RESOLUTION - ACTION REQUESTED 2018-94

MEETING: March 6, 2018

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: General Plan Amendment No. 2017-163; Correll/Westerlund

RECOMMENDATION AND JUSTIFICATION:
PUBLIC HEARING: Adopt a Resolution with Findings, Finding that the Project is Exempt from Environmental Review and Approving General Plan Amendment No. 2017-163; Correll/Westerlund, Applicants. Project Amends the Land Use Designation of 0.10 Acres from Natural Resources to Residential.

The proposed General Plan amendment will change the land use designation of 0.10 acres from Natural Resources to Residential in order for Lot Line Adjustment (LLA) No. 2017-153 to be consistent with the General Plan. LLA No. 2017-153 (previously approved) results in a parcel under 40 acres with 2 land use designations, which is not permitted by the General Plan. This General Plan Amendment corrects this situation. Project site is on APN 008-170-047 (on adjusted APN 008-180-015, after completion of LLA). The land use designation change will not be effective until successful completion of the LLA. The recommended action is based on the Planning Commission's recommendation made at the conclusion of a public hearing on December 1, 2017.

See attached Staff Report for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
General Plan was adopted in December of 2006, and has been amended a number of times since adoption.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Negative action: Do not approve amendment. There would be no changes to the current land use designation. Lot Line Adjustment No. 2017-153 would not be able to be completed as it would be inconsistent with the General Plan.

FINANCIAL IMPACT:
None

ATTACHMENTS:
Resolution - Action Requested 2018-94

Staff Report (PDF)
Vicinity Map (PDF)
Site Plans (PDF)
Draft Notice of Exemption (DOC)
Draft BOS Resolution (DOC)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Marshall Long, District III Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Rosemarie Smallcombe, Merlin Jones, Marshall Long, Miles Menetrey
EXCUSED: Kevin Cann
**MARIPOSA COUNTY**
**NOTICE OF EXEMPTION**

<table>
<thead>
<tr>
<th>TO:</th>
<th>FROM: Mariposa County Planning Department</th>
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<tbody>
<tr>
<td>County Clerk, County of Mariposa P.O. Box 247 Mariposa, CA 95338</td>
<td>Mariposa County Planning Department P.O. Box 2039 Mariposa, CA 95338</td>
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**Project Title:** General Plan Amendment No. 2017-163; Westerlund

**Project Location:** The properties are located at 6972 and 6820 Rancheria Creek Road in Midpines.

**Description of Project:** General Plan Amendment No. 2017-163 amends the land use designation of 0.10 acres from Natural Resources to Residential in order to be consistent with the General Plan. As a result of Lot Line Adjustment No. 2017-153 (approved October 30, 2017) there will be an adjustment of property lines between two parcels in order to place an existing guest house on Parcel B that is over the property lines on the correct parcel. Parcel A: APN 008-170-047 located at 6820 Rancheria Creek Road in Midpines is 41.77 +/- acres before the adjustment and is proposed to be 41.67 +/- acres after the adjustment. Parcel B: APN 008-180-015 located at 6792 Rancheria Creek Road is 5.01 +/- acres before the adjustment and is proposed to be 5.11 +/- acres after the adjustment. Parcel A is zoned Mountain General and is in the Scenic Highway Overlay zone. This parcel is located in the Natural Resources land use designation of the General Plan. Parcel B is located in the Mountain Home zone and is within the Residential land use designation of the General Plan. The General Plan requires parcels under 40 acres to have only one land use designation. The land use designation change would not be effective until successful completion of the lot line adjustment.

**Name of Public Agency Approving Project:** Mariposa County Board of Supervisors

**Name of Person Carrying Out Project:** Leigh Westerlund and Melinda Correll

**Exempt Status:** General Rule Exemption; Section 15061, CEQA Guidelines

**Reason Why Project Is Exempt:** CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The project 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.

