



MARIPOSA COUNTY

Planning • 209-966-5151



RESOLUTION - ACTION REQUESTED 2013-164

MEETING: April 23, 2013

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Lot Line Adjustment No. 2013-017 and LCA Contract Modification No. 2013-018, Corbett/Morse

RECOMMENDATION AND JUSTIFICATION:

PUBLIC HEARING to Adopt a Resolution Approving Lot Line Adjustment No. 2013-017 and Land Conservation Act Contract Modification No. 2013-018; finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Rebecca Morse, Trustee, applicants; Bob DeWitt, Civil Engineer, agent. The parcels involved in the Lot Line Adjustment Application include APNs 017-190-009 and 018-280-005. The Land Conservation Contract Modification involves only APN 017-190-009. Action is based upon the Planning Commission's recommendation and County Resolution No. 10-150 implementing the Williamson Act, and State Law. Parcels are located at 4227 and 4135 Oak Grove School Road in Mariposa.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board approved Land Conservation Act Contract No. 2012-076C through LCA Contract Modification Application No. 2012-076 Encompassing APN 017-190-009. The Contract was recorded September 26, 2012 as Document No. 20123787 of Mariposa County Records.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board denies the Lot Line Adjustment the boundaries of the parcels are not changed, a house continues to encroach on a neighboring property and a Modified Land Conservation Contract is not necessary.

FINANCIAL IMPACT:

None

ATTACHMENTS:

Staff Report (PDF)

- Attachment 1 Site Plans (PDF)
- Attachment 2 Draft Resolution (PDF)
- Attachment 3 Draft Notice of Exemption (PDF)
- Attachment 4 Draft Contracts (PDF)
- Attachment 5 Draft Planning Commission Minutes (PDF)
- Attachment 6 Draft AAC Minutes (PDF)
- Attachment 7 Resolution No. 10-150 Rules of Procedure (PDF)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrator/Office

- RESULT:** ADOPTED [UNANIMOUS]
- MOVER:** Merlin Jones, District II Supervisor
- SECONDER:** John Carrier, District V Supervisor
- AYES:** Lee Stetson, Merlin Jones, Kevin Cann, John Carrier
- EXCUSED:** Janet Bibby

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS**

Resolution
No. 2013-164

A resolution conditionally approving Lot Line Adjustment No. 2013-017 and Land Conservation Act Contract Modification No. 2013-018; Norah Corbett, Trustee; and Rebecca Morse, Trustee, applicants. Assessor Parcel Numbers 017-190-009 and 018-280-005.

WHEREAS applications for a lot line adjustment and Land Conservation Act contract modification were received on January 29, 2013 from Norah Corbett, Trustee and Rebecca Morse, Trustee for two parcels located off of Oak Grove School Road, also known as Assessor Parcel Numbers 017-190-009 and 018-280-005; 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 January 31, 2013; 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 March 8, 2013; 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.

WHEREAS the Planning Commission did unanimously recommend that the Board of Supervisors should approve the projects; and

WHEREAS a duly noticed Board of Supervisors public hearing was scheduled for the 23rd day of April 2013; and

WHEREAS a Staff Report packet and draft Notice of Exemption were prepared for the Board of Supervisors pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, 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, 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 Board of Supervisors of the County of Mariposa does hereby find the project is exempt from environmental review.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby approve Lot Line Adjustment No. 2013-017 and Land Conservation Act Contract Modification No. 2013-018.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors of the County to approve Lot Line Adjustment No. 2013-017 is based upon the following findings as set forth in accordance with the Subdivision Map Act, the Mariposa County Zoning Code, and the California Environmental Quality Act:

1. **FINDING:** The lot line adjustment involves two parcels; one which meets the minimum parcel size and density standards of the Agriculture/Working Landscape land use designation or the Agricultural Exclusive zoning district in its existing and modified configuration. One parcel currently does not meet the minimum size standards and will continue to be non conforming in terms of size after adjustment. The lot line adjustment will be an equal acreage exchange and all parcels will remain the same size. The lot line adjustment will improve the circumstances of the parcels, placing improvements on the correct parcel. This finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.04.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 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. 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. Project has been reviewed and found to be in compliance with County Resolution No. 10-150 and Government Code Section 51257. No changes to agricultural uses on site will occur as a result of this adjustment.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors of the County to approve Land Conservation Act Contract Modification Applications No. 2013-018 is made 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), and approves the rescission of existing contract No. 2012-076C and simultaneous reentering into new contracts as required by the Land Conservation Act Contract Modification application and is based upon the following findings:

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 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 property.
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.
6. **FINDING:** After the adjustment, the contract will be large enough to sustain its agricultural use (dryland grazing). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on January 31, 2013.
7. **FINDING:** The LLA will not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to contract 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 estate planning needs of the applicant.

BE IT THEREFORE FURTHER RESOLVED THAT the Board of Supervisors project approval is based upon the processing conditions set forth in Exhibit A of this resolution.

BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Chairman of the Board to execute the modified Land Conservation Act Contracts for this property.

ON MOTION BY Supervisor Jones, seconded by Supervisor Carrier, this resolution is duly passed and adopted this 23rd day of April 2013 by the following vote:

AYES: STETSON, JONES, CANN, CARRIER


NOES: NONE

EXCUSED: BIBBY



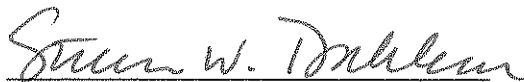
LEE STETSON, Chair
Mariposa County Board of Supervisors

Attest:



RENE' LAROCHE,
Clerk of the Board
Mariposa County Board of Supervisors

Mariposa County
Approved as to form:



STEVEN W. DAHLEM
County Counsel

Exhibit A

1. The Board of Supervisors has directed Staff to include “constructive notice” on the face of each Certificate of Compliance recorded to complete the Lot Line Adjustment as part of their action on an appeal in 2006 (Resolution No. 2006-426). This shall apply to the parcel encumbered by a Williamson Act Contract:

“This parcel is enforceably restricted by a Land Conservation Act (LCA) Contract. This Contract restricts the use of the parcel to commercial agricultural production uses and compatible uses. Occupancy of residences on this parcel is restricted to persons directly engaged in the agricultural operations on site. All Land Conservation Act Contract rules of procedure in effect must be complied with.”

Recommended Processing Conditions / Steps for Lot Line Adjustment No. 2013-017

1. **Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):** The project involves a transfer of property from Corbett to Morse and Morse to Corbett. 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 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. **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. 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 certificates 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 No. 2013-018

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 description for the lands that are to be placed under the modified contract must be provided by the applicant to Mariposa Planning. A modified description for adjusted Contract No. 2012-076C will be required.
2. **Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, one 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 has been signed and notarized by both parties, Mariposa Planning will record the contract concurrently with the Certificates 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.**