



# Yosemite West Property & Homeowners, Inc.

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## YWPHI Annual Meeting September 1, 2020

### Agenda

- Introduction and voice-vote confirmation election of YWPHI board members.
- Q&A regarding YWPHI, to be hosted by President Ted Williams
- Q&A with our Mariposa County Supervisor Rosemarie Smallcombe Smallcombe, on topics such as:
  - water supply, including proposals for NatureBridge NESC
  - re-zoning proposal from Scenic Wonders
  - sewer capacity expansion
  - trash collection possibility
  - county health-restrictions outlook

President Ted Williams called the meeting to order at 7:02 pm.  
There were 35 attendees logged into the virtual call.

**I. Self-introduction of all board members, officers, and candidates:** Ted Williams, Katrin Kuttner, Pamela Schulz, Scott Renfro, Bert Kroon, Gary Mazzone, Neil Pack, Hilary Bagshaw, Sergio Pellegrino.

**II. Election by voice vote.** The 5 candidates for the 5 open YWPHI board positions are:

- Katrin Kuttner
- Pamela Schulz
- Gary Mazzone
- Neil Pack
- Hilary Bagshaw.

Ayes carried, together with votes sent “for all” in advance of the meeting. No registered dissent or other votes. The 5 candidates are elected to serve on the YWPHI Board-of-Directors.

**III. Q&A regarding YWPHI hosted by Ted Williams.**

No questions from attendees.

- Ted Williams: YWPHI is diligently writing communications, sending links by email, and posting to the [YWPHI website](#). Members are encouraged to read and “click through” to underlying documents.

**Yosemite West Property & Homeowners, Inc.**

7585 Henness Ridge Road, Yosemite National Park, CA 95389

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#### IV. Q&A with Mariposa County Supervisor Rosemarie Smallcombe

- Ted Williams: What's the status on the application for water from NPS/NESC?
  - Rosemarie Smallcombe: The application is in process and held by County Public Works. The applicant (NPS) was required to submit an engineering report. The report from the civil Engineering firm, Provost&Pritchard, was completed in draft form and submitted to YWDAC. The committee had questions, and submitted a list of corrections to County Public Works who passed along to Provost and Pritchard. Sep 10 is next YWDAC, and we hope an update will be provided there.
- Ted Williams: Seems like the partnership has evaporated and the NESC water proposal has devolved into a straight metered-water purchase with no infrastructure sharing or contribution. Why would this be of any benefit to Yosemite West property owners?
  - Rosemarie Smallcombe: I don't think partnership evaporated. They're still interested in a partnership. NPS still wants to fulfill their obligation to Nature Bridge. In terms of water specifically, the immediate advantage is revenue that can be used in the community by the YWMD water district. Additionally, water storage capacity at Nature Bridge has been critical to survival of the community. Also, other opportunities, which include the potential for a fire station. [outburst, disbelief]
  - Rosemarie Smallcombe: The fire station is important to the community and won't happen unless the Nature Bridge campus comes into being. The Fire station would be staffed and equipped by park service personnel, but it won't come to fruition unless the Nature Bridge campus becomes operational. Maybe other opportunities like snow plowing and road access/maintenance on Henness Ridge Rd.
- Ted Williams: An example of a reason I mentioned the partnership evaporated is that originally the concept was touted that Nature Bridge tanks would be usable by the community and could increase the YWMD system storage capacity, but now they aren't part of the proposal any longer because Provost & Pritchard recommended against a bi-directional connection. Yosemite West won't get any benefit from the Nature Bridge tanks, or any other infrastructure sharing responsibility from NPS.
  - Rosemarie Smallcombe: Those tanks were an advantage to the firefighters during the Ferguson fire. It's an opportunity for additional capacity that we know can be vital under certain circumstances.
- Ted Williams: Now that we see the newly submitted General Plan Zoning Amendment application (GPZA) from Scenic Wonders, is there reconsideration of whether we should resolve those zoning issues before considering the question of whether we should approve a water sale to an external entity? Is there a connection between these applications? The GPZA application states Scenic Wonders would supply water from their own wells. Scenic Wonders also applied to be a customer of YWMD too, but would these wells be interconnected to YWMD?
  - Rosemarie Smallcombe: I have been told that as of yesterday, Scenic Wonders withdrew their application for connection to the water district, so I don't see a connection between the GPZA application and the request for water service from the NPS.
  - Ken LeBlanc: We thought our application to YWMD would help the community by chipping in, just like Nature Bridge had originally proposed chipping in some money for the YWMD infrastructure. We could have all worked together on that, but we withdrew our application

