquility of the country living we all sought here in Mariposa.

Along with the driving noise and fire hazard are dust, dirt and the disintegration of Redactopal Rd. Coming to a dead-end, it is our only access in and out of our properties. Trucks hauling huge loads of heavy logs will break up the Black-top left and dirt the dirt gravel path of this road. Who is to maintain and repair this road? These trucks come through with no regard for the time of day or night.
April 3, 1992

Mariposa County Planning Department
5101 Jones Street
Mariposa, CA. 95338

Reference: Bissmeyers Zoning Violation

I would request to know the current status of the Bissmeyer Saw Mill application for Rural Home Industry. Please keep me informed of any action in this matter.

Please submit my letter and photographs dated March 6, 1992 to the Planning Commission.

It has been brought to my attention that the Counties Rural Home Industries code (17.108.080) can be interpreted several ways.

I was told and hope this is not true that the county intends to permit Mr. Bissmeyer to continue running his saw mill. Also that the county is hoping that the neighbors will file a class action suit to assist the county in interpreting the Rural Home Industries Code.

It is my belief that it is the Counties responsibility to either interpret their own code or to change it, so it is understood by all.

Thank you

James H. Allen

cc: Chairman, Board of Supervisors
Mrs. Taber
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: TONY LASHBROOK, PLANNING DIRECTOR
FROM: MARGIE WILLIAMS, CLERK OF THE BOARD
RE: EXTENSION OF ABATEMENT PERIOD FOR IDENTIFIED ZONING VIOLATION

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 10, 1992

ACTION AND VOTE:

Tony Lashbrook, Planning Director;
Consideration of Request to Extend Abatement Period for Identified Zoning Violation; APN 14-250-21 - Robert Bissmeyer/Property Owner

BOARD ACTION: Tony presented staff report. Stanley Bissmeyer presented his request for an extension of the abatement period for sixty days. At 11:00 a.m., Chairperson opened the Public Hearing for Major Subdivision Application No. 8/30/91 and continued it to after this matter. (M)Baggett, (S)Punte (who passed the gavel) to approve a 30 day extension of the abatement period, failed by the following vote: Ayes: Baggett, Punte; Noes: Erickson, Taber; Excused: Radanovich. Discussion was held concerning rural home industry standards. No further action was taken.

cc: File
MARIPOSA COUNTY

AGENDA TRANSMITTAL FORM

Instructions: Please fill in all blanks applicable for your agenda item. Items requiring staff review must be submitted to the appropriate staff on the Thursday before the Wednesday of agenda deadline. Incomplete material will be returned. Submit the Original of the Transmittal and Action forms to the Board Clerk, along with the original and eleven copies, 3-hole punched, of any supporting documents.

AGENDA OF (Date): March 10, 1992

DEPARTMENT: PLANNING

BY: Tim Evans

APPROVED BY DEPT. HEAD: 

AGENDA TITLE:

Consideration of Request to extend abatement period for identified zoning violation; APN: 14-250-21. Robert Bissmeyer, Property Owner

4/5ths Vote Required: Yes No X

Policy Item: Yes No X (For Action Agenda of ______)

AGENDIZE AS:

Routine Agenda: ____________ ( ) Public Hearing at:

Information: ____________ ( X ) Public Input Anticipated

Attention: ______ X ( ) Indicate Time Required:

Timed: 

STAFF REVIEW REQUIRED:

ROUTE: County Counsel

APPROVED AS TO FORM: ______

REMARKS: 

SPECIAL INSTRUCTIONS TO CLERK:

_____ Rush! Need to have signed documents by:

_____ Legal publication required. (This is responsibility of submitting department.)

_____ Other (i.e., need cert. resolutions, and/or signed contracts)

" You want us to send copy of Action to: __________________

Road name letter to all affected agencies. __________________

CLERK'S USE ONLY:

RECEIVED: 

AGENDIZED FOR: 

Agenda Item No.: 

Routine Agenda: ____________

Information: ____________

Attention: ____________

Timed at: __________________

Trans. Form Revised 12/89
March 4, 1992

TO: Board of Supervisors

FROM: Tim Evans, Senior Planner

SUBJECT: Bissmeyer Zoning Violation, 4180 Sebastopol Road; Request to Extend Abatement Period for Zoning Violation

