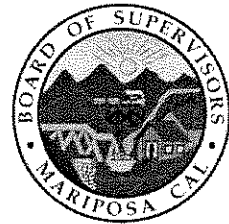




# MARIPOSA COUNTY

Planning • 209-966-5151



## RESOLUTION - ACTION REQUESTED 2012-427

MEETING: August 14, 2012

**MINUTE ORDER ATTACHED**

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: CoC 2012-073, LLA 2012-074, LCA 2012-075 and 076, Corbett/Bunning

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Adopt Resolution Approving Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075, and Land Conservation Act Contract Modification No. 2012-076; and finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Dennis Bunning, and Larry and Sandra Bunning, applicants; Bob DeWitt, Civil Engineer, agent. The primary parcels involved in the Certificate of Compliance and Lot Line Adjustment Application include APNs 017-170-016, 017-190-005, and 017-190-013. The Land Conservation Contract Modifications also involve APNs 017-190-014, 017-200-003, 018-290-019, 018-290-020, and 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.

### **RECOMMENDATION AND JUSTIFICATION:**

Adopt Resolution Approving Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075, and Land Conservation Act Contract Modification No. 2012-076; and finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Dennis Bunning, and Larry and Sandra Bunning, applicants; Bob DeWitt, Civil Engineer, agent. The primary parcels involved in the Certificate of Compliance and Lot Line Adjustment Application include APNs 017-170-016, 017-190-005, and 017-190-013. The Land Conservation Contract Modifications also involve APNs 017-190-014, 017-200-003, 018-290-019, 018-290-020, and 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.

### **BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Board approved Land Conservation Act Contract No. 29 encompassing APNs 017-190-013, 017-190-014, 017-200-003, 018-290-019, and 018-290-020 through Resolution No. 78-15 and the Contract was recorded March 1, 1978 in Volume 179 of Official Records, Page 171 of Mariposa County Records. Land Conservation Act Contract No. 91-2 encompassing APNs 017-170-016, 017-190-005, and 017-190-009 was established through Resolution No. 91-

## Resolution - Action Requested 2012-427

595 and the Contract was recorded February 19, 1992 as Document No. 920821 of Mariposa County Records.

### **ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

If the Board denies the Certificate of Compliance or the Lot Line Adjustment the boundaries of the parcels are not changed and Modified Land Conservation Contracts are not necessary.

### **FISCAL IMPACT:**

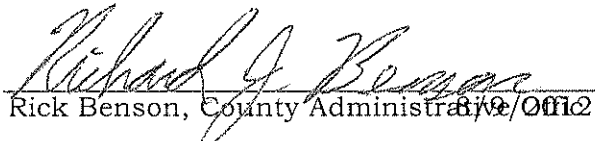
None

### **ATTACHMENTS:**

staff report (PDF)  
att 1 cert of compliance plans (PDF)  
att 2 lot line adj maps (PDF)  
att 3 existing lca config (PDF)  
att 4 proposed lca mod config (PDF)  
att 5 aac minutes (PDF)  
att 6 pc minutes (PDF)  
att 7 draft resolution (PDF)  
att 8 draft noe (PDF)  
att 9 draft contracts (PDF)  
att 10 site plans from applica (PDF)

### **CAO RECOMMENDATION**

Requested Action Recommended

  
Rick Benson, County Administrator/Officer

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Lyle Turpin, District II Supervisor

**SECONDER:** Jim Allen, District V Supervisor

**AYES:** Stetson, Turpin, Bibby, Cann, Allen



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

JANET BIBBY, CHAIR  
LYLE TURPIN, VICE-CHAIR  
LEE STETSON  
KEVIN CANN  
JIM ALLEN

DISTRICT III  
DISTRICT II  
DISTRICT I  
DISTRICT IV  
DISTRICT V



## MARIPOSA COUNTY BOARD OF SUPERVISORS

### MINUTE ORDER

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TO: SARAH WILLIAMS, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: **PUBLIC HEARING to Adopt a Resolution Approving Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075, and Land Conservation Act Contract Modification No. 2012-076; Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Dennis, Larry and Sandra Bunning, Applicants; Bob DeWitt, Civil Engineer, Agent. the Primary Parcels Involved in the Certificate of Compliance and Lot Line Adjustment Application Include APN 017-170-016, 017-190-005, and 017-190-013. the Land Conservation Contract Modifications Involves APN 017-190-014, 017-200-003, 018-290-019, 018-290-020, and 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.**