**Lead Agency Contact Person:** Alvaro Arias, Senior Planner

**Phone Number:** (209) 966-5151

Mariposa County, Planning Department

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Sarah Williams, Planning Director

Date: 3/6/19
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 amend 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; and

WHEREAS, the Planning Commission recommended that the Board of Supervisors find that the project is exempt from environmental review and approve General Plan Amendment No. 2017-163 with findings; and

WHEREAS, a duly noticed Board of Supervisors public hearing was scheduled for the 6th day of March 2018; and

WHEREAS, the Planning Department prepared environmental documents in accordance with the California Environmental Quality Act and local administrative procedures; and,

WHEREAS, a Staff Report packet was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and
WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report packet, testimony presented by the public, the Planning Commission's recommendation and the proposed environmental determination.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby find that the project is exempt from environmental review and approves General Plan Amendment No. 2017-163 to be effective upon the completion of Lot Line Adjustment No. 2017-153.

BE IT THEREFORE FINALLY RESOLVED THAT the project approval action is based on 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 Supervisor Long, seconded by Supervisor Jones, this resolution duly passed and adopted this 6th day of March 2018 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, MENETREY

NOES: NONE

ABSENT: CANN

ABSTAIN: NONE

Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors

Attest:

René LaRoche
Clerk of the Board of Supervisors

Approve as to legal form:

Steven W. Dahlem
County Counsel
EXHIBIT 1

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**

The Board of Supervisors finds 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.
EXHIBIT 2
LEGAL DESCRIPTION

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:

[Signature]
Richard A. Seaman, LS 5339

[Stamp]
Date: 9/24/17
LS 5339
STATE OF CALIFORNIA

5
MARIPOSA PLANNING STAFF REPORT

Prepared By: Alvaro Arias; Senior Planner
From: Sarah Williams, Planning Director
Board of Supervisors Hearing Date: March 6, 2018

PROJECT: General Plan Amendment No. 2017-163 proposes to amend the land use designation of 0.10 acres from Natural Resources to Residential in order for a Lot Line Adjustment project to be consistent with the General Plan. As a result of Lot Line Adjustment No. 2017-153 (approved October 30, 2017) there will be an adjustment of property lines between two parcels in order to place an existing guest house on Parcel B that is over the property lines on the correct parcel. Parcel A: APN 008-170-047 located at 6820 Rancheria Creek Road in Midpines is 41.77 +/- acres before the adjustment and is proposed to be 41.67 +/- acres after the adjustment. Parcel B: APN 008-180-015 located at 6792 Rancheria Creek Road is 5.01 +/- acres before the adjustment and is proposed to be 5.11 +/- acres after the adjustment. Parcel A is zoned Mountain General and is in the Scenic Highway Overlay zone. This parcel is located in the Natural Resources land use designation of the General Plan. Parcel B is located in the Mountain Home zone and is within the Residential land use designation of the General Plan. The General Plan requires that parcels under 40 acres have one land use designation. The land use designation change would not be effective until successful completion of the lot line adjustment.

APPLICANTS: Leigh Westerlund and Melinda Correll

AGENT: Richard Seaman, Freeman and Seaman Land Surveyors

NOTICING: Gazette Ad: February 22, 2018
Mailed Notice: February 13, 2018
Posted Notice: February 13, 2018

BOARD OF SUPERVISORS ACTION:
The Planning Commission recommends that the Board of Supervisors:

1) Adopt a Resolution:
   a) finding that the project is exempt from environmental review;

   b) approving General Plan No. 2017-163 to be effective upon completion of Lot Line Adjustment No. 2017-153.
Project Description for General Plan Amendment No. 2017-163

A. Description of Project (see attached site plans)

General Plan Amendment No. 2017-163 proposes to modify the general plan land use designation of a 0.10 acre area of land currently within the Natural Resources land use designation to the Residential land use designation. The 0.10 acre area is part of Lot Line Adjustment No. 2017-153, which was approved October 30, 2017. Upon completion of the lot line adjustment, one of the parcels in the adjustment will be 5.11 acres, with 5.01 acres being within the Residential land use designation and the 0.10 acres within the Natural Resources land use designation. This amendment will result in a 5.11 acre parcel entirely within the Residential land use designation upon completion of the lot line adjustment. The General Plan requires that parcels under 40 acres have one land use designation. The proposed lot line adjustment would result in a 5.11 acre parcel with two different land use designations and this General Plan Amendment application will resolve this so that the project is in conformance with the General Plan. The zoning designation of the 0.10 acre portion is not proposed to be changed at this time.