Background

Acting in response to complaints from neighboring property owners, this office made a site visit to the property in question on January 3, 1992. Based upon this site visit, it was staffs determination that a sawmill operation consisting of the outside storage of logs, rough cut lumber, portable sawmill and heavy equipment related to the operation of a sawmill was established and in operation on the property. Operation of the sawmill was in violation of the zoning code. In response to this, a letter was prepared by this office on January 6, 1992, informing the owner and operator of a zoning violation for the Mountain Home Zone. To resolve the alleged violation the applicant was instructed to cease operation of the sawmill within thirty (30) days and remove from the site all equipment and material related to its operation or within thirty (30) days submit an application and receive approval from the Planning Office to establish a Rural Home Industry. The applicant at this time, was also notified of his right to appeal staffs determination to the Board of Supervisors and appeals procedure information was provided to the applicant. In response to the notice, the applicant submitted an application for a Rural Home Industry on January 27, 1992. The application was then reviewed by staff and a response dated January 30, 1992, outlining the conditions that must be met for approval was sent to the applicant. Subsequent site visits to the property showed that no remedial action was taken by the applicant to comply with the conditions of approval for a Rural Home Industry. In response, a follow-up letter was sent to the applicant on February 14, 1992, again informing him of a zoning violation and that the milling operation was still not in compliance with the standards for a Rural Home Industry. The applicant at this time, was instructed to cease operation and remove all material and
of this Title is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand ($1000) dollars plus assessments on fines as prescribed by law, and other sections relating thereto, or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment, or pursuant to Section 1.20.020 of the county code, as that Section may be amended from time to time. A separate offense shall have been committed for each and every day during which a violation of any portion of this Title persists.

Notwithstanding anything to the contrary contained herein, no person shall be deemed guilty of a misdemeanor hereunder until the following has occurred:

A. A written notice of the alleged violation has been given by the zoning enforcement officer as follows:
   1. Itemizing the alleged violation or violations by referencing county code;
   2. Giving the alleged violator thirty (30) days to conform to county code when there is no immediate threat to the public health or safety;
   3. Giving the alleged violator a maximum of five (5) days to conform to county code when there is an immediate threat to the public health or safety. The determination as to whether an immediate threat to the public health or safety exists shall be made by the Mariposa County health department. The contents hereof shall not affect any other remedies available to the county or state where an immediate threat to public health or safety exists.

B. The alleged violator shall be entitled to meet with the zoning enforcement officer prior to the expiration of the thirty (30) or five (5) day period to discuss the merits of the alleged violation;

C. Any person receiving a notice of violation may apply to the board of supervisors for an extension within which to conform to this Title. The board of supervisors may extend the deadline as required in paragraph (A)(2) & (3) above for a period not to exceed eighteen (18) months from the date of notice of violation;

D. Any person receiving a notice of violation shall have the right to appeal the decision of the zoning enforcement officer to the board of supervisors. A notice of appeal must be filed with the county clerk pursuant to county appeals procedure on or before twenty (20) days after the final date set for the appellant to conform to this Title. (Ord. 704 Sec.1, 1988).
From: Stanley Bissmeyer  
4180 Sanzieta Rd.  
Mariposa  CA.

Re: Deadline Extension of Rural Home Industry Application.

Around January 6, 1992, I received a letter from Mariposa Co. Planning Dept. informing me of County Code Violation. I immediately contacted that office and completed an application for Rural Home Industry. I returned my completed application on Jan 27, 1992. I received another letter on 1-30-92 informing me of several conditions of approval. On Feb 14, 1992, I received a third letter informing me to cease business. As April—this last letter is premature of an asking the Board for a spot on the Agenda to ask for more time on the processing of my application for Rural Home Industry. Mr. Jacko, as of 2-25-92 refused to discuss my situation and has scheduled me to be presented by County Counsel as of 3-1-92.

