

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2012-012

A resolution recommending that the Mariposa County Board of Supervisors conditionally approve Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075 and Land Conservation Act Contract Modification No. 2012-076; Norah Corbett, Trustee; and Dennis Bunning, applicants. Assessor Parcel Numbers 017-170-016, 017-190-005, and 017-190-013.

WHEREAS applications for a Certificate of Compliance, a lot line adjustment, and Land Conservation Act contract modifications were received on May 7, 2012 from Norah Corbett, Trustee and Dennis Bunning for three parcels located off of Woodview Lane and Oak Grove School Road, also known as Assessor Parcel Numbers 017-170-016, 017-190-005, and 017-190-013; and

WHEREAS the Planning Department circulated the applications among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS the Planning Department prepared a report for the Agricultural Advisory Committee in accordance with the review procedures of the committee; and

WHEREAS the Agricultural Advisory Committee held a duly noticed public meeting on May 24, 2012; and

WHEREAS the Agricultural Advisory Committee continued the item until June 7, 2012; and

WHEREAS the Agricultural Advisory Committee did unanimously recommend that the Planning Commission should make a recommendation to the Mariposa County Board of Supervisors to approve the project; and

WHEREAS a duly noticed Planning Commission public hearing was scheduled for July 6, 2012; and

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

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

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend to the Mariposa County Board of Supervisors that they find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend to the Mariposa County Board of Supervisors that they approve Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075 and Land Conservation Act Contract Modification No. 2012-076.

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission recommendation for project approval is based upon the findings set forth in Exhibit A and the processing conditions set forth in Exhibit B of this resolution.

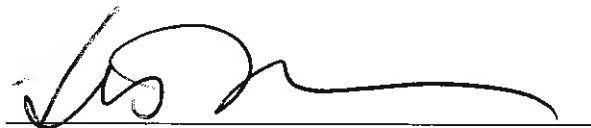
ON MOTION BY Commissioner Rudzik, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 6th day of July 2012 by the following vote:

AYES: Rudzik, Tucker, and Marsden

NOES: None


EXCUSED: Ross and Francisco

ABSTAIN: None



Les Marsden, Chairman
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

Exhibit A Certificate of Compliance Findings

In accordance with the Subdivision Map Act, the Mariposa County Zoning Code, and the California Environmental Quality Act, the following findings are made for Certificate of Compliance No. 2012-073:

1. **FINDING:** A patent parcel (1069899) is located within APN 017-190-005, and was recorded in Volume 15, Page 377 of Mariposa County Records in 1934. It is being merged with all of the fractionalized patents located within APN 017-190-005 to recognize a 340 acre parcel.

Lot Line Adjustment Findings

In accordance with the Subdivision Map Act, the Mariposa County Zoning Code, and the California Environmental Quality Act, the following findings are made for Lot Line Adjustment No. 2012-074:

1. **FINDING:** The lot line adjustment involves three parcels; all of which meet the minimum parcel size and density standards of the Agriculture/Working Landscape land use designation or the Agricultural Exclusive zoning district in its existing and modified configurations. The lot line adjustment will improve the circumstances of the parcels, creating a larger buffer for existing agricultural operations. This finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.04.D and Implementation Measure 10-2a(2) of the Mariposa County General Plan).
2. **FINDING:** The lot line adjustment involves three existing adjacent parcels. The adjustment results in land being taken from each parcel and being added to the adjacent parcel and a greater number of parcels than originally existed is not being created. This finding is made in accordance with the provisions of Section 66412(d) of the State Subdivision Map Act.

3. **FINDING:** The project will not result in any changes in land use or density, or the creation of a new parcel. Accordingly, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). This finding is made in accordance with the provisions of Section 15305(a) of the CEQA Guidelines. This project is exempt from the California Environmental Quality Act pursuant to Categorical Exemptions, Class 5; Section 15301(a), CEQA Guidelines. This project is a minor lot line adjustment in an area with a slope of less than 20% and Land Conservation Act Contract modifications to reflect the adjustment, neither of which have the potential to increase development. Project has been reviewed and found to be in compliance with County Resolution No. 10.150 and Government Code Section 51257. No changes to agricultural uses on site will occur as a result of this adjustment.

