

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2014-016

A resolution approving Lot Line Adjustment No. 2014-070, Robert and Linda Judd and Yosemite Highlands, Inc, applicants. Assessor Parcel Numbers 006-080-026 and 006-070-029.

WHEREAS, an application for Lot Line Adjustment No. 2014-070 was received on June 17, 2014 from Robert and Linda Judd and Yosemite Highlands, Inc. for a property located at 7305 Yosemite Park Way and 7168 Yosemite Park Way, unassigned Henness Ridge Road, also known as Assessor Parcel Numbers 006-080-026 (0.331 +/-acres) and 006-070-029 (312.899 +/-acres); and

WHEREAS, Lot Line Adjustment No. 2014-070 proposes to adjust the boundary between APNs 006-080-026 and 006-070-029 adding a 40 acre portion of APN 006-070-029 (Parcel B) to APN 006-080-026 (Parcel A); and

WHEREAS, Parcel A is located in the Residential land use and the Rural Residential zone, which establishes a 2.5 acre minimum when a community sewer system is available and is legally established non-conforming in size; and

WHEREAS, Parcel B is located in the Natural Resources land use and the General Forest zone, which establishes a minimum parcel size of 40 acres; and

WHEREAS, Section 17.108.040 of the Mariposa County Zoning Ordinance states that "Minimum parcel or lot size shall apply to all proposals for actions which will result in the creation of a parcel or lot, or modification of the dimensions or land area of a parcel or lot"; and

WHEREAS, under no circumstances can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel or lot; and

WHEREAS, Section 17.04.030.C of the Mariposa County Zoning Ordinance requires that every lot or parcel of land, or portion thereof, shall be classified in only one (1) of the principal zone districts established by this Section. However, in addition to being classified in a principal zone district, a lot or parcel of land, or portion thereof, may be classified in one (1) or more of the combining zone districts; and

WHEREAS, the 40 acre portion being added to Parcel A are in the General Forest zone; and

WHEREAS, the applicant has chosen not to submit a Zone Change Application; and

WHEREAS, the zoning ordinance does not establish a specific regulation for the size of parcels which may be split by zoning designations; and

WHEREAS, the General Plan does establish a specific regulation for the size of parcels which may be split by land use designations; the General Plan Section 5.3 states, "Parcels of 40 acres or larger in size may be designated on the Land Use Diagram with more than one General Plan land use classification..."; and

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

WHEREAS, Lot Line Adjustment No. 2014-070 was scheduled for public hearing at the Planning Commission meeting on the 21st day of November 2014; and

WHEREAS, a Staff Report and environmental determination were prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission considered all of the information in the public record, including the Staff Report, the Negative Declaration and testimony presented by the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve Lot Line Adjustment No. 2014-070.

BE IT THEREFORE BE IT FURTHER RESOLVED THAT the project is approved based upon the ability of the Commission to make all of the required findings required by State Law and County Code. The Commission's findings for approval are set forth in Exhibit 1 of this Resolution and Exhibit 2 contains the required processing conditions to complete the lot line adjustment.

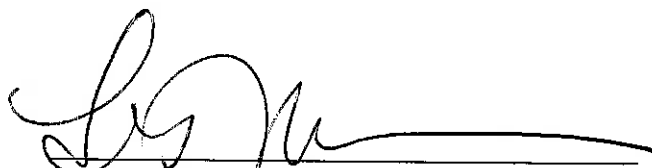
ON MOTION BY Commissioner Harris, seconded by Commissioner Becker, this resolution is duly passed and adopted this 21st day of November, 2014 by the following vote:

AYES: Harris, Becker, Harter, Bernikoff, and Marsden

NOES: None

EXCUSED: None

ABSTAIN: None


Les Marsden, Chair
Mariposa County Planning Commission

Attest:

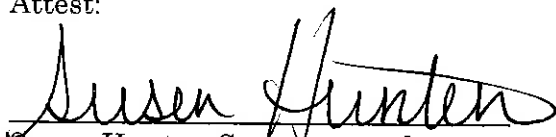

Susan Hunter, Secretary to the
Mariposa County Planning Commission

Exhibit 1 – Findings

1. **FINDING:** The lot line adjustment involves two parcels (Parcels A and B). Parcel B currently meets the minimum parcel size standards of the Natural Resources land use classification and General Forest zoning district. Parcel A currently does not meet the minimum parcel size standards of the Residential land use classification and Rural Residential zoning district.

The modification will result in Parcel B remaining conforming after the lot line adjustment. Parcel A will increase in size by 40 acres, which is the minimum parcel size of the Natural Resources land use classification and General Forest zoning district. The 0.331 acre portion of adjusted Parcel A within the Residential land use classification and Rural Residential Zoning district does not change (does not decrease in size).

This finding is made in accordance with the provisions of Section 17.108.040. of the Mariposa County Zoning Ordinance and Sections 5.3.02.D. and 5.3.05.D. of the Mariposa County General Plan.

2. **FINDING:** The lot line adjustment involves two existing adjacent parcels. The adjustment results in land being taken from one parcel and added to an 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.

The project, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act, County Code Title 16 (the County Subdivision Ordinance), County Code Title 17 (the County Zoning Ordinance) and the Mariposa County General Plan.

