

MARIPOSA COUNTY PLANNING COMMISSION

MINUTES OF APRIL 2, 2004  
Regular Meeting

Meeting called to order at 9:00 a.m.

Commissioners present: Ludington, Turpin, Rudzik, Skyrud and Crain

1. **REGULAR BUSINESS:**

1A. **Pledge of Allegiance**

1B. **MINUTES OF MARCH 19, 2004**

On motion of Commissioner Denise Ludington, seconded by Commissioner Rudzik, approve minutes as amended. Motion carried by the following vote:

**AYES:** Ludington, Turpin, Rudzik, Skyrud and Crain

**NOES:** None

1C. **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

2. **PUBLIC HEARINGS:**

Commissioner Crain stated that Agenda item 2E public hearings have been continued to May 7, 2004 in the Board Chambers beginning at 9:00 a.m.

Commissioner Crain explained the public hearing process.

2A. **Time Extension # 2004-15 for Land Division Application No. 1519, Helen Kwalwasser, applicant.**

Megan Tennermann presented Time Extension No. 2004-15 for Land Division Application No. 1519, location .66 miles from the intersection of Silva Road and Highway 49 South, at the end of Coyote Court, (APN: 014-190-062).

Tennermann delivered information regarding an addendum to the Staff Report for Time Extension No. 2004-15, in memo form dated March 29, 2004, addressed to the Planning Commission.

Staff concluded recommending that the Planning Commission approve a one (1) year time extension from January 23, 2004 to January 23, 2005. Tennermann stated that the applicant will be entitled to request further time extension.

Commissioner Turpin brought up a question regarding the Zone of Benefit on pages 7 and 8. Tennermann stated the applicant is leaning towards a Private Road Maintenance Agreement.

*Public Comment Portion of Hearing open*

*Public Comment Portion of Hearing closed*

*Deliberations*

*None*

On motion of Commissioner Rudzik, seconded by Commissioner Ludington, the Planning Commission adopted a resolution approving a one (1) year time extension from January 23, 2004 to January 23, 2005. Motion carried by the following vote:

**AYES:** Ludington, Turpin, Rudzik, Skyrud and Crain  
**NOES:** None

**2B. Major Subdivision Application No. 2003-38, Joe Silva, applicant.**

Sarah Williams presented Major Subdivision Application No. 2003-38 located north of State Highway 49 South and west of Allred Road at the top of Big Spring Hill between Mariposa and Bootjack, (APN: 014-190-073). This public hearing was continued by the Planning Commission requesting additional information in order to evaluate the potential traffic and fire hazard/public safety impacts of the project.

Williams delivered the requested additional information in memo with the continued project staff report of December 19, 2003 Planning Commission meeting.

Staffs concluded recommending the Planning Commission adopt a resolution adopting a Mitigated Negative Declaration and approve Major Subdivision No. 2003-38 with the recommended findings, mitigation measures and amended conditions.

Commissioner Skyrud stated he has read all the material of the December staff report in addition to the related information and will be taking action as required by state laws.

Commissioner Rudzik brought up question regarding the responsibility of the realignment of the Allred Road and Highway 49 intersection. Jim Petropulos responded by stating the background of Public Works written requests of Caltrans to make improvements on Highway 49 South. Petropulos stated Public Works has gone on record requesting Caltrans make improvements on specified roads. Petropulos explained the road improvement process and the general funds availability.

Commissioner Rudzik brought up a question regarding Caltran's research on the intersection in question. Petropulos described process when there appears to be a possible need for improvement due to additional traffic.

*Public Comment Portion of Hearing Opened*

Roger Stephens, agent, spoke on behalf of the project and stated they have no objections to going forward with the project as recommended by staff.