B. Project Background Data

Existing/Proposed Zoning of 0.10 acre portion: Mountain General/Mountain General

General Plan Existing/Proposed of 0.10 acre portion: Natural Resources/Residential

Current Land Use: The 0.10 acre portion has portions of an existing residence located on it.

Project Analysis

A. Agency Comments

Requests for comments were sent to the following agencies: the Mariposa County Public Works Department, the Mariposa County Health Department, the Mariposa County Assessor, SierraTel, and PG&E. No objections have been received at this time.

B. Public Concerns
None as of the writing of this staff report.

C. **Practical Concerns**

Planning evaluated the project for the following issues:

**General Plan: (Land Use Element) Section 5.3 Land Use Classifications reads:**

- Parcels less than 40 acres shall be designated on the Land Use Diagram with one General Plan land use classification, the classification with the greatest area. Classification boundaries shall follow legally defined boundaries.

  *Conclusion:* The General Plan specifically addresses parcels of land less than 40 acres in size being in one General Plan land use classification.

**County Code Title 17 (Zoning Ordinance), Section 17.04.030.C reads:**

“Every lot or parcel of land, or portion thereof (emphasis added), 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. For a lot or parcel of land, or portion thereof, classified in a combining zone district, the specific policies, standards, and regulations of the principal zone district shall be modified in accordance with the specific policies, standards, and regulations of the combining zone district.”

  *Conclusion:* The Zoning Ordinance does not prohibit a parcel of land being in more than one zoning classification.

**Planning Commission:**

The Planning Commission reviewed this project at a public hearing on December 1, 2017. The Planning Commission voted unanimously to recommend approval for this application.

**California Environmental Quality Act (CEQA):**

In order to approve a project, including this project, a CEQA or environmental determination needs to be made by the lead agency (the government agency which has action authority over the permit). For this project (the applicant has submitted the application for a General Plan Amendment), the lead agency is the Board of Supervisors.

Staff and the Planning Commission recommend that the Board of Supervisors find the project to be exempt from environmental review pursuant to the General Rule Exemption; Section 15061, CEQA Guidelines. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The project will amend the general plan land use designation of 0.10 acres to match the amended parcel boundaries as required by the General Plan. No new uses other than the existing residential uses can occur within this 0.10 acre area.
General Plan Amendment No. 2017-163 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**

The Board of Supervisors finds that 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.
SITE PLAN FOR General Plan Amendment
LOT LINE ADJUSTMENT (LLA)

BETWEEN
LEIGH A. & ERIC C. WESTERLUND
6792 RANCHERA CREEK RD.
MIDPINES, CA 95345
(209) 617-1865

AND
MELINDA CORRELL
8501 E. TOURMALINE DR.
TUCSON, AZ 85750
(775) 343-2470

BETWEEN
Parcel A of Parcel Map Book 19, Page 225 of Parcel 1 of Parcel Map Book 19, Page 38, off MCR, SITUATED IN A PORTION OF THE E1/2 OF THE NE1/4 OF SECTION 22, T. 4 S., R. 18 E., M.D.M.

MARIPOSA COUNTY
CACTIFORNIA
SEPTEMBER 2017
SCALE: 1" = 100'

NOTES:
1. Contours are for potentiil propoese only.
2. Contours determined by U.S.G.S. Good shape
3. Average elevation of area is to be adjusted 100' above
4. Encroachment is shown as and
approximate percent of shee.
5. Deductions, encroaches, and the location of improvements
shown as approximate locatio and on
6. Survey of Dip Delic dismann's mea, drawn in, and
7. — Indicates property line to be established.
8. — Indicates property line to be extended.
9. — Approximately location of power lines.
10. — Approximate location of taxic bench field.

PURPOSE:
The purpose of this Lot Line Adjustment is to move the
guest house on Parcel B with adequate setbacks.

MCNTY MAP
T. 4 S., R. 18 E., M.D.M.

PREPARED BY:
Richard A. Seamon, L.S. 5338
HUNTINGTON, CA 92647
(714) 897-3268

FREEMAN & SEAMAN LAND SURVEYORS