Williamson Act Contract Modification Findings

This project is reviewed in accordance with Mariposa County Resolution No. 10-150 implementing the Land Conservation Act in Mariposa County and California Government Code Section 51257 (Williamson Act Law) , the following findings are made:

1. **FINDING:** The property is currently and will continue to be used for agricultural purposes. This applies to the entire project site.
2. **FINDING:** All of the contracts will continue to meet the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing, chicken raising, or other Agricultural Production Uses or Compatible Uses as specified in the contract and must be profitable, except in extraordinary circumstances (such as natural disasters).
3. **FINDING:** The modified contracts will restrict the adjusted boundaries for the same term as the existing contract on the properties.
4. **FINDING:** There is no net decrease in the total amount of acreage under contract.
5. **FINDING:** At least 90% of the land under the original contract remains under the new contract.
6. **FINDING:** After the adjustment, all contracts will be large enough to sustain their agricultural use (dryland grazing or confined animal operations). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on June 7, 2012.

7. **FINDING:** The LLA will not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to contracts as the adjustment is simply a change in parcel boundaries. The land will continue to be used for cattle grazing and confined animal operations.

8. **FINDING:** The LLA is not likely to result in the removal of adjacent land from agricultural use. There is no evidence to support a finding that this minor adjustment will have any effect on adjacent agricultural uses.

9. **FINDING:** The LLA does not result in a greater number of developable parcels than existed prior to the adjustment.

10. **FINDING:** The approval of the Williamson Act Contract Modification is based upon review of the project specific and site specific details of this case, as well as the estate planning needs of the applicant.

Exhibit B Conditions

1. The Board of Supervisors has directed Staff to include constructive notice” on the face of each Certificate of Compliance as part of their action on an appeal in 2006 (Resolution No. 2006-426):

The following shall be written on each of the Certificates of Compliance which applies to each parcel located within a Williamson Act Contract:

“This parcel is enforceably restricted by a Land Conservation Act (LCA) Contract Recorded as Document No. 920821; Mariposa County Official Records. This Contract limits use of the parcel to agricultural and compatible uses. Occupancy of residences on this parcel is restricted to persons directly engaged in the agricultural operations on site. All contract and Land Conservation Act Contract rules of procedure in effect must be complied with(This parcel was found to be in compliance with Mariposa County’s policies for implementing the California Land Conservation Act because it was a part of an agricultural operation involving multiple adjacent parcels. Should this individual parcel be conveyed separately to another owner in the future, the new owner is advised: This individual parcel has not been reviewed and approved by Mariposa County in accordance with Mariposa County’s policies for implementing the California Land Conservation Act, including the specific terms and restrictions of the Land Conservation Act Contract Recorded as Document No. 920821, MCOR. Such restrictions may include a prohibition against building a single-family dwelling or the imposition of conditions as may be required by the Mariposa County General Plan. The County makes no guarantee a house can be constructed on this parcel, nor guarantees any other permits or entitlements.) This certificate of compliance merely certifies that a separate parcel exists, the County makes no warranty regarding its potential development.”

Recommended Processing Conditions / Steps for Completing Certificate of Compliance No. 2012-073 and Lot Line Adjustment No. 2012-074 (if done together)

1. **Preparation of Transfer Descriptions (APPLICANT’S RESPONSIBILITY):**
The project involves a transfer of property from Corbett to Bunning. A land surveyor or other qualified individual must provide the County Surveyor (Department of Public Works, 4639 Ben Hur Road, Mariposa 95338) with typed, stamped and signed legal descriptions describing the portion of the approved lot line

adjustment which is to be transferred. The County Surveyor requests that copies of the lot closure computations (with acreage) be supplied with the descriptions to validate the content of the descriptions.

