DEPARTMENT: Planning

BY: Megan Tennermann, Asst. Planner
PHONE: (209) 742-1219

RECOMMENDED ACTION AND JUSTIFICATION:

Adopt resolution finding that the project is exempt from the provisions of the California Environmental Quality Act and approving Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213 with the recommended findings and conditions.

Waive first reading and introduce ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to General Plan/Zoning Amendment No. 2004-212.

Action is based upon the Planning Commission's recommendation and County Resolution No. 77-157 implementing the Williamson Act.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board approved Land Conservation Act Contract No. 84-3 to be effective January 1, 1985.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $________
Additional Funding Needed: $________
Source: _______
Internal Transfer _______
Unanticipated Revenue _______ 4/5's vote
Transfer Between Funds _______ 4/5's vote
Contingency _______ 4/5's vote
( ) General ( ) Other

Attachments:
A. Staff Report to Board of Supervisors/ B. Proposed Notice of Exemption/ C. Draft Resolution for Project Approval/ D. Draft Ordinance Amending the Mariposa County Zoning Map/ E. Minutes Excerpt from the Planning Commission Hearing of February 18, 2005

CLERK'S USE ONLY:
Res. No.: 05-108 Ord. No.____
Vote – Ayes:____ Noes: ______
Absent: ______
Approved ______ Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: ______
Attest: MARGIE WILLIAMS, Clerk of the Board County of Mariposa, State of California
By: ________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
____ Requested Action Recommended  ______ No Opinion
Comments: ____________________________________________________________

______________
CAO: ________________

Revised Dec. 2002
MARIPOSA PLANNING STAFF REPORT

From: Kris Schenk, Planning Director
Prepared By: Megan Tennemann, Assistant Planner
Board of Supervisors Hearing Date: March 22, 2005

PROJECT: Lot Line Adjustment No. 2004-211 proposes to adjust the boundary between two parcels, APN 011-300-019 (Parcel A; 3.99 acres) and APN 011-310-019 (Parcel B; 153.75 acres). The boundary adjustment is proposed in order to relocate the existing improvements onto Parcel A, and will be an equal-acreage exchange between the two parcels. Parcel B is subject to Williamson Act Contract 84-3, which requires this lot line adjustment to include General Plan Zoning Amendment No. 2004-212 in order to readjust the zoning along the new parcel lines and Land Conservation Act Modification No. 2004-213 which will modify the contract to reflect the new boundary.

APPLICANT: Suzanne Richardson

AGENT: Freeman & Seaman Land Surveyors

NOTICING: Gazette Ad: March 9, 2005
Mailed Notice: March 4, 2005

COMMISSION RECOMMENDATION:

Pursuant to the Concurrent Processing Provisions in Mariposa County Code, the Board of Supervisors is permitted to take action on all three of these related projects. Therefore, Staff recommends the Mariposa County Board of Supervisors:

A. Find that the project is exempt from environmental analysis, and

B. Approve Lot Line Adjustment No. 2004-211, General Plan Zoning Amendment No. 2004-212 and Land Conservation Act Modification No. 2004-213 with the recommended findings and conditions

STAFF SUMMARY ANALYSIS & RECOMMENDATION:

This minor lot line adjustment in Catheys Valley is located approximately 1.3 miles north of the intersection of Hornitos Road and State Highway 140. Parcel A is zoned Mountain Home and Parcel B is zoned Agricultural Expensive. Both parcels are less than the minimum parcel size for their zone. Both parcels take access directly from Hornitos Road; access is unaffected by the lot line adjustment. The purpose of the General Plan Zoning Amendment is to adjust the zoning so that both parcels only have one zoning designation and so that the entire parcel under contract is zoned Ag Exclusive as required by County policy. Similarly, the modification of the existing Williamson Act contract on the parcel is solely to reflect the new parcel boundary in the legal description. To date, there has been no public opposition to this project.
Applicant: Suzanne Richardson
Board of Supervisors Hearing of March 22, 2005
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Project Description for Richardson

A. Description of Project (see Site Plan, Page 3)
Minor lot line adjustment in Catheys Valley between Parcel A (3.99 acres, zoned Mountain Home) and Parcel B (153.75 acres, zoned Agricultural Exclusive). Proposed project is an equal exchange of 1.478 acres between the two parcels. Parcel B is subject to Land Conservation Act Contract No. 84-3. Parcel A in its new configuration will contain all existing improvements, including the septic leach field currently located on Parcel B, and will meet the County lot design standard (a length to width ratio of 4:1).