Sincerely yours,

Stanley Bissmeyer

966-5311
January 30, 1992

Stan Bissmeyer
P.O. Box 710
Mariposa, CA 95338

Robert Bissmeyer
4180 Sebastopol Road
Mariposa, CA 95338

Re: Bootjack Custom Milling, 4180 Sebastopol Road.
APN: 14-250-21

Dear Mr. Bissmeyer,

This office has completed its initial review of your application for a Rural Home Industry. Before final approval of your request can be made by this office, the following condition of approval must be satisfied:

1. A six foot high fence which adequately screens the saw mill operation from adjacent properties and from the easement road shall be constructed within thirty (30) days.

As part of the final approval for the Rural Home Industry, the following conditions shall also apply to this operation:

2. Approval is based upon the information provided by you in your submitted application. Any change in use or expansion of use is subject to further review and approval by this office.

Days and Hours of operation are restricted to those represented in your application.

3. Sound produced by the milling operation should not leave the perimeter of the property. In no case, shall any heavy equipment used in conjunction with the milling operation be allowed to operate without proper muffling.

4. Portable motors which are used to power the milling or planing operation shall be properly muffled and if required "housed" to minimize off-site noise.

5. Disposal of materials or fluids which are classified by County, State or Federal agencies as toxic or hazardous are subject to all Federal, State and County regulations. Proper disposal of hazardous materials is the applicant's responsibility. In no case shall materials classified as toxic or hazardous be disposed of on-site.
Robert Bissmeyer
4180 Sebastopol Road
Mariposa, CA 95338

Re: BOOTKACK CUSTOM MILLING; 4180 Sebastopol Road
APN: 14-250-21

Dear Mr. Bissmeyer,

This office has received a written complaint regarding the operation of a sawmill/milling works at 4180 Sebastopol Road (APN: 14-250-21).

Based upon a site visit to the property by this office, it is our determination that a sawmill operation consisting of the outside storage of logs, rough cut lumber, sawmill, office and heavy equipment related to the operation of a sawmill do exist. By establishing a sawmill operation within the Mountain Home Zone, you have inadvertently violated Section 17.20.010 of the County Code which does not show this as being an allowable use or conditional use and is therefore prohibited within this zoning designation. If possible, we would like to resolve the alleged violation on an informal basis instead of taking formal action. In order to resolve the alleged violation you may either 1) cease operation of the sawmill, and remove from the site, all equipment and material related to its operation within thirty (30) days or 2) within thirty (30) days submit an application and receive approval from this office to establish a Rural Home Industry. For your information, I am enclosing the standards which govern the operation of a Rural Home Industry in Mariposa County.

You may discuss the alleged violation prior to the end of the thirty (30) day abatement period. If I do not hear from you within thirty (30) days after you receive this letter, this office will begin formal violation proceedings.

[Handwritten notations:]

[Signature]
1-7-92
BOOTJACK CUSTOM MILLING

- CEDAR FENCING 1X12 .35 A BOARD FOOT
- DIMENSION PINE $.50 A BOARD FOOT
- CEDAR POST 4X4 $3.71 EA.
- CEDAR 2X4X8' $2.08 EA.

- BLACK OAK 4/4 RANDOM RUN $1.50 BOARD FOOT
- WHITE OAK BEAMS, LUMBER, DECKING $1.00 BOARD FOOT

- WALNUT, BLACK/ENGLISH 4/4 RANDOM RUN $2.00 BOARD FOOT

CUSTOM SAWN TIMBERS AND WALL LOGS FOR LOG CABINS
OAK, PINE, CEDAR

- CUSTOM SAWING ON YOUR PROPERTY
- OAKHURST/ MARIPOSA AREA $.35 A BOARD FOOT,
  PLUS SETUP FEE.

FIRE WOOD; MILL ENDS $.75 A CUBIC FOOT, YOU PICK UP.
SLABS: CEDAR & PINE $.20 A LIN. FOOT

PHONE: STANLEY BISSMEYER (209) 966-5311
4180 SEBASTOPOL ROAD, MARIPOSA, CA.
G. Loading and unloading facilities.
H. On-site parking. (Ord. 704 Sec.1, 1988).