Joanna Ingram spoke against the project bringing up 3 issues of concern. First issue was regarding prescriptive easements through her property. Second issue was Ingram doesn't see a purpose for this sub division. Third and last issue was regarding conditions of Allred Road. Ingram questioned if Caltrans had contacted Mariposa County Sheriff's Department or California Highway Patrol, stating that she had and found that there were "thousands" of complaints on Allred Rd. since 2001. Ingram suggested speed bumps, speed signs, stop signs, and a left turn pocket onto Allred Road.

Stephens addressed Ingram's issues stating that Caltrans does review statistics of the CHP accident reports. Stephens then stated that the traffic engineer had projected that at peak p.m, use the intersection impact would be 16 cars.

Joe Silva, applicant, commented that Ingram had mistaken the location of her parcel, that it is not right next to his subdivision.

Larry Ingram reiterated that it is stated in the report that it does not meet Caltrans requirements. Mr. Ingram also expressed concern regarding the safety issues of the width of the road and sight distance characteristics.

Mrs. Ingram requested clarification of the water storage regarding fire protection. Commissioner Rudzik clarified that per the staff report there will be 2 choices to meet this condition.

*Public Comment Portion of Hearing Closed*

*Deliberations:*

Commissioner Skyrud brought up a question regarding the traffic-speed study process (how a speed limit would be set). Petropulos clarified the traffic-speed study process. Petropulos also stated that a stop sign would be a simple process.

Commissioner Ludington requested clarification from Petropulos regarding what the improvements would be? Petropoulos clarified and reiterated the required conditions.

Commissioner Crain asked how long it would take to put in speed limits and stop signs. Petropulos stated it would take approximately two months for the speed limits, and one month for stop signs.

Commissioner Turpin brought up a question regarding the possibility of asphalt paving on Allred road in the future. Petropulos stated it's very expensive and there are no plans for this in the future at this time.

Commissioner Rudzik brought up a question regarding water storage and pump requirements. Sarah Williams addressed the question.

Williams explained the county's position on imposing requirements and responsibility and what standards are considered and followed. Williams also stated that at this time there isn't a mechanism in place to impose certain requirements for sub standard roads; this is currently being addressed with the Board of Supervisors.

Commissioner Ludington brought up a discussion regarding site distance. Williams addressed this.

Commissioner Turpin brought up a question regarding the standard of the road grade requirement. Williams stated the requirements are fire and state requirements.

Commissioner Turpin requested clarification of the well logs in regards to the logs being public information. Williams stated they are not public information and this requirement is established to be met at the time of development.

Petropulos stated that once a year they meet with Caltrans to address possible intersection problems.

On motion of Commissioner Rudzik, seconded by Commissioner Skyrud, the Planning Commission adopted a resolution adopting a Mitigated Negative Declaration and approved Major Subdivision No. 2003-38 with the recommended findings, mitigation measures and conditions as amended. Motion carried by the following vote:

**AYES:** Ludington, Turpin, Rudzik, Skyrud and Crain  
**NOES:** None

*Recess: 10:20 a.m.*

*Reconvened: 10:50 a.m.*

**2C. Land Division Application No. 2004-16, John and Ruth Wittkopf, Applicants.**

Bill King presented Land Division Application No. 2004-16 located at 6971 Scott Road (APN: 009-130-029). King began by stating the history of a previous subdivision on Scott Road.

King distributed a memo of additional conditions requested by Public Works and gave details of the conditions, and, distributed an email from the applicant's neighbor concerning the location of the driveway.

Staffs concluded recommending the Planning Commission adopt a resolution adopting a Negative Declaration and approve Land Division No. 2004-16 with the recommended findings and conditions as amended.

*Public Comment Portion of Hearing Opened*

James Wittkopf, agent for applicant (his father), spoke for the project stating they had meetings with Dana Hertfelder of Public Works regarding road issues and they both feel Dana has provided the best suggestions for the road. Wittkopf summarized his conversations with the neighbor regarding the location of the driveway.

*Public Comment Portion of Hearing Closed*

*Deliberations:*

Commissioner Ludington brought up a question regarding the access for the previously divided properties. Wittkopf responded stating the access is on the North side.