Because Parcel B is under Williamson Act contract and located in an Agricultural Preserve, the process is more complicated than the standard lot line adjustment. The applicant is proposing a General Plan Zoning Amendment to correct the “split zoning” problem that would result from moving the parcel boundary, and she has also submitted an application to modify the existing Williamson Act contract to correct the legal description for Parcel B.

Both parcels take access directly from Hornitos Road; access is unaffected by the lot line adjustment. In this area, Hornitos Road is a paved, centerline-striped, County-maintained road, approximately 22 feet wide at the encroachment for Parcel A/B, which is located approximately 1.3 miles north of the intersection of Hornitos Road and State Highway 140. This project will not increase the number of parcels available for residential development and will therefore have no effect on the traffic or condition of Hornitos Road. No road improvements are required as a result of this project.

B. Project Background Data

Existing Zoning: Mountain Home/Agricultural Exclusive

General Plan: Mountain Home/Agricultural Exclusive

Current Land Use: Mobile home and appurtenant uses/Cattle grazing and appurtenant uses

Parcel History: APN 011-300-019—Building permit #23533, issued 7/27/04
APN 011-310-019—original grant deed recorded in Volume 32 of Mariposa County Official Records; grant deed recorded June 1, 1958 in Volume 63 at Page 36, MCOR, created parcel in its current configuration.
Applicant: Suzanne Richardson
Board of Supervisors Hearing of March 22, 2005
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Adjacent Land Uses:
North: Mountain Home to west/Agricultural Exclusive to east—zoning divides along Section 33/34 line
South: Mountain Home
East: Agricultural Exclusive
West: Mountain Home

Site Topography:
Parcel A has fairly gentle slopes, ranging approximately from flat-5%. Parcel B has steeper slopes, ranging from approximately 5% to approximately 25%, with the majority of the property in the 10-20% range. The parcels are located on slopes facing northwest. There is a seasonal drainage located onsite at the north edges of Parcels A and B: when water is present, it flows offsite to Bear Creek, about a mile away. Vegetation onsite is moderate with a mixed plant community containing elements of Foothill Woodland.

Project Analysis for Richardson

A. Agency Comments

Requests for comments were sent to the following agencies: Mariposa County Public Works, Mariposa County Environmental Health, Mariposa County Fire Department, Mariposa County Assessor, California Department of Fish and Game, the Mariposa Indian Council, Mariposa County Resource Conservation District, Mariposa County Unified School District, California Department of Forestry and Fire Protection, California Department of Conservation, John C. Fremont Hospital, Catheys Valley Planning Advisory Committee, Pacific Gas & Electric, and Sierra Telephone. Responses were received from the following agencies: Mariposa County Public Works, Mariposa County Agricultural Advisory Committee, and Mariposa County Unified School District.

Public Works: Public Works has no objections to the project as proposed.

MCUSD: The school district has no specific concerns or needs regarding this project.

Agricultural Advisory Committee: On January 20, 2005, the Agricultural Advisory Committee held a duly noticed public meeting and reviewed this project; the committee voted unanimously to recommend that the Planning Commission recommend that the Board of Supervisors approve this project as set forth by staff.