17.108.070 Home enterprises.
Home enterprises on a parcel of land shall be considered as a permitted use in the RR, MH, MT, MG, GF, MP, and AE land use classifications, subject to the following:
A. On site sales shall be limited to the sale of products fabricated or produced on site or merchandise that is sold as a secondary enterprise and is related to the primary enterprise;
B. The on-site use has no more than one (1) employee per acre up to twenty (20) employees and is operated by permanent residents;
C. The use and its principal activities are conducted primarily within structures or dwellings;
   1. No outdoor storage and no more than ten percent (10%) of the total business activity is conducted outside;
   2. The exterior use and any supporting activities or facilities are located at least fifty (50) feet from all external property lines, streets, roads, or other public right-of-ways;
D. Bed and breakfast and residential transient rental establishments, as regulated by Section 17.108.180 of this Title. (Ord. 704 Sec.1, 1988).

17.108.080 Rural home industry.
Rural home industry is a permitted use in the same zones as listed in home enterprise above except RR. These are trades or industries of a limited character, which are not detrimental to the district or to the adjoining residential areas, by reason of appearance, noise, dust, smoke, or odor. Excludes any use the normal operation of which causes objectionable noise, odor, dust, or smoke to be emitted, radiated, or carried beyond the boundaries of the property on which the operation is located. Rural home industries are also subject to the same standards specified for a home enterprise in Section 17.108.070, with the following exceptions and additional conditions:
A. If a parcel has both a home enterprise and a rural home industry, an aggregate of no more than one (1) employee per acre up to twenty (20) employees is permitted.
B. Storage of supplies or materials may take place outside of a structure or dwelling provided such storage is not visible from external property lines, streets, roads or other public right-of-way fronting on the property or site.
C. The use and all supporting activities or facilities are located at least fifty (50) feet from all external property lines, streets, roads, or other public right-of-ways.
D. Junk yards, wrecking yards and/or dismantling yards and solid waste sites, are prohibited uses in zones wherein rural home industry is allowed. "Junk yards", "wrecking yards" and "dismantling yards" in this Section means a place of more than two hundred (200) square feet in size per parcel used for the storage or keeping of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery. "Junk" means any worn-out, cast off, or discarded article or material which is ready for destruc-
DATE: April 28, 1992
TO: MARGIE WILLIAMS, CLERK OF THE BOARD
FROM: TIM EVANS, SENIOR PLANNER

REQUEST TO SCHEDULE PUBLIC HEARING

I hereby request that a public hearing be scheduled on the Board of Supervisors' agenda for May 19, 1992 at 3:00 PM.

The purpose of this hearing is: Public Hearing to consider an appeal of the Planning Director's determination regarding a zoning violation for the operation of a sawmill at 4180 Sebastopol Road; Stanley Bissmeyer, appellant.

Affected supervisorial district(s): Five (5)

Legal publication is responsibility of department.
From: Stanley Bissmeyer  
P.O.Box 710  
4180 Sebastopol Rd.  
Mariposa

To: Clerk of the Mariposa County Board of Supervisors

RE: Request for appeal hearing.

I, Stanley Bissmeyer, am hereby requesting a formal hearing before the Board of Supervisors to appeal a decision by the Mariposa County Planning Dept. Specifically, the Planning Dept. has issued an order to cease sawmill operations at 4180 Sebastopol Rd. This decision was based on complaints of "heavy truck traffic and the associated noise and dust".

I believe I have grounds for an appeal of this decision based on the fact that no legal criteria has been established for what is an allowable impact, or adverse impact for ANY Rural Home Industry in Mariposa County. Further, neighbor complaint is not a LEGAL basis for specific County Policy decisions from which legal proceedings against a citizen will ensue.

Your attention to this matter will be sincerely appreciated.

Sincerely,

Stanley Bissmeyer
From: Stanley Bissmeyer  
P.O.Box 710  
4180 sebastopol Rd.  
Mariposa

To: Clerk of the Mariposa County Board Of Supervisors

RE: Request for appeal hearing.

I Stanley Bissmeyer am hereby requesting a formal Hering before the Board of Supervisors to appeal a decision by the Mariposa County Planning Dept. Specifically the Planning Dept. has issued an order to cease sawmill operations at 4180 Sebastopol Rd. This decision was based on complaints of "heavy truck traffic and the associated noise and dust".

