

MARIPOSA COUNTY

Planning · 209-966-5151



RESOLUTION - ACTION REQUESTED 2016-256

MEETING: May 24, 2016

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Lot Line Adjustment 2015-164 and LCA Modification 2015-163

RECOMMENDATION AND JUSTIFICATION:

Adopt a resolution approving Lot Line Adjustment (LLA) No. 2015-164 and Land Conservation Act (LCA) modification number 2015-163. Assessor's Parcel Numbers (APN) 016-090-093, 016-090-091 and 016-090-049 (for LLA number 2015-164), and APN 016-090-049 (for LCA modification number 2015-163). Dennis Ziegenfuss and Philomene Sherrell are the applicants.

The Planning Commission recommends that the Board of Supervisors adopt a resolution with the recommended findings and procedural steps:

- Approving Lot Line Adjustment No. 2015-164;
- Approving Land Conservation Act Amendment 2015-163; and
- Finding that the projects are exempt from Environmental review

The project will:

1. Adjust the shared property lines of three parcels to make them coincide with the centerline of Indian Gulch Road, so that all property is usable to the property owner. Total adjusted area is 0.95 acres;
2. Adjust an existing Land Conservation Act (Williamson Act) Contract to reflect the adjusted legal description resulting from the lot line adjustment.

Please see the attached report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board Resolution No. 11-571, Approval of Land Conservation Act Contract 2011-079, November 22, 2011.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Could alternatively approve with modifications. A negative action would result in non-conforming zoning.

ATTACHMENTS:

BOS Staff Report LLA 2015-164 LCA Mod 2015-163 (DOC)

Attachment A- LLA Vicinity Map & Site Plan (PDF)

Attachment B- LCA Vicinity Map (PDF)

Attachment C- AAC FEB 11, 2016 Minutes (PDF)

Attachment D- PC Resolution & Draft Minutes (PDF)

Attachment E- BOS Draft Resolution (DOC)

Attachment F- NOE (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Mary Hodson, CAO 5/19/2016

RESULT: ADOPTED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

DRAFT
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2016-256

A resolution approving Lot Line Adjustment (LLA) No 2015-164; APN Nos. 016-090-093, 016-090-091 and 016-090-049 , and Land Conservation Act (LCA) Contract No. 2015-163; APN Nos. 016-090-049; Dennis Ziegenfuss and Philomene Sherrell, applicants.

WHEREAS, an application for a Lot Line Adjustment and Land Conservation (Williamson) Act Contract modification was received on November 17, 2015, from Dennis Ziegenfuss and Philomene Sherrell for property located at 5470, 5406 and 5437 Indian Gulch Road in the Catheys Valley area (also known as Assessor Parcel Numbers 016-170-093 and 016-170-094), which proposes a three parcel lot line adjustment to adjust the property lines to the centerline of Indian Gulch Road; and

WHEREAS, an application for a new Land Conservation (Williamson) Act Contract was received on November 17, 2015 from Philomene Sherrell for property located at 5437 Indian Gulch Road in the Catheys Valley area (also known as Assessor Parcel Numbers 016-090-049); and

WHEREAS, the three parcel Lot Line Adjustment proposes to adjust the property lines to the centerline of Indian Gulch Road where there are slivers of each parcel (that total approximately .95 acres collectively) that lay on the opposite sides of the road along the shared parcel boundary lines.

WHEREAS, the proposed lot line adjustment remedies the situation by adjusting the parcel boundaries to the centerline of Indian Gulch Road for each parcel thereby eliminating the road bisecting the parcels and the slivers of land.

WHEREAS, Lot Line Adjustment Parcel C, Assessor Parcel number 016-090-049 is encumbered by Land Conservation Act ("Williamson Act") contract No. 2011-079 and the contract must be modified to reflect the proposed adjusted legal description; and

WHEREAS, the property has been used for agricultural purposes for a minimum of three years; and

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

WHEREAS, a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of February 11, 2016; and

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

WHEREAS, the Agricultural Advisory Committee did hold their meeting on the noticed date and considered all of the information in the public record, including the Staff Report, and their own knowledge of county-wide agricultural operations; and

WHEREAS, the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve the lot line adjustment, amend the Agricultural Preserve boundaries to include the adjusted Parcel C land on the subject property and enter into modified Land Conservation Act Contract with the applicant, covering the subject property; and

WHEREAS, a duly noticed Planning Commission public hearing for the project was scheduled for the 18th day of March 2016; and

WHEREAS, the Planning Department determined that the lot line adjustment establishment of a new agricultural preserve and execution of new and modified Williamson Act Contract on the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act; 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, testimony presented by the public concerning the application, and the comments of the applicant; and

WHEREAS, the Planning Commission of the County of Mariposa recommended that the Board of Supervisors approve a Notice of Exemption; and

WHEREAS the Planning Commission of the County of Mariposa adopted resolution No. 2016-002 recommending that the Board of Supervisors approve Lot Line Adjustment No. 2015-164 and Land Conservation Act Contract Modification Application No. 2015-163 and establish a modified Agricultural Preserve on the subject property and enter into a modified Land Conservation Act Contract with the applicant, covering the subject property as requested by the applications.