Planning Commission: On February 18, 2005, the Planning Commission held a duly noticed public hearing and reviewed this project. There were no concerns from members of the public regarding this project and after due deliberation, the Planning Commission adopted a resolution recommending that the Board of Supervisors approve this project as set forth by staff.
Applicant: Suzanne Richardson
Board of Supervisors Hearing of March 22, 2005
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B. **Practical Concerns**

Planning evaluated the project for the following issues:

**Access and Roadwork:** Both parcels take access directly from Hornitos Road; access to both parcels is unchanged by the project. No roadwork is required as a condition of approval of this project.

**Utilities:** This property is not located within a public utility district; onsite well and septic systems exist for all existing development. Further development is not proposed or feasible for this property. Telephone and electric services are available to this property.

**Drainage:** There is a seasonal drainage onsite; at the time of the site visit, staff observed that the unnamed drainage does not appear to contain riparian vegetation. Staff is not recommending a drainage easement for this creek.

**Williamson Act:** The Williamson Act contract for Parcel B can be easily modified; the acreage is remaining the same and only the configuration and boundaries of the parcel are changing. The process for modifying a Williamson Act contract is essentially the immediate cancellation of the original contract and simultaneous execution of the new contract.

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**Project Processing and Completion for Richardson**

In order to ensure that all three of these projects are completed concurrently, staff proposes the following processing schedule at this public hearing and after the hearing is completed:

1. At this public hearing, the Board adopts a resolution:
   - Finding that this project is exempt from CEQA,
   - Approving Lot Line Adjustment No. 2004-211 with the recommended findings and conditions,
   - Approving Land Conservation Act Contract Modification No. 2004-213 with the recommended findings and conditions, and
   - Approving an amendment to the General Plan Land Use Map pursuant to General Plan Zoning Amendment No. 2004-212 with the recommended findings and conditions, noting that the effective date of the General Plan Amendment shall be upon the effective date of the Zoning Ordinance Amendment.

2. Also at this public hearing, Board waives first reading and introduces an ordinance:
   - Approving an amendment to the zoning map pursuant to General Plan Zoning Amendment No. 2004-212.

3. Following Board action, the applicant meets all the conditions of the lot line adjustment and submits all information necessary to record Certificates of
4. The Planning Department prepares the amended Williamson Act Contract, and the authorized representative of Mariposa County signs and notarizes the amended contract. The applicant meets all the required conditions for the Williamson Act modification and the signed and notarized amended contract is ready to record.

5. The Planning Department schedules the Board of Supervisors action for the second reading of the Zoning Amendment.

6. Board of Supervisors waives the second reading and adopts ordinance:
   - Approving an amendment to the zoning map pursuant to General Plan Zoning Amendment No. 2004-212.

7. The Ordinance amending the zoning map shall be effective 30 days from the Board action to adopt the ordinance. On the effective date of the ordinance map amendment and the General Plan land use map amendment, the Planning Department records the Certificates of Compliance for the adjusted parcels, thereby completing Lot Line Adjustment No. 2004-211; and the Planning Department records the amended Williamson Act Contract, thereby completing Land Conservation Act Contract Modification No. 2004-213.
Lot Line Adjustment Findings

In keeping 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. 2004-211:

1. **FINDING:** The lot line adjustment involves two parcels which do not meet the minimum parcel size standards of the land use and zoning district. The modification will result in the improvement of the circumstances and / or design of the non-conforming parcels as follows (this finding is made in accordance with the provisions of Section 17.108.050B. of the Mariposa County Zoning Ordinance and Section 3.602.C. of the Mariposa County General Plan):
   
   a. Both parcels are currently non-conforming in size; the adjustment is an equal exchange of land between the two parcels and does not change the circumstances of either parcel.
   
   b. The design of Parcel A is improved; the parcel after the adjustment meets the 4:1 length to width ratio, which it does not meet currently.
   
   c. The circumstances of Parcel A are improved; the existing structures on Parcel A are located onsite and meet county setback requirements, which is not currently the situation.

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 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:** 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 in its entirety 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.

4. **FINDING:** The approval of the lot line adjustment shall be effective on the effective date of the zoning amendment.