I believe I have grounds for an appeal of this decision based on the fact that NOlegal criteria has been established for what is a allowable impact, or adverse impact for ANY Rural Home Industry in mariposa County. Further, neighbor complaint is not a LEGAL basis for specific County Policy decisions from which legal proceedings aginst a citizen will ensue.

Your attention to this matter will be sincerley appreciated.

Sincerely

[Signature]

Stanley Bissmeyer

P.S. Tony, you and Danessia are ok'd for the efficiency. Let me know when you want to set to big.
May 10, 1992

ATTN: Mr. Tony Lashbrook, planning director
Mariposa County Planning and Building Department
Post Office Box 2039
Mariposa, CA 95338

RE: Public Hearing May 19, 1992
Stanley Bissmeyer (sawmill)

Dear Mr. Lashbrook

Enclosed you will find my comments to be considered regarding the appeal of the Planning Director's determination that the operation of a sawmill at 4180 Sebastopol Road (APN 14-250-21), in the Mountain Home Zoning Designation, is in violation of Section 17.20.010. This letter is intended to support the finding that the operation of the sawmill is in violation.

Thank you for your attention to this matter.

Sincerely

Howard H. Dudley, Jr.
12061 Nieta Drive
Garden Grove, CA 92640

714-638-1529

APN 014-25-0-018-0
4146 Sebastopol Road
ARGUMENT AGAINST GRANTING PERMISSION TO
OPERATE A SAWMILL AT 4180 SEBASTOPOL ROAD
PRESENTED BY HOWARD H. DUDLEY, JR.

1. Present operation of the sawmill violates Section 17.108.060 General Use
   Standards:

   B. The on-site harvesting and sale of firewood: Firewood sold has been
gathered off-site.

   E. Portable sawmills and portable planing mills for the milling and
   planing of timber harvested on-site: Stanley Bissmeyer has been bringing in
logs from off site for cutting and milling.

2. Present use violates Section 17.108.070 Home Enterprise:

   C. The use and its principal activities are conducted primarily within
structures or dwelling:

   1. No outdoor storage and no more than ten (10) percent of the total
business activity is conducted outside.

3. Present use violates Section 17.108.080 Rural Home Industry which
   excludes any use the normal operation of which causes objectionable noise,
   odor, dust, or smoke to be emitted, radiated, or carried beyond the boundaries
   of the property on which the operation is located: The hauling in of logs and
   the removal of processed material is done along that unpaved portion of
   Sebastapol Road that runs through the parcel owned by Howard H. Dudley,
   Jr., and known as APN 014-25-0-018-0 (4146 Sebastopol Road). This
   commercial traffic creates considerable dust and noise that impacts on that
   parcel. This is in addition to the noise created by the operation of the
   operation at 4180 Sebastopol Road.

4. The granting of a permit to conduct the sawmill at 4180 Sebastopol Road
   will be in violation of Section 17.148.010:
Portable Planing Mills: A transportable plant for processing finished wood products which is temporarily located on a property for less than one (1) year.

Portable Saw Mills: A transportable plant for processing finished wood products which is temporarily located on a property for less than one (1) year.

It is evident by the definitions given that the intent was never to permit operation of a portable sawmill in a Mountain Home zone as a continuing business.
Board of Supervisors
Mariposa County
Mariposa, CA 95338

Dear Board:

I was appalled to read in The paper that the majority of the Board of Supervisors may vote to allow a sawmill to operate as a home business. That clearly can not be the intent of allowing business in the home.

And I was doubly appalled to see that Supervisor Roseneide who seems to have a conflict of interest was going to vote when the decision was going the "wrong way".

How hard is it to figure out what is appropriate for a residential area and what is not? Noise pollution is not!

Sincerely,

[Signature]
June 1, 1992

Supervisor Gert Taber
Mariposa County Board of Supervisors
Mariposa, CA 95338

Reference: Bissmeyer's Saw Mill

Supervisor Taber;

Gert, as you are aware, my property borders the Bissmeyer property. I have sent my written concerns to the Board as well as the Planning Department. I shall again voice my concerns.

My property overlooks and borders the Bissmeyer property. I will invite you to come observe for yourself what words or pictures can't describe. It is a travesty. It's a shame that in beautiful Mariposa County something so unattractive is allowed.