RES. 12-427

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on August 14, 2012

ACTION AND VOTE:

**11. Planning RES-2012-427**

**PUBLIC HEARING to Adopt a Resolution Approving Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075, and Land Conservation Act Contract Modification No. 2012-076; Finding that the Project is Exempt from the Provisions of the California Environmental Quality Act; Norah Corbett, Trustee and Dennis, Larry and Sandra Bunning, Applicants; Bob DeWitt, Civil Engineer, Agent. the Primary Parcels Involved in the Certificate of Compliance and Lot Line Adjustment Application Include APN 017-170-016, 017-190-005, and 017-190-013. the Land Conservation Contract Modifications Involves APN 017-190-014, 017-200-003, 018-290-019, 018-290-020, and 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.**

Alvaro Arias/Associate Planner presented the staff report; and he advised of a recommended change to add another "whereas" clause to reflect language in the Government Code that allows a contract to be rescinded and a new contract to be simultaneously entered into. He responded to questions from the Board as to whether any additional written input has been received for this hearing; and relative to the location of inserting the additional "whereas" clause in the formal resolution. Sarah Williams responded to a question from the Board as to whether the 80-acre parcel would be eligible for a residence.

The public portion of the hearing was opened and input was provided by the following:

Bob DeWitt, representing the applicant, stated they have nothing further to add, and he thanked staff for their assistance.

Staff responded to Supervisor Turpin and clarified the recommended action. The public portion of the hearing was closed and the Board commenced with deliberations. The recommended action was approved, with the addition of the "whereas" clause as recommended by staff. The hearing was closed.

**RESULT: ADOPTED AS AMENDED [UNANIMOUS]**

**MOVER:** Lyle Turpin, District II Supervisor

**SECONDER:** Jim Allen, District V Supervisor

**AYES:** Stetson, Turpin, Bibby, Cann, Allen

Cc: File

STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
BOARD OF SUPERVISORS

Resolution  
No. 12-427

**A resolution approving Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, and Land Conservation Act Contract Modifications No. 2012-075 and 2012-076; Norah Corbett, Trustee and Dennis, Larry and Sandra Bunning, applicants. Assessor Parcel Numbers 017-170-016, 017-190-005, and 017-190-013.**

WHEREAS applications for a Certificate of Compliance, a lot line adjustment, and Land Conservation Act contract modifications were received on May 7, 2012 from Norah Corbett, Trustee and Dennis Bunning for three parcels located off of Woodview Lane and Oak Grove School Road, also known as Assessor Parcel Numbers 017-170-016, 017-190-005, and 017-190-013; and

WHEREAS LCA Contract Modification also involves APNS 017-190-014; 017-200-003; 018-290-019; 018-290-020 and 017-190-009; 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 24, 2012; and

WHEREAS the Agricultural Advisory Committee continued the item until June 7, 2012; 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 July 6, 2012; 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; and

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 14<sup>th</sup> day of August 2012; 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 Certificate of Compliance No. 2012-073, Lot Line Adjustment No. 2012-074, Land Conservation Act Contract Modification No. 2012-075 and Land Conservation Act Contract Modification No. 2012-076.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors of the County to approve Certificate of Compliance No. 2012-073 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:** A patent parcel (1069899) is located within APN 017-190-005, and was recorded in Volume 15, Page 377 of Mariposa County Records in 1934. It is being merged with all of the fractionalized patents located within APN 017-190-005 to recognize a 340 acre parcel.