- because we weren't sure where it would go. Until we talk further about that, I don't know what more to say about that.
- Rosemarie Smallcombe: Thanks Ken. So, to the extent that Scenic Wonders has withdrawn their application, then I don't see a connection between the Scenic Wonders GPZA application and the NPS application for water for NESC.
- Ted Williams: It still seems like there are many relationships or potential dependencies. For example, one of the details in the GPZA application is that the water main for all of Yosemite West which runs across the Scenic Wonders parcel would need to be relocated to avoid going under the proposed location of a building in the Scenic Wonders' plan. If the GPZA were approved and the building project proceeds, then that means a large construction project dependency for that huge relocation of the water main.
- Ken: Yes, that's correct. You're right, the pipe has to be moved, and we're going to move it. The pipe is old, maybe 50 years old, and needs to be replaced, and we have plans to move it. We had hoped to move it this summer, but because of everything that's going on, it's probably going to be next year.
  - Ted Williams: Does it even make sense to separately consider building a pipeline to NESC and also do reconstruction to relocate the water main, without coordinating those projects?
  - Rosemarie Smallcombe: The potential connection to NESC runs across NPS lands, and that is why the park service is responsible for that environmental assessment. On the county side, the pipe is short to connect into the Yosemite West subdivision. Having said that, yes, we should consider some coordination as far as any interruption of water service to the community as a function of the two efforts. So, yes, that is a good question.
- Robert Kroon: Yosemite West doesn't have enough water for buildout now. I have several unbuilt lots, so it greatly concerns me that we'll run out of water. We're talking about selling water, and if we do, we'll run out of water sooner. So why would we sell water?
- Rosemarie Smallcombe: The reality is that we need to find a second water source anyway. You're right, we don't have enough water for full buildout now. So, we need to focus on opportunities to increase revenue. The County will need to reengage with the community on rate increases for water and sewer, just to be able to maintain the facilities, and that needs to include a plan to develop a second water source. There are resource opportunities from organizations like the NPS and NESC that the County and the YW community alone cannot bring to bear.
  - Ted Williams: The Provost & Pritchard recommendation seems to be for just a simple water sale with no infrastructure partnership, nor NPS responsibility to find water, so how does that help us? How does selling water help us get a second water source?
  - Rosemarie Smallcombe: It's about resources and skillsets. Nature Bridge and the Yosemite Conservancy are fundraising machines, and they can bring resources to bear that we as the County and water district cannot bring to bear. I'm not saying that connection to NESC will bring a second water source, but the sooner we get cracking the better.
- Ted Williams: In the Scenic Wonders' GPZA application, there's a description of their two wells. The usable well quantities were quoted at 24gpm and 5gpm, total 29gpm from the wells on the two Scenic Wonders' parcels. Is there a proposal to connect and supply water to YWMD from these wells, or other private wells in surrounding properties, or the Yosemite Conservancy well if

they find water?