Last year Stan Bissmeyer called me and told me he was going to build a log home, that he would have several pieces of large equipment on his property. Stan didn't have to tell me this, but he did. Then a few months ago I was told by a neighbor that Stan Bissmeyer was operating a saw mill. I disagreed with the neighbor and called Stan. Stan told me he was operating a saw mill.

While talking to Stan the latter part of April 1992 I told him I noticed that he had been throwing more trash on my property. Stan's reply, "My dad told me I shouldn't have done that." Stan went on to say he would clean up the mess. As of today, no attempt has been made to clean up the mess.

I also was raised in Mariposa, went to school with Stan and his brothers and consider them friends. When talking to Stan he understands my concerns as I do his. It is my opinion we all can get along if Stan makes his milling operation portable. Milling the trees on the same property in which they are cut.

There is no doubt that my property value is damaged by the Bissmeyer Property. Four mobile homes, trash and a saw mill on five acres. It's obvious the five acres cannot support all of the above as he continues to use my property for his trash.

I cannot comment on the noise as I am not home during their working hours.

I don't believe that you as property owners would like this operation next to you, and I would urge you to enforce Title 17 denying Bissmeyer's application.

Thank you for your consideration,

James H. Allen
June 1, 1992

Mariposa County Board of Supervisors
Mariposa, CA. 95338

Reference: Bissmeyer Saw Mill

Honorable Board Members,

As affected property owners by the Bissmeyer Saw Mill, we would again like to restate are concerns.

The noise and the dust created by the machinery at the saw mill and large trucks damaging the road continue to be a problem.

We invite you as Board Members to come look for yourself. It looks like Fort Bootjack! Contained upon the five acres is four mobile homes, several pieces of large equipment, the mill and miscellaneous junk. Again, all on five acres.

We were all surrounding property owners prior to Stan Bissmeyer renting one of his father's mobiles and starting the saw mill business. A renter should not have the power to violate Title 17 and disrupt the tranquility of the neighborhood.

We have checked with local real estate personnel and they have advised us our property values will drop if the saw mill is approved.

We urge you to follow and enforce Title 17 and not allow the Bissmeyer Saw Mill.

Thank you,

[Signatures]
4157 Sebastopol Road  
Mariposa, CA  95338  
June 5, 1992

TO: Board of Supervisors  
Mariposa, CA  95338

RE: Bissmeyer Saw Mill

Dear Board Members:

It has come to our attention that as far back as October of 1989, the need to clarify existing standards for "Home Enterprises" in Mariposa County has been ignored and allowed to proceed with little or no monitoring by the Planning Commission and Board of Supervisors.

We, so-labeled "Los Angeles Types", are enchanted by the lovely country living here in Mariposa and invest our "life savings" buying land and building homes to enjoy a serene retired life-style. We pay our taxes, support local business and most community activities. We feel entitled to justice, respect, and consideration for our welfare also.

Our small 2-1/2 year old Bed & Breakfast ("Rosies Roost") required a permit and inspection before we were allowed to operate. We had to meet certain regulations, to pass fire and noise rules. We cannot cause undue noise before 8:00 a.m. The Bissmeyer Saw Mill could be allowed to operate outdoors from 7:00 a.m. on. "Rosies Roost" must collect and pay a 9% bed tax. Are any taxes due and paid by the saw Mill?

Please enforce Proposition 17 and close the Bissmeyer saw mill.

Thank you,

Mr. & Mrs. James C. Elsegood  
P. O. Bax 2165  
Mariposa, CA  95338

James C. Elsegood  
[Signature]

Marie Elsegood  
[Signature]
April 7, 1992

To: Mariposa Board of Supervisors & Planning Dept.

Re: Aurinle Ilaer - district 5

Regarding: Bissmeyer Saw Mill

Sir, my husband, family and our concerned neighbors are outraged at the need to build the Bissmeyer Saw Mill on Acasta pol Rd. Between Indian St. and Ashworth.

To put the nature of our homes and properties in proper perspective is depressing and infringing. It becomes the ruination of the beauty and tranquility of the country living like all other here in Mariposa.