BE IT THEREFORE FURTHER RESOLVED THAT this action by the Board of Supervisors of the County to approve Lot Line Adjustment No. 2012-073 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 three parcels; all of which meet the minimum parcel size and density standards of the Agriculture/Working Landscape land use designation and the Agricultural Exclusive zoning district in its existing and modified configurations. The lot line adjustment will improve the circumstances of the parcels, creating a larger buffer for existing agricultural operations. 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 three 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. 2012-075 and No. 2012-076 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 contracts No. 29 and 91-2 and simultaneous reentering into new contracts as required by Land Conservation Act Contract Modification applications 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:** All of the contracts will continue to meet the minimum size (160 acres) established by the Board of Supervisors for an agricultural preserve. The use of this property must continue for cattle grazing, chicken raising, or other Commercial Agricultural Uses or Compatible Uses as specified in the contract.
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.
6. **FINDING:** After the adjustment, all contracts will be large enough to sustain their agricultural use (dryland grazing or confined animal operations). This finding is made pursuant to review of the project by the Mariposa County Agricultural Advisory Committee at their meeting on June 7, 2012.
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 simply a change in parcel boundaries. The land will continue to be used for cattle grazing and confined animal operations.

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.

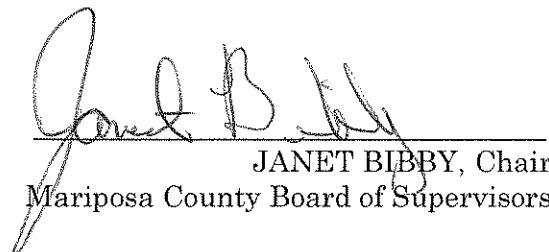
BE IT FINALLY RESOLVED THAT the Mariposa County Board of Supervisors hereby directs the Chairman of the Board to execute the modified Land Conservation Act Contracts for this property.

ON MOTION BY Supervisor Turpin, seconded by Supervisor Allen, this resolution is duly passed and adopted this 14<sup>th</sup> day of August 2012 by the following vote:


AYES: STETSON, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

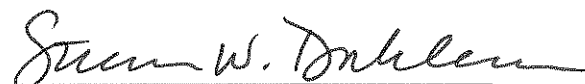
ABSTAIN: NONE

  
\_\_\_\_\_  
JANET BIBBY, Chair  
Mariposa County Board of Supervisors

Attest:

  
\_\_\_\_\_  
MARGIE WILLIAMS,  
Clerk of the Board  
Mariposa County Board of Supervisors

Mariposa County  
Approved as to form:

  
\_\_\_\_\_  
STEVEN W. DAHLEM  
County Counsel



## Exhibit A

### Recommended Condition:

1. The following shall be written on each of the Certificates of Compliance which applies to each parcel located within a Williamson Act Contract:

“This parcel is enforceably restricted by a Land Conservation Act (LCA) Contract. This Contract limits use of the parcel to agricultural and compatible uses. Occupancy of residences on this parcel is restricted to persons directly engaged in the agricultural operations on site. All contract and Land Conservation Act Contract rules of procedure in effect pursuant to Resolution No. 10-150 must be complied with.”

### Recommended Processing Conditions / Steps for Completing Certificate of Compliance No. 2012-073 and Lot Line Adjustment No. 2012-074 (if done together)

1. **Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):** The project involves a transfer of property from Corbett to Bunning. 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 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. 2012-075 and 2012-076**

**Recommended Condition:**

APN 018-290-019 and APN 018-290-020 shall be managed together for the life of the contract. The sale of this parcel separately is prohibited and will be in direct violation of the contract.

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 lands that are to be placed under the modified contracts must be provided by the applicant to Mariposa

Planning. A modified description for the 3 parcels for adjusted Contract No. 29 and the 3 parcels adjusted Contract No. 91-2 will be required.

2. **Preparation of Modified Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, six amended Williamson Act Contracts 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 contracts to the property owner(s) 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 have been signed and notarized by both parties, Mariposa Planning will record the contracts 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.**

**If Lot Line Adjustment and Certificate of Compliance are completed separately or Lot Line Adjustment is not completed, a Certificate of Compliance will be required to be recorded recognizing APN 017-190-005 and recording new amended contracts for parcels currently under Contract 91-2. If and when the Lot Line Adjustment is completed, steps will be the same as above.**