3. **FINDING:** The lot line adjustment will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA and circulated to the State Clearinghouse (State Clearinghouse Number 2014101048). Mitigation measures were not made a condition of the approval of the project. The Negative Declaration and record of project approval is available to the General Public at the Mariposa County Planning Department, 5100 Bullion Street, Mariposa CA.

The proposed lot line adjustment will not add any potential for additional dwelling units or population growth over and above what is allowed to occur in accordance with current zoning on the parcels, if the lot line adjustment did not occur. The project consists of a lot line adjustment between two legal parcels. The lot line adjustment will not have a negative effect on the environment, as it does not increase, facilitate or authorize any uses or additional development potential, grading or brush clearance over and above that allowed without the lot line adjustment. The project does not exceed any points of significance (thresholds for determining significant impacts) as established by the EIR certified for the General Plan (SCH Number 2002071101). Additionally, any future development on the project site would have to meet existing regulations, which include the County Code, the Zoning Ordinance, the General Plan, CEQA, and required permits governed by existing adopted standards (building permits, sewage disposal permits, well permits, grading permits, etc.). Therefore, the lot line adjustment will not have the potential to degrade the environment, will not hurt long-term environmental goals, will not contribute to cumulative impacts, and will not cause adverse effects on human beings. The lot line adjustment will not have a negative effect on mandated findings of significance.

Exhibit 2 – Required Conditions and Processing Requirements to Complete the Lot Line Adjustment

Conditions

1. The project applicant shall share in the costs for road maintenance and snow removal activities in Yosemite West for the 40 acres added to Parcel A. The applicant shall cause the adjusted project parcel area to join or otherwise establish some method for legal participation in the Yosemite West Maintenance District road maintenance functions. All costs associated with compliance of this condition shall be the responsibility of the applicant.

The parcel is not required to connect to the Yosemite West Maintenance District sewer and water services and the inclusion of the adjusted area into the district for road maintenance does not imply or grant any right, now or in the future, to district sewer and water services.

This condition shall be met prior to recordation of Certificates of Compliance to complete the lot line adjustment.

2. The Property Owner (Owner) shall indemnify, protect, defend, and hold harmless the County, and any agency or instrumentality thereof, and officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the County, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, any approval of the County, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the County, concerning the project and the approvals granted herein. Actions concerning the project and approvals granted shall include, but not be limited to, the environmental determination made pursuant to the California Environmental Quality Act (CEQA). Furthermore, Owner shall indemnify, protect, defend, and hold harmless the County, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against another governmental entity in which Owner's project is subject to that other governmental entity's approval and a condition of such approval is that the County indemnify and defend such governmental entity. County shall promptly notify the Owner of any claim, action, or proceeding. County will further cooperate in the defense of the action.

An agreement on a form approved by Mariposa County Counsel shall be executed within twenty (20) working days of the date of project action. Non-compliance with this condition may result in revocation of project approval by the county.

3. The following disclosure statement shall be placed on the Certificate of Compliance for adjusted Parcel B: "The current improved and historical access to Parcel B is from an unnamed road used to access the Maintenance District waste water treatment facilities. This road accesses Yosemite Parkway at the bottom of the subdivision, and crosses APN 060-090-001/002, currently owned by Yosemite West Associates."
4. All fees associated with the County's processing of Lot Line Adjustment No. 2014-070 shall be paid within Sixty (60) days from the date of project approval or billing. The Department of Fish and Wildlife filing fee (\$2,181.25 as of January 1, 2014, increases January 1, 2015) and County Clerk fee (\$50 as of January 1, 2014) shall be paid by the applicant within five (5) working days of the approval of the application (by Monday, December 1, 2014), because if the fee is not paid within 5 working days, and the Notice of Determination is not filed with the County Clerk prior to close of business on Monday, December 1, 2014 the environmental determination is not operative, vested, or final (Section 21089(b) Public Resources Code). The County Clerk requires that one check be submitted to cover both of these fees, for a total of \$2,231.25 (effective

January 1, 2014, increases January 1, 2015), and that it be in the form of a cashier's check or money order payable to "Mariposa County." The County Clerk will not accept a personal check for these fees. Submit the check to Mariposa Planning who will file this fee and other required documents with the County Clerk.

5. The following disclosure statement shall be placed on the Certificate of Compliance for adjusted Parcel A: "A 0.331-acre portion of this parcel is within the Yosemite West Maintenance District (YWMD) and a 40-acre portion of this parcel is outside of the YWMD. No connections to or use of connections to the YWMD water and sewer services are currently available or currently allowed for any development of or uses on the 40-acre portion outside of the district boundaries. Any future water or sewer needs for development of or uses on the 40-acre portion outside of the YWMD will need to be provided on-site through the use of a private well and on-site septic disposal system."
6. An easement from Yosemite Parkway to Adjusted Parcel B (APN 006-070-029 across 006-090-001/002, as this is the current access) shall be made 60 foot wide and non-exclusive or a lesser width as approved by the County Engineer. The easement shall be designated for access for the use and benefit of the subject property. Provisions for a public utility easement along the access easement shall be made; the public utility easement shall be offered for dedication to the County of Mariposa and shall specifically state that the dedication is for public utility purposes only. The location, width and alignment of the easement shall be approved by the County Engineer.

Steps for Completing Lot Line Adjustment No. 2014-070

1. **Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):** The project involves a transfer of property from Yosemite Highlands, Inc to Judds. 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 recordable legal 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/Recorder can map the change and assign 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 (step 2 above). 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.).