STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2017-015


WHEREAS, an application for General Plan Amendment No. 2017-163 was received on September 25, 2017 from Leigh Westerlund for property located at 6820 and 6792 Rancheria Creek Road in the Midpines area, also known as a portion Assessor Parcel Number 008-170-047 (will become part of 008-180-015); and

WHEREAS, the application proposes to amending the General Plan land use designation of a 0.10 acre portion from Natural Resources to Residential to coincide with the adjusted boundaries approved by Lot Line Adjustment No. 2017-153; and

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

WHEREAS, a duly noticed Planning Commission public hearing for the project was scheduled for the 1st day of December 2017; and

WHEREAS, the Planning Department determined that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and therefore is exempt from the provisions of the California Environmental Quality Act per the General Rule Exemption; Section 15061, CEQA Guidelines; 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, the proposed environmental determination, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors find that the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT, the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Amendment Application No. 2017-163, with the General Plan Amendment being effective upon the completion of Lot Line Adjustment No. 2017-153.

BE IT THEREFORE FINALLY RESOLVED THAT, the recommendation to approve the project is based upon the findings set forth in Exhibit 1. The area described in Exhibit
2 and shown in Exhibit 3 is the area to be amended from the Natural Resources land use designation to the Residential land use designation.

ON MOTION BY Commissioner Kennec, seconded by Commissioner McCamman, this resolution is duly passed and adopted this 1st day of December 2017 by the following vote:

AYES: Kennec, McCamman, Herman, Becker, and Kehoe

NOES:

EXCUSED:

ABSTAIN:

Mick Herman, Chair
Mariposa County Planning Commission

Attest:

Shawnee Iacono, Secretary to the
Mariposa County Planning Commission
EXHIBIT 1
RECOMMENDED PROJECT FINDINGS

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, and the Mariposa County General Plan the following findings must be made before a general plan amendment may be approved.

1. That such an amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare:

   The project proposes a General Plan Amendment to a 0.10 acre area in order to coincide with the parcel boundaries as modified by a lot line adjustment. There is a 0.10 acre portion that is being changed from Natural Resources to Residential to match the rest of the 5.01 acre parcel. This area currently contains structures that belong to the 5.01 acre parcel site that were constructed over the property line, which is addressed by the lot line adjustment. The amendments to the General Plan land use are in the public interest as it will ensure that the property boundaries as modified by the lot line adjustment are consistent with the land use designation being applied to the rest of the parcel. These changes will not have a significant adverse affect on the general public health, safety, peace, and welfare.

2. That such an 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:

   The General Plan land use designation amendments will improve the General Plan by ensuring that the land use designations among the parcels involved follow parcel boundaries and correspond with the rest of the parcels including uses currently on-site. This will prevent parcels having multiple land use designations and be in compliance with the General Plan requirement that parcels less than 40 acres only have one land use designation.

3. That such an amendment conforms to the requirements of state law and county policy;

   With respect to notice, hearings and findings requirements, the project was reviewed in accordance with state law and county policy.

4. That such an amendment is consistent with other guiding policies, goals, policies, and standards of the Mariposa County general plan;

   The General Plan does not allow multiple land use designations on parcels under 40 acres in size. The General Plan amendment will ensure that the project is consistent with this requirement.

5. In the case of an amendment to the General Plan Land Use Map:
a. 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; and

The lot line adjustment modifies the parcel boundaries to ensure that appurtenant structures and uses are located on the correct parcel. The amendments to the General Plan land use designation ensure that the modified parcels remain consistent with the designation applied to the rest of the parcel.

b. the proposed land use is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public.

The proposal will not affect employment opportunities or basic services. The changes will ensure that the parcels will remain consistent with the designations applied to the rest of the parcel after the lot line adjustment is completed.

**CEQA Finding**

Staff recommends that the Planning Commission recommend to the Board of Supervisors that they find the proposed amendments are exempt from environmental review pursuant to Section 15061(b)(3). The amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility that the amendments may have a significant effect on the environment.

This project will not result in any new construction on the ground.
A tract of land situated in a portion of the Northeast quarter of the Northeast quarter (NE1/4 NE1/4) of Section 22, Township 4 South, Range 18 East, M.D.M., Mariposa County, State of California, said tract of land also being a portion of Parcel C as said Parcel C is delineated on that certain map entitled “Parcel Map for John C. Baker” filed September 29, 1981 in Book 19 of Parcel Maps at page 22, Mariposa County Records, said tract of land being more particularly described as follows:

BEGINNING at a point on the south line of said Parcel C, said point being located S87°01′39″E a distance of 299.09 feet from the southwest corner thereof; thence continuing S87°01′39″E, along the south line of said Parcel C, for 132.30 feet; thence, leaving the south line of said Parcel C, N44°55′25″W for 98.32 feet; thence S44° 58′18″W for 88.71 feet to the POINT OF BEGINNING.

The above-described tract of land contains 0.10 acres, more or less, and is subject to any liens, encumbrances, covenants, restrictions and rights-of-way or easements of record or legally acquired.

Prepared by:

Richard A. Seaman, LS 5339

[Signature]

Date: 9/24/17
EXHIBIT 2
SITE PLAN

Proposed Land Use Designation

PARCEL A
41.77 Ac before LLA
41.67 Ac after LLA
There are no improvements on Parcel A

Scale: 1" = 100'

Property line to be established

11' x 12' guest house with patio
15' x 30' house with deck
60' wide, non-encroach public road
Utility easement

12' x 12' wide dirt road
12' x 15' wide dirt road
60' wide, non-encroach public road
60' wide, non-encroach public road

Parcels

5.01 Ac before LLA
5.11 Ac. after LLA

Area of proposed amendment

Detail

4" dia. water line
4½" pump house

Prepared By:
Richard A. Seaman, L.S. 5339