General Plan Zoning Amendment Findings

In keeping with Section 2.504 of the Mariposa County General Plan and Section 17.128.050 of the Mariposa County Zoning Code, the following findings are made for General Plan Zoning Amendment Application No. 2004-212:
1. **FINDING:** This amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

**EVIDENCE:** This amendment is proposed to correct a nonconforming building situation where septic disposal facilities for a residential structure are located off-site on Williamson Act-contracted land. This matter is resolved by an equal-acreage lot line adjustment. It is in the general public interest to immediately correct this nonconformity. The general public health, safety, peace and welfare will not be affected in any way.

2. **FINDING:** This amendment is desirable for the purpose of improving the Mariposa County General Plan with respect to providing a long term guide for County development and a short term basis for day-to-day decision making.

**EVIDENCE:** The inclusion of the land being added to Parcel B in the Agriculture Exclusive land use and zoning classification will remove the possibility of further development on that land, particularly because that land is subject to Williamson Act contract. This provides the County with the long-term knowledge that the 153.75 acres comprising Parcel B will be unavailable for further development for a minimum of twenty years, and the County will be able to plan around that when additional home sites need to be developed. The inclusion of the land being added to Parcel A into the Mountain Home land use and zoning classification will allow that parcel to be developed with additional appurtenant structures, because there will be space on the parcel suitable for development that meets all the setback requirements and relocates the existing septic disposal system on the site that it serves. This provides the County with the ability to make day-to-day decisions like building permit approvals. Additionally, the inclusion of the land being added to Parcel A into the Mountain Home zone allows that parcel to meet the long-term goals set forth in the County General Plan for parcel design, as it will meet the 4:1 length-to-width ratio after the lot line adjustment is completed.

3. **FINDING:** This amendment conforms to the requirements of State law and County policy.

**EVIDENCE:** County Resolution No. 77-157 enacts the Land Conservation (Williamson) Act in Mariposa County. This resolution requires that all land under Williamson Act contract must be zoned Agriculture Exclusive. The lot line adjustment portion of this project changes the boundaries of the parcel under contract (Parcel B) and includes land in the contract parcel that is currently zoned Mountain Home. This zoning amendment application is required in order for the project as a whole to comply with State law and County policy.

4. **FINDING:** This amendment is consistent with other guiding policies, goals, policies and standards of the Mariposa County General Plan.

**EVIDENCE:** County Resolution No. 82-75 discusses the establishment of land use classification boundaries and how to eliminate the problem of having one parcel subject
to the requirements of two different land use and zoning classifications. This amendment is in keeping with that resolution and its underlying goals.

5. **FINDING:** The subject parcel is physically suitable (including, but not limited to access, provision of utilities and infrastructure, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the anticipated land use development.

**EVIDENCE:** The subject parcels are found to be physically suitable for the proposed land use and zoning classifications based upon existing development onsite. Parcel A is currently developed with existing improvements, and Parcel B is used for agricultural purposes. The adjustment is a minor acreage, and enables all infrastructure improvements necessary to support the residence on Parcel A to be located onsite.

6. **FINDING:** The proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

**EVIDENCE:** The proposed zoning is logical in that it adjusts the zoning and land use classification boundaries based upon the Lot Line Adjustment portion of this project so that they conform to the new parcel boundaries and each parcel is subject to only one zoning and land use classification.

7. **FINDING:** The proposed General Plan Amendment shall be effective on the effective date of the Zoning Amendment.

**EVIDENCE:** This is a staff recommendation in order to simplify the project.

**Williamson Act Contract Modification Findings**

In keeping with Mariposa County Resolution No. 77-157 Implementing the Land Conservation Act in Mariposa County, 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 property within the new boundary, as the existing fence line includes the portion of land being transferred to Parcel B. The agricultural preserve containing Parcel B will contain 153.75 acres before and after the lot line adjustment attached to this project, which meets the minimum size established by the Board of Supervisors. The use of this property for cattle grazing must be profitable, except in extraordinary circumstances (such as natural disasters). The lot line adjustment attached to this project will have no effect on the land use and no effect on the Williamson Act contract other than amending the boundaries. The modification of the Williamson Act contract as a result of this project shall be effective on the effective date of the zoning amendment.
Recommended Conditions of Approval for Lot Line Adjustment No. 2004-211

1. **Preparation of Amended Parcel Boundary Descriptions:** 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.