- Rosemarie Smallcombe: It's beneficial to have the conversation. There is considerable potential benefit of interconnection. I think it's off the table now, given Scenic Wonders has withdrawn the application for water connection. Look, we can go to Ken right now: can we partner together to share that resource?
  - Ken LeBlanc: Well, that's a big question. I really don't know what I'm doing with that parcel and wells. I'd hate to commit to anything. I know the Yosemite Conservancy has been trying to find water. There's lots of water down there. Let's hope they hit it.
  - Rosemarie Smallcombe: I'm advocating to have conversations and not close doors before we know what's behind them. There is value to the community to continue the dialog about what might be possible.
  - Ken LeBlanc: I offered water to Nature Bridge to get them going and to fill their tanks, by truck of course, but I don't know what they want to do.
- Bill Podolsky: I'm ok with partnerships as long as the partner commits to bring in an equal amount of water as their needs, on a long-term basis. Combining sources provides a backup, but I'd expect connections to only be with someone who's also providing a water source. Not as a one-way sale, but something where they're bringing in enough water to meet their needs.
- Ted Williams: Right, part of the problem with the proposed water sale to NESC is that it is not a partnership anymore. They would only be paying rates and not bringing in any water.
  - Bill Podolsky: From my perspective, I'd love a good partnership, but we need enough water for Yosemite West. I don't think we have enough water to provide to them.
  - Rosemarie Smallcombe: The NPS is responsible to provide water to NESC campus. I understand they've drilled three wells that haven't been sufficient to provide water. The NESC campus doesn't have water. NPS is responsible to provide water. What a partnership brings is revenue that can help YWMD improve its capabilities. More importantly, is the potential for a fire station on the NESC campus. That fire station is already included in the plans for the campus. It was part of the environmental review documentation that was prepared. I know the park service is working on it. Nature Bridge will not be successful pulling in funding to build the fire station unless they can ensure donors that they have a working campus on Henness Ridge.
- Ted Williams: The challenge there is that Nature Bridge has said everything related to the fire station is on indefinite hold. Maybe we can get an update from them at the Sept 10 YWDAC meeting. It seems like the fire station is very distant and may never happen. Touting that the fire station is a direct effect of a water sale seems like a stretch.
- Rosemarie Smallcombe: It's not a stretch. The fire station will not happen if the campus isn't built.
  - Ted Williams: But Nature Bridge has said they aren't even close to starting fund raising for a fire station.
  - Rosemarie Smallcombe: Well, they've said the Nature Bridge board isn't ready to take funds yet, but the board could be willing to consider it if there were a path forward to making the campus operational.

- Neil Pack: Is there a way we might be able to move forward if we had an escrow account so Nature Bridge could put forth good faith money for the fire station? Can we find a way to have everyone have skin-in-the-game to move forward?
  - Rosemarie Smallcombe: Good question. I've talked to many people about constructs for setting up financial contributions for a fire station. But the efforts have been unfocused, so we haven't made much progress. If we move forward with the water sale for NESC, I think something like an escrow account could be part of the agreement.
  - Neil Pack: It seems we're in a chicken and egg situation. Everyone seems to be waiting for someone else to take the first step, but we need to agree to take the first step together.
  
- Ted Williams: Another question relating to the Scenic Wonders' GPZA is that it includes a proposal to create a new special plan. Indeed, there was a proposed Special Plan discussed for Yosemite West over ten years ago that was not adopted. The new GPZA application seems to indicate there would be a requirement for a new special plan. Would there be a new special plan needed or implemented?
  - Rosemarie Smallcombe: I've spent hours with our planning department staff over the last few days. What I think I understand is that there are considerations that come into play simply because Yosemite West was originally designated as a special plan area in the County General Plan. I think what they said are that there are "considerations" – I can't be more specific – that are possible when a zoning proposal is for properties that are in a special plan area. It is not necessary that we complete the YW special plan before the GPZA application can proceed.
  - Ken LeBlanc: Well, it's complicated. It's a specific plan just for my project. It's legal. I'm not an attorney or a zoning expert. We wouldn't go this far if we didn't think we could do this.
  - Ted Williams: It's not clear if the special plan proposed is just for the single 7.2 acre parcel, or for both Scenic Wonders parcels, or also including the Yosemite Conservancy parcel.
  - Ken LeBlanc: The special plan is just the single 7 acre parcel adjacent to the condos. I'm sorry. I don't know how to explain it.
  - Ted Williams: Can you explain if it makes sense to have a special plan for a single parcel?
  - Rosemarie: I can't explain it. I'll have to go back to the planning department and get back to you. The GPZA document says "the proposed mix of employee housing and supportive resort uses for the transient occupancy enterprise within the Yosemite West area warrants a special plan area designation." I think the important focus is on the word "designation" as opposed to a special plan area, which ought to apply to a broader community. But there could be some additional consideration that could be possible in a special plan area. I'll try to get this clarified with the Planning department.
  
