

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

---

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

Resolution  
No. 2007-28

**A resolution recommending that the Mariposa County Board of Supervisors conditionally approve Lot Line Adjustment No. 2006-334, Land Conservation Act Contract Modification No. 2007-032; Elsie Patricia Pirtle, Trustee; and James and Kimberly Hopman, applicants. Assessor Parcel Numbers 017-070-005, 017-070-003, 017-060-058, and 017-060-057**

WHEREAS an application for a lot line adjustment was received on December 17, 2006 from James and Kimberly Hopman and Elsie Patricia Pirtle for two parcels located at 3023 Old Highway and 3043 Old Highway, also known as Assessor Parcel Numbers 017-070-003 and 017-070-005; and

WHEREAS one of these parcels (APN 017-070-005) is encumbered by Land Conservation Act ("Williamson Act") contract No. 48, 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 was received on February 13, 2007, which proposed to separate a portion of existing Land Conservation Act contract No. 48 into two separate contracts encompassing adjusted APN 017-070-005 and 017-060-058 (176.33 acres) in one contract and APN 017-060-057 (191.80 acres) in the other; 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 14, 2007; 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 June 15, 2007; 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 Lot Line Adjustment No. 2006-334 and Land Conservation Act Contract Modification No. 200-032.

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 DeSantis, seconded by Commissioner Ross, this resolution is duly passed and adopted this 15<sup>th</sup> day of June 2007 by the following vote:

AYES: Hagin, Ross, Skyrud, DeSantis, and Rudzik

NOES: None

EXCUSED: None

ABSTAIN: None



Bob Rudzik, Chairman  
Mariposa County Planning Commission

Attest:



Carol Suggs, 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 two parcels; which do not meet the minimum parcel size and density standards of the Agriculture/Working Landscape land use designation or the Agricultural Exclusive zoning district in their existing and modified configurations. The parcels are not in compliance with the Mariposa County Zoning Ordinance and the Mariposa County General Plan. Although neither of the parcels is in conformance, no other aspects will change other than the legal descriptions. The lot line adjustment will be an equal acreage adjustment, meaning that only the boundaries of the parcels will change and there will be no increase or decrease in size in either parcel. The lot line adjustment will improve the circumstances of the parcels, placing buildings on the correct parcels, which currently sit on the property line. 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 5.3.05.D and Implementation Measure 10-2a(2) 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 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 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

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 (91.18 acres) and APN 017-060-058 (85.15 acres) will contain 176.33 acres after the lot line adjustment and the modification of Land Conservation Act Contract No. 48. The two combined parcels, which include the proposed parcel, meet the minimum size established by the Board of Supervisors for an agricultural preserve. These two parcels shall be managed together as one agricultural operation for the duration of the term of the contract while the agricultural use is dry land grazing. The other parcel that will be placed under separate contract meets the minimum size as well. The use of this property for cattle grazing or other Agricultural Production Uses or Compatible Uses as specified in the contract 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 (for both parcels).
6. **FINDING:** After the adjustment, both parcels will be large enough to sustain their agricultural use (dry land grazing). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on May 14, 2007.
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 not 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 5.3.05.D and Implementation Measure 10-2a (2).
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. 2006-334

- 1. Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):** The project involves a transfer of property from Hopman to Pirtle and from Pirtle to Hopman. A land surveyor or other qualified individual must provide the County Surveyor (Jerry Freeman, 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 (Jerry Freeman, 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. **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.
  
7. **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. 2007-032

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 adjusted parcels that are to be placed under the modified contracts must be provided by the applicant to Mariposa Planning. One description shall contain Parcel A as modified by the lot line adjustment together with APN 017-060-058. The other description shall contain APN 017-060-057.
  
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. The modified contract for adjusted Parcel A of Lot Line Adjustment No. 2006-334 and APN 017-060-058 shall contain a requirement that the two parcels shall be managed together for the duration of the contract, while the agricultural use is dry land grazing. 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 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 has been signed and notarized by both parties, Mariposa Planning will record the contracts concurrently with the Certificate 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.**