WHEREAS, a duly noticed Board of Supervisors public hearing for the project was scheduled for the 24th day of May 2016; and

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

NOW THEREFORE, BE IT RESOLVED THAT the Board of Supervisors approve Lot Line Adjustment No. 2015-164 and Land Conservation Act Contract Modification Application No. 2015-163 and establish a modified Agricultural Preserve on the subject property and enter into a modified Land Conservation Act Contract with the applicant, covering the subject property as requested by the applications.

BE IT THEREFORE FINALLY RESOLVED THAT this action is recommended based upon the findings set forth in Exhibit 1 and the conditions established in Exhibit 2.

ON MOTION BY Supervisor Long, seconded by Supervisor Smallcombe, this resolution
duly passed and adopted this 24th day of May 2016 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, CARRIER

NOES: NONE


ABSENT: NONE

ABSTAIN: NONE



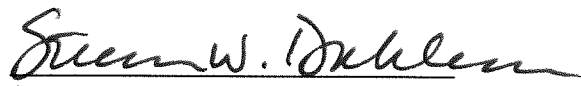
John Carrier, Chairman
Mariposa County Board of Supervisors

Attest:



René LaRoche, Clerk of the
Board of Supervisors

Approved as to Form:



Steven W. Dahlem
County Counsel

EXHIBIT 1
PROJECT FINDINGS
FOR
Lot Line Adjustment No. 2015-164 and Land Conservation Act
Modification No. 2015-163

Lot Line Adjustment 2015-164

1. **FINDING:** The lot line adjustment involves three (3) parcels where the existing configuration of Parcels A (35.49 acres - calculated at 34.56) and Parcel B (58.21 acres) are legal nonconforming in size because they are less than the minimum applicable Agriculture Exclusive Zone (AEZ) required lot size of 160 acres each. The existing Parcel C (190.10 acres) is conforming and exceeds the applicable AEZ minimum lot size of 160 acres. The proposed modified configuration does not create any additional or new non-conforming parcels than what exists prior to the adjusted configuration. The non-conforming parcel size reduction of Parcel A by .39 acres and Parcel B by .56 acres resulting from the adjustment is warranted because the resulting property boundary modifications improves the circumstances of the three parcels by adjusting the parcel boundaries to the centerline of Indian Gulch Road for each parcel and thereby eliminating the road bisecting the parcels and the slivers of unusable land under current circumstances. Adjusted Parcel C maintains its conformity to the AEZ, at 191.05 acres. (This finding is made in accordance with the provisions of Section 17.108.040 B of the Mariposa County Zoning Ordinance and Section 5.3.04.D. of the Mariposa County General Plan).
2. **FINDING:** The Lot Line Adjustment involves three (3) 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 subdivision, upon compliance with the required conditions, complies with all standards of the Subdivision Map Act and Title 16 of the County Subdivision Ordinance).
3. **FINDING:** This project is exempt from the California Environmental Quality Act (CEQA) The Lot Line Adjustment is exempt from CEQA pursuant to:

15305. MINOR ALTERATIONS IN LAND USE LIMITATIONS. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

Land Conservation Act Modification No. 2015-163

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.
2. **FINDING:** The contract 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, or other Agricultural Production Uses or Compatible Uses as specified in the contract.
3. **FINDING:** The modified contract 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. The land area actually increased for the LCA contract parcel by .95 acres.
6. **FINDING:** After the adjustment, all contracts will be large enough to sustain their agricultural use (dryland grazing).
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.
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 needs of the applicants.
11. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, Open Space Contracts or Easements, CEQA Guidelines.

EXHIBIT 2
PROJECT STEPS/CONDITIONS
FOR
Lot Line Adjustment No. 2015-164 and Land Conservation Act
Modification No. 2015-163

**Steps for Completing Lot Line Adjustment No.
2015-164**

1. Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):

The project involves a transfer of property from both Ziegenfuss and Sherrell. 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 all 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.

**Steps (Conditions) for Completing Land
Conservation Act Modification No. 2015-163**

- 1. Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the modified Williamson Act Contract, a typed, stamped, and signed copy of the approved legal descriptions for the lands that are to be placed under the modified contract must be provided by the applicant to Mariposa Planning.

2. **Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, the amended Williamson Act Contract 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 contract to the property owner(s) involved in the application.
3. **Signing and Notarizing the Modified Williamson Act Contracts (APPLICANT'S RESPONSIBILITY):** The contract 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 contract 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 8 in LLA Processing Conditions above). This step completes the Land Conservation Act Contract Modification Process.