

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

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2010-012

**A resolution recommending that the Mariposa County Board of Supervisors conditionally approve Lot Line Adjustment No. 2009-122, Land Conservation Act Contract Modification No. 2009-134 and Land Conservation Act Contract Modification No. 2010-031; Hornitos Ranch, LTD; and Greg and Robert Ichord, applicants. Assessor Parcel Numbers 011-260-015, 011-260-016 and 011-260-001**

WHEREAS an application for a lot line adjustment was received on August 19, 2009 from Hornitos Ranch LTD and Greg and Robert Ichord for three parcels located along Hornitos Road, also known as Assessor Parcel Numbers 011-260-015, 011-260-016 and 011-260-001; and

WHEREAS all three parcels are encumbered by Land Conservation Act ("Williamson Act") contracts No. 18 and No. 82-2, and the contract must be modified to reflect the proposed lot line adjustment; and

WHEREAS an application for Land Conservation Act ("Williamson Act") contract modifications were received, which proposed to amend the boundaries as adjusted through the lot line adjustment process of existing Land Conservation Act contract No. 48 and Land Conservation Act Contract No. 82-2; 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 September 10, 2009; 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 August 6, 2010; 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; and

WHEREAS as part of the applicant's comments, in order to correct an ambiguity caused by a previous surveying error involving section lines, a proposal to quitclaim an approximately two acre area that runs through the Ichord home that does not affect the original project description was added to the project description.

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 Lot Line Adjustment No. 2009-122, Land Conservation Act Contract Modification No. 2009-134 and Land Conservation Act Contract Modification No. 2010-031.

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 Francisco, seconded by Commissioner Tucker, this resolution is duly passed and adopted this 6<sup>th</sup> day of August 2010 by the following vote:

AYES: Francisco, Tucker, Ross, Marsden, and Rudzik


NOES: None

EXCUSED: None

ABSTAIN: None

  
Robert L. Rudzik, Chairman  
Mariposa County Planning Commission

Attest:

  
Judy Mueller, Secretary to the  
Mariposa County Planning Commission

## Exhibit A

# 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. 2006-334:

- 1. FINDING:** The lot line adjustment involves three parcels; one of which does not 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 parcel is not in compliance with the Mariposa County Zoning Ordinance and the Mariposa County General Plan. Although this parcel (Parcel A) is non-conforming and will remain non-conforming after the adjustment, it increases in size from 5.04 acres to 7.66 acres. The other two parcels are conforming and will remain conforming after the adjustment. The lot line adjustment will improve the circumstances of the parcels, bringing the boundaries to the centerline of Hornitos Road and reflect existing lines of occupation. The adjustment will also make the road the dividing line between the parcels, allowing more contiguous land to be placed in agricultural production as it will be easier to place fences for livestock control. 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 Parcel C and being added to Parcel A and Parcel B 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 is a minor lot line adjustment in an area with an average slope of less than 20%. 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.

## Williamson Act Contract Modification Findings

Although Mariposa County has adopted a Resolution approving new policies for the Williamson Act, these policies do not become effective until January 1, 2011. Consequently, this project is reviewed in accordance with Mariposa County Resolution No. 77-157 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:** The agricultural preserve containing adjusted Parcel A (7.66 acres) and adjusted Parcel B (162 acres) will contain over 1,300 acres after the lot line adjustment and the modification of Land Conservation Act Contract No. 18. The agricultural preserve containing adjusted Parcel C will contain 1,507 acres after the lot line adjustment and the modification of Land Conservation Act Contract No. 82-2. Both contracts will continue to meet the minimum size established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing 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, both contracts will be large enough to sustain their agricultural use (dryland grazing). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on September 10, 2009.
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 a minor change in acreage. The LLA may actually result in a slight increase in the overall agricultural productivity of the project site area, as the amended property line

will follow an existing road, allowing the road and property line to be fenced for livestock control.

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 LLA is consistent with the General Plan, including Section 5.3.04.D and Implementation Measure 10-2a(2). The existing parcel that does not meet the minimum size requirements is being improved by becoming larger in size. The other two parcels remain conforming in size. The lot line adjustment will improve the circumstances of the parcels, bringing the boundaries to the centerline of Hornitos Road and reflect existing lines of occupation. The adjustment will also make the road the dividing line between the parcels, allowing more contiguous land to be placed in agricultural production as it will be easier to place fences for livestock control.
11. **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.

## CEQA Finding

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.

## Exhibit B

### Recommended Processing Conditions / Steps for Completing Lot Line Adjustment No. 2009-122

- 1. Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):** The project involves a transfer of property from Hornitos Ranch LTD to Ichord and from Ichord to Hornitos Ranch LTD. 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. 2009-134 and 2010-031**

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. One description shall contain Parcel A and Parcel B as modified by the lot line adjustment **together** with all of the other parcels in Contract No. 18. The other description shall contain adjusted Parcel C.
2. **Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, two 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.**