2. **Preparation of Amended Parcel Boundary Descriptions (APPLICANT'S RESPONSIBILITY):** A land surveyor or other qualified individual must provide the County Surveyor (Department of Public Works, 4639 Ben Hur Road, Mariposa 95338) with typed, stamped and signed legal descriptions describing the amended parcels (descriptions that include and exclude the transfer pieces). The County Surveyor requests that copies of the lot closure computations (with acreage) be supplied with the descriptions to validate the content of the descriptions.
3. **Review of Legal Descriptions (COUNTY SURVEYOR'S RESPONSIBILITY):** When the descriptions are provided to the County Surveyor, they must be reviewed by him for accuracy. When the County Surveyor approves the legal description, he will provide the typed, stamped, and signed descriptions to the Planning Department.
4. **Payment of Taxes (APPLICANT'S RESPONSIBILITY):** As required by the County Tax Collector and the Assessor/Recorder, a Verification of Taxes Paid Form allowing recordation of a Certificate of Compliance must be submitted to Mariposa Planning for both parcels involved in the Lot Line Adjustment. In general, taxes on the subject parcels must be paid in advance for the current tax year before the Assessor can map the change and assign the new Assessor Parcel Numbers. The Tax Collectors Office should be contacted directly [(209) 966-2621] for more information and the amount which will need to be paid. The Tax Collector's Office should provide a Verification of Taxes Paid Form allowing Recordation of Certificates of Compliance for each parcel to Mariposa Planning. The Assessor/Recorder will not allow the recordation of the Certificates of Compliance without this form.
5. **Recordation of Grant Deed (APPLICANT'S RESPONSIBILITY):** Applicant records the transfer grant deed with the legal descriptions that have been reviewed and approved by the County Surveyor. Applicant provides Mariposa Planning with copies of the recorded grant deeds.
6. **Recordation of Modified Trust Deeds (APPLICANT'S RESPONSIBILITY):** Any Trust Deeds on either parcel must be modified to reflect the new parcel configurations. The applicant shall record the amended trust deeds with the legal description(s) that have been reviewed and approved by the County Surveyor. Applicant provides Mariposa Planning with copies of the recorded amended trust deeds. As an alternative, the applicant may provide reconveyance documents to Mariposa Planning (showing the trust deeds have been paid off).
7. **Payment of Recording Fees (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the Certificates of Compliance, the applicant shall submit a check

(made payable to the Mariposa County Recorder) based upon the recording fees as determined by Mariposa Planning.

8. **Recordation of Certificates of Compliance (MARIPOSA PLANNING RESPONSIBILITY):** Mariposa Planning will record the Certificates of Compliance for both parcels involved in the lot line adjustment. **This step completes the Lot Line Adjustment.** The Certificate of Compliance confirms that the parcel was created legally and is eligible for development permits. A copy of the final recorded certificate of compliance will be mailed to the applicant(s) a few weeks following the recordation. This step is coordinated with recordation of the Amended Williamson Act Contracts described below (step 4 in LCA Contract Modification steps).

Recommended Processing Conditions / Steps for Completing Land Conservation Act Contract Modification Nos. 2012-075 and 2012-076

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the modified Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the modified contracts must be provided by the applicant to Mariposa Planning. A modified description for adjusted Contract No. 29 and adjusted Contract No. 91.2 will be required. The applicants will have the option of recording a separate contract for each parcel currently under contract that meets the policies of Resolution No. 10-150.
2. **Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, seven amended Williamson Act Contracts will be prepared by Mariposa Planning. Mariposa Planning will coordinate obtaining the signature of the representative authorized by the Board of Supervisors to sign the modified contract. Mariposa Planning will send the original contracts to the property owner(s) involved in the application.
3. **Signing and Notarizing the Modified Williamson Act Contracts (APPLICANT'S RESPONSIBILITY):** The contracts must be signed by the applicant(s), and the signature(s) must be notarized.
4. **Recordation of Modified Contract (MARIPOSA PLANNING RESPONSIBILITY):** When the amended contracts have been signed and notarized by both parties, Mariposa Planning will record the contracts concurrently with the Certificates of Compliance required to complete the Lot Line Adjustment (step 7 in LLA Processing Conditions above). **This step completes the Land Conservation Act Contract Modification Process.**

If Lot Line Adjustment and Certificate of Compliance are completed separately or Lot Line Adjustment is not completed, a Certificate of Compliance will be required to be recorded recognizing APN 017-190-005 and recording new amended contracts for parcels currently under Contract 91-2. If and when the Lot Line Adjustment is completed, steps will be the same as above.