- Kathy Chavez: My family has been involved in Yosemite West for 50 years. When my folks were first up here, it was all single-family second homes. Now there's a lot of B&B and rental units. In the water considerations, I assume the buildout planning was intended for single family homes. But because of more rental and transient use, the water consumption must have increased. My concern is whether we can support building is already happening and the fact that so many residences are becoming transient occupancy. To charge families the same as a rental house is unfair. We diligently try to conserve water, and I don't see any equity with the heavier water users.

- Rosemarie Smallcombe: You've wrapped multiple issues in one question. The County doesn't have control of when folks decide to convert a house into a vacation rental other than enforcing public safety or regulatory concerns. Mariposa County doesn't have a proposal that precludes conversion. As far as I know, water charges are a function of usage. So, if there are 10-12 folks next door taking showers, etc., I assume the owner of that property is paying more for their quantity of water than what you are paying when you're using little or none. But we can't tier rates due to the San Juan Capistrano case that has precluded setting up tiered rate structures in California since 2015. We can only charge for our costs.
- Ted Williams: Kathy Chavez is also pointing out the problem of allowing too much building in our small community, and worsening the burden on our infrastructure. Do we want to allow a zoning proposal that only leads to more development? Do we want this development?
  - Rosemarie Smallcombe: Do you mean the GPZA application? In the context of the use of resources?
  - Ted Williams: Yes, in the context of all the risks of more building, more traffic, and more people in Yosemite West.
  - Rosemarie Smallcombe: I think my answer has to be that those issues have to be evaluated as part of a systematic process. That's the reason California has the environmental quality act. This project has to be reviewed to determine the impact.
- Ted Williams: Is it determined that there will be a CEQA study required for this GPZA?
  - Rosemarie Smallcombe: CEQA requires a set of considerations. If you're asking about whether a Mitigated Negative Declaration will be issued, or whether an Environmental Impact Report will be required, it's way too early to know.
- Marsha Novak: It's not just "environmental" impact. It's an impact to our quality of life. We bought our lot and house to get away from the city. And the new proposed development will impact us with noise and light pollution. We have people coming in at 2am, yelling and screaming. If you have a new development right below the condos, it's an impact on us and our quality of life.
  - Rosemarie Smallcombe: The criteria in CEQA include noise, light, and traffic. It's not just environmental in the sense of wildlife.
  - Jeff Novak: I understand that. But the impact has already occurred. There are times where we don't want to go to Yosemite West because there's so much noise here because of all these people. Right next to us, a dozen people suddenly show up for parties, and this is an environmental impact that already hurts us.
  - Kathy: Give me your number, Ken. I'd love to call you when people are making too much noise.
  - Ken: You can call 209-372-4945 and Tiffany and James will help deal with any problems.
- Al Warkentine: We've been up there since 1975 when we built our place on Henness Ridge Road. I helped form the original YWPHI board. We were definitely of the mind that there shouldn't be transient rentals. I'm concerned about the inequity of all the building and water and fees. It's gotten to be a real burden. It's not fair.
  - Rosemarie Smallcombe: It's important to have a common framework. We'll need to have another utility rate increase. The rate increase from 2018 has gone away, and if that's not

working for you, we need to know that before moving forward.