Along with the dining noise and fire hazard are dust, dirt and the disintegration of old Acastopol Rd. Coming to a dead-end, it is our only access in and out of our properties. Trucks hauling huge loads of heavy logs will break up the black top left and send the dirt and gravelly part of this road. Who is to maintain and repair this road? These trucks come through with no regard for the time of day or night.
Number of documents not including this cover sheet is TWO
Document(s) directed to: BOARD OF SUPERVISORS
         Attn: GEORGE PANAYOTICH BEFORE 3 PM

Document(s) sent from: ____________________________________________
Return Phone Number: ____________________________________________
Return Fax Number: 209 357 2781

Please notify immediately if there is a problem with transmission of
document(s).

CHERYL, THANKS FOR THE ASSIST!

LINDA STRUBBARD
June 8, 1992

Dear George:

I’m a property owner in Mariposa County, although not yet a resident, and I’ve followed the Bissemeyer controversy through the newspapers. Work commitments prevented me from attending the Supervisor’s meeting when the matter was discussed, so when I read that you had postponed your decision for a short time, I decided to take the liberty of directing my comments to you by letter.

It seems to me that the crux of the problem is not so much the noise and dust associated with the sawmill operation as it is the disparity of lifestyle between the parties involved. Bissemeyer’s neighbors complained about hearing the kids called for dinner, about people living in trailers on the Bissemeyer property, etc. This tells me that Bissemeyer’s whole lifestyle, not just his sawmill, offends the sensitivities of some of his neighbors, and they very likely won’t ever be happy until Bissemeyer moves out entirely.

Seems to me that we need to get some priorities straight. First priority is every man’s right and duty to earn an honest living for himself and his family. Beyond a subsistence lifestyle, that can only be accomplished by furnishing goods or services to others at prices they’re willing to pay. So Bissemeyer’s noise and dust benefits not only himself, but also his customers, who use the lumber to build fences, corrals, etc., and their customers from every segment of the community.

What about the Bissemeyer family? I agree with what you have reportedly said about most of society’s ills originating with the breakdown of the family unit. If we force Bissemeyer to close his mill, he will presumably have to seek employment away from home. His wife may also be forced to seek work. There will be nobody home to call the kids and annoy the neighbors. The kids will be deprived of time spent with their parents, quality time, time spent working together, some of the most beneficial time kids can spend with their parents. If we deny those kids the opportunity to work with their dad, take away his supervision and counsel, deprive them of his presence during most of their waking hours, and possibly their mother’s as well, we have done them a grave disservice.

If Mariposa is to be a vital, strong community, there has to be production. The two most basic productive activities of man, harvesting natural resources, i.e. mining, logging, etc., and agriculture, both involve noise and dust, and we might as well get used to the fact that they exist in the real world. We need economic diversity to succeed as a community, and Bissemeyer’s sawmill is part of that. We need logging, mining, tourism,
artists, writers, real estate sales, ranchers, doctors, farmers, electronics, and yes, sawmills, and we need to nurture them all, not throw roadblocks in their way. Business creates wealth, and the more that's created, the better we all live, in every walk of life.

I'm convinced that the benefits of allowing the sawmill to remain open far outweigh the liabilities of dust and noise. What about the neighbor's complaints? If hearing my neighbor calling his kids annoys me, I need to get into a neighborhood controlled by ours or buy so much land I can't hear the neighbors. If the County Health Dept. has no quarrel with Bissemeyer's trailers, neither should his neighbors. Concerning that universally disgusting sight of horizontal tree trunks, piles of lumber, and mill machinery, I understand a fence has been built. The dust? Does Bissemeyer make more dust than my neighbors, who seem to make at least 50 trips down the road per day, all at top speed? At what point has an individual exceeded his dust quota? How do we penalize him for doing so?

All in all, if we close Bissemeyer down, have we solved a noise and dust problem for his neighbors? Or have we stopped a man from supporting his family through honest work on his own property, driven up the price of a basic commodity, robbed the community of economic diversity, and deprived his family of his presence by forcing him to seek work elsewhere?

Seems like an awful sacrifice just to make the neighborhood safe for afternoon naps!

Sincerely,

Harry Strawbridge
5202 W. Broadway
Atwater, Ca. 95301