2. **Review of Legal Descriptions:** 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.

3. **Payment of Taxes:** 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. 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. Please contact the Tax Collectors Office directly [(209) 966-2621] for more information and the amount you will need to pay. Ask them to forward the Verification of Taxes Paid Form allowing Recordation of Certificates of Compliance for each parcel to Mariposa Planning. The Assessor/Recorder will not allow us to record the Certificates of Compliance without this form.

4. **Payment of Recording Fees:** 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.

Recommended Condition of Approval for General Plan Zoning Amendment No. 2004-212

1. **Project Completion:** Prior to scheduling the second reading of the Zoning Ordinance Amendment, all conditions required to complete the Lot Line Adjustment and all conditions required to complete the Williamson Act Modification shall be met.

Recommended Conditions of Approval for Land Conservation Act Contract Modification No. 2004-213

1. **Legal Description:** Prior to recordation of the modified Williamson Act Contract for modified Parcel B, a typed, stamped, and signed copy of the approved legal description for Parcel B in its modified configuration must be provided by the applicant to Mariposa Planning.
2. **Contract Modification:** In order to complete this project, an amended Williamson Act Contract will be prepared by Mariposa Planning. This contract must be signed by the applicant and a representative of Mariposa County authorized by the Board of Supervisors, and the signatures of both parties must be notarized. When the amended contract has been signed by both parties, Mariposa Planning will record the contract concurrent with the effective date of the Zoning and General Plan Ordinances.
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: FIRST READING AND INTRODUCTION OF AN ORDINANCE APPROVING AMENDMENT TO MARIPOSA COUNTY ZONING MAP PURSUANT TO GENERAL PLAN/ZONING AMENDMENT NO. 2004-212; SUZANNE RICHARDSON, APPLICANT; FREEMAN AND SEAMAN LAND SURVEYORS, AGENT

Resolution No. 05-108

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 22, 2005

ACTION AND VOTE:

11:37 a.m. Kris Schenk, Planning Director;
PUBLIC HEARING Relative to Adopting a Resolution Approving Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213; Waive First Reading and Introduce an Ordinance Approving Amendment to Mariposa County Zoning Map Pursuant to General Plan/Zoning Amendment No. 2004-212; Suzanne Richardson, Applicant; Freeman & Seaman Land Surveyors, Agent. Project Site Includes Assessor’s Parcel Numbers (APN) 011-300-019 and 011-310-019, Located Adjacent to and Easterly of Hornitos Road near McCay Road in the Catheys Valley Area

BOARD ACTION: Megan Tennermann, Assistant Planner, presented the staff report, and she reviewed the recommended actions. Megan advised that the second reading and adoption of the Ordinance would be brought to the Board after the Contract Modification is signed by the applicant. Staff responded to questions from the Board relative to the existing zoning for the parcels and clarification of why the General Plan/Zoning Amendment process is required; and relative to the processing of building permits. The public portion of the hearing was opened. There was no public input. The public portion was closed and the Board commenced with deliberations. (M)Turpin, (S)Fritz, Res. 05-108 was adopted finding that the project is exempt from the provisions of CEQA and approving Lot Line Adjustment No. 2004-211, General Plan/Zoning Amendment No. 2004-212, and Land Conservation Act Contract Modification No. 2004-213 with the recommended findings and conditions; and waiving the first reading and introducing an Ordinance approving amendment to Mariposa County zoning map with the recommended findings, pursuant to General Plan/Zoning Amendment No. 2004-212. The Clerk of the Board read the title of the Ordinance into the record. Aye: Unanimous. The hearing was closed.

cc File