Commissioner Turpin brought up a question regarding turn-arounds. King addressed the issue for Turpin.

On motion of Commissioner Rudzik, seconded by Commissioner Ludington, the Planning Commission adopted a resolution adopting Negative Declaration and approved Land Division No. 2004-16 with the recommended findings, and conditions. Motion carried by the following vote:

**AYES:** Ludington, Turpin, Rudzik, Skyrud and Crain  
**NOES:** None

**2D. Zoning Ordinance Amendment No. 2003-251, Mariposa County, applicant.**

Dave L. Conway of Environmental Health presented Zoning Ordinance Amendment No. 2003-251, request to change setbacks regarding on-site sewage disposal systems and property lines. Included in this presentation Conway provided details of his recent research into how other counties deal with similar setback issues.

Conway stated that based on the information presented in this report the Mariposa County Health Department concludes that the reduction of setbacks from the current twenty five feet to five feet is reasonable and would not jeopardize Public Health or the adjoining properties.

Commissioner Turpin brought up a question regarding slope maximum. Conway stated there is a standard in place that states a 30% maximum slope.

Question and answer session concluded Conway's PowerPoint presentation; documented research materials provided.

On motion of Commissioner Rudzik, seconded by Commissioner Turpin, the Planning Commission adopted a resolution adopting Zoning Ordinance Amendment No. 2003-251. Motion carried by the following vote:

**AYES:** Ludington, Turpin, Rudzik, Skyrud and Crain  
**NOES:** None

**2E. Request for Amended Conditions No. 2004-9, to amend Condition No. 2 of Land Division No. 2002-508, Frederick Rathbun, applicant.**

*\*Staff recommends the public hearing for this project be continued to Friday May 7<sup>th</sup>, 2004 in the Board Chambers beginning at 9:00 a.m.*

**3. TRAINING: 11:00 a.m.**

Planning Commission Training –

Blaine Shultz, Fire Chief of Mariposa County Fire Department presented the status of his effort to draft one set of standards that cover both County Fire requirements and those of California Department of Forestry (CDF). Shultz provided a draft version of Mariposa County Fire Safe Standards to the Planning Commission to assist visually in the training during the power point presentation provided by Shultz. Shultz stated this Draft is a compilation of Public Resources Code 4290, Mariposa County Road Policies, California Fire Code 2001 Edition and CCR Health & Safety Code Title 19 & 24.

Training concluded with a question and answer session.

Shultz stated he will complete the draft version and will request a place on the Planning Commission Agenda. It will be brought to the Board of Supervisors.

*Recess: 11:50*

*Reconvened: 12:00 p.m.*

**4. INFORMATION ITEMS:**

**Board of Supervisors and Planning Department activities are 2 LDA's, 2 appeals for May 7, 2004.**

**5. ACTION:**

**5A. Cancel Planning Commission meeting April 16, 2004**

**5B. Request to initiate the establishment of zoning regulations for wireless communication facilities (cell towers).**

Staff presented information included in the memo dated March 25, 2004, Request to initiate the establishment of zoning regulations for wireless communication facilities (cell-towers) based on recent inquiries.

Question brought up by Commissioner Rudzik regarding language in provided memo.

Question brought up by Commissioner Skyrud regarding microwave antennae, King stated he would look into this as to what other counties are doing.

Question and answer session concluded staff presentation of provided memo addressing the request.

On motion of Commission Rudzik, seconded by Commissioner Skyrud the Planning Commission adopted a resolution to initiate the establishment of zoning regulations for wireless communication facilities (cell-towers). Motion carried as follows:

AYES: Ludington, Turpin, Rudzik, Skyrud and Crain  
NOES: None

With there being no further business the Commission adjourned at 12:55 p.m.

  
Susan Taber Crain, Chair  
Mariposa County Planning Commission

ATTEST:

  
Tracy Gauthier, Secretary to the  
Mariposa County Planning Commission