- Rich Metz: Are all the rentals businesses or not? The road fee is the same for every lot. The roads are used significantly more for transient rentals. These need to be treated based on their use. We have only one car. The neighbor rental has three cars every night. These rentals are definitely businesses.
  - Rosemarie Smallcombe: The real question is, if these are businesses, what is the consequence? We have not made a distinction in our billing structure. I'll have to think about how we might address that. I think it goes back to how much water or services are being used. I don't know if we can classify rentals as commercial and whether we could charge a different rate for commercial.
  - Rich Metz: Things are fine until they aren't. What happens when there isn't enough water? Do rentals get cut off first? Treating them as a business may help make that possible.
- Bill Podolsky: Two things: (1) given that the rentals bring in ToT, if more of that money were going to the infrastructure, it might keep those costs down, (2) thank you Rosemarie Smallcombe for the hard work you put in on this.
  - Rosemarie Smallcombe: I have been well-tutored by the county counsel. The ToT (transient occupancy tax) is a general benefit tax, so it's not possible to designate the money to a specific community.
- Rosemarie Smallcombe: I do want people to know the planning department has a rigorous process for anything like this general plan zoning amendment. I sent a version yesterday to Ted Williams of a document describing the GPZA permit process. I'll send an updated process description document once I have met with our county counsel and planning director, who suggested I change some things around. There is a well-defined process, to some extent determined by law, by policies in our general plan, and it is a lengthy process. This is something that will take months, not weeks. Our staff takes our jobs seriously. I want to assure everyone on this line and anyone you talk to that there's considerable opportunity for public engagement. This page says 30-day comment period. I'm told it's sometimes extended, sometimes doubled. At least two public hearings with public notice beforehand. Our staff is still working to get their arms around what Scenic Wonders has submitted, but the reactions from all the agencies that are responsible to review the application, including studies submitted as part of the application, are part of the protracted process. Our staff takes it seriously. Plenty of opportunities for public engagement opportunities.
  - Ted Williams: Your process document is now [posted here](#).
- Ted Williams (reading from a received text message): The county has a responsibility to provide us water. And we want concrete enforceable commitments from the county. We worry that if the county sells water and then we run out, it becomes the homeowners' problem. How does the county comment about their responsibility to provide water? If we run out of water because we sold more water than our supply capacity, what commitments do we have from the county to find a sufficient supply for customer water needs?
  - Rosemarie Smallcombe: We're the service provider, so we're responsible. The only way I think we'd be absolved of the responsibility is for the community to terminate the relationship

(e.g., from forming your own district or an investor-owned utility). The County is on the hook until you say we're not.

- Ken LeBlanc: Folks, there's plenty of water. We just have to get it where it's needed. The project I'm proposing will reduce our water usage 50%. We're proposing a laundry facility that will do the laundry for all our rentals and save 100,000s of gallons of water.
- Rosemarie Smallcombe: Ken, what do you think of allowing your Scenic Wonders staff to work part time for the county to run winter snow blowing equipment?
  - Ken LeBlanc: Well, we do have our own snow blowing equipment. Some of my machines are bigger. But we can't run the County's equipment due to the potential liability and the kickback from the community. I'm good friends with the people who are paid \$15/hr who then get a bunch of complaints. I don't want to put my employees in that position. Maybe down the line.
- Katrin Kuttner: What can the community do better to improve fire safety, building codes or other things to improve fire protection?
  - Rosemarie Smallcombe: It's an evolving conversation. I'm very passionate about being part of any conversation that reduces wildfire risk. As a baseline, I'd say anything built in the past 10 or 11 years has been constructed according to newer state fire marshal's code, especially chapter 7a. So, there's some fire hardiness there. The science has been evolving and there are always new recommendations out on how to reduce wildfire risk. This is a conversation we should absolutely have with folks whose home was constructed prior to 2007-2008 to talk about retrofitting to reduce wildfire risk.
  - Ken LeBlanc: My crew is on it. Every year we clear our properties. We have 97 properties, and soon to be 103 by the end of the year. We maintain 100ft of defensible space. Rake your yard, limb up your trees.
  - Ted Williams: For many years, YWPHI has been running forest management grants – thanks to John Mock and Kim O'Neil – that felled thousands of dead trees and helps protect Yosemite West. This work saved the community from the 2018 Ferguson fire. YWPHI also funds the annual chipping program.
- Rosemarie Smallcombe: There is a statewide tele-townhall this Friday at 1:30pm on Wildfire assistance run by the CA Insurance commissioner Ricardo Lara. The link will be sent to Ted Williams.
  - Published: [statewide tele-townhall this Friday 9/4/2020 at 1:30pm on Wildfire Assistance](#)
  - Also, Yana Valachovic and Steve Quarles from UC Berkeley have studies on working together for building homes hardened against fire, and Rosemarie could facilitate having them meet with the Yosemite West community.

The meeting adjourned at 8:36 p.m.

Respectfully submitted by Scott Renfro  
Edits by Ted Williams

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