

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution

No. 2011-024

A resolution recommending approval for Lot Line Adjustment No. 2011-105, General Plan/Zoning Amendment Application No. 2011-104, and Land Conservation Act Contract Application No. 2011-106. Silver Valley Ranch, LLC., applicant. Assessor Parcel Numbers 017-110-089, 017-170-091, 017-170-099, and 017-170-075.

WHEREAS an application for General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106 was received on May 31, 2011 from Silver Valley Ranch, LLC for property located at 3909, 3885, and 3937 Silver Bar Road in the Mariposa area, also known as Assessor Parcel Numbers 017-110-089, 017-170-091, 017-170-099, and 017-170-075; and

WHEREAS the application proposes to adjust the boundaries of four existing parcels, change the General Plan land use and zoning designation of the subject parcels reducing the amount of acreage under the Mountain Home Zone (MH) and Residential Land use and increasing the amount of acreage under Agriculture Exclusive Zone (AE) and Agriculture/Working Landscape Land use, and placing a resulting parcel of 379.45 acres into a Land Conservation Act Contract; and

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

WHEREAS a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of September 15th, 2011; and

WHEREAS a Staff Report to the Agricultural Advisory Committee was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS the Agricultural Advisory Committee did hold their meeting 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, and their own knowledge of county-wide agricultural operations; and

WHEREAS the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors approve General Plan/Zoning Amendment No. 2011-104, Lot Line Adjustment No. 2011-105 and Land Conservation Act Contract No. 2011-106; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 21st day of September 2011; and

WHEREAS the Planning Department determined that decreasing the acreage under the Mountain Home Zone (MH) and Residential land use and increasing the acreage in the Agriculture Exclusive Zone (AE) and Agriculture/Working Landscape land use, modifying the boundaries of four existing parcels, and placing 379.45 acres under the Williamson Act 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/Zoning Amendment Application No. 2011-104, Lot Line Adjustment No. 2011-105, and Land Conservation Act Contract No. 2011-106 by both Resolution and Ordinance.

BE IT THEREFORE FINALLY RESOLVED THAT the project is approved based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Marsden, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 21st day of October 2011 by the following vote:

AYES: Marsden, Francisco, Ross, Tucker, and Rudzik

NOES: None

EXCUSED: None

ABSTAIN: None


Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:


Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
RECOMMENDED PROJECT FINDINGS
FOR
General Plan/Zoning Amendment No. 2011-104, Lot Line
Adjustment No. 2011-105, and Land Conservation Act Contract
No. 2011-106

Lot Line Adjustment No. 2011-105 Findings

In accordance 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. 2006-334:

1. **FINDING:** The lot line adjustment involves four parcels; all of which meet the minimum parcel size and density standards of the proposed Agriculture/Working Landscape land use designation and Residential land use designation. The parcels also meet the minimum parcel size and density standards of the proposed Agricultural Exclusive zoning district and Mountain Home zoning district in its existing and modified configurations. 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 four 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 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 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.

General Plan/Zoning Amendment No. 2011-104 Findings

In accordance with the Section 5.3.02.G of the Mariposa County General Plan, the following findings are made to include approximately 11.89 acres (boundaries of proposed Parcel C) in the Residential Land use:

Finding: The subject property is not under a Williamson Act contract or zoned as a Timber Preserve.

Evidence: Proposed Parcel C (11.89 acres) is not under a Williamson Act Contract and zoned Mountain Home.

Finding: There is a need for additional residential land to meet General Plan goals, respond to changes in County policy, or to meet the Regional Housing Needs Allocation.

Evidence: Proposed Parcel C (11.89 acres) is zoned Mountain Home, which allows a minimum parcel size of 5 acres and is considered a residential zoning district. The existing Mountain Home zone is more aligned and compatible with the proposed Residential land use designation. This project results in the zoning map being consistent with the General Plan land use diagram.

Finding: The subject property will be contiguous on at least two sides to lands within the Residential, Rural Economic, or Planning Area land use classification.

Evidence: The subject property is bounded to the north and west by lands within the Residential land use classification. Additionally, the property is already in the Mountain Home Zoning District.

Finding: The subject property has access from a maintained road or the proposed project incorporates maintained road access as part of the project description.

Evidence: The property takes access from Silver Bar Road. The property is located in the Mountain Home zoning district.

In accordance with the Section 5.3.04.F of the Mariposa County General Plan, the following findings are made to include approximately 181 acres (boundaries of proposed Parcel D) in the Agriculture/Working Landscape Land use:

Finding: The subject property is proposed to be placed under a Williamson Act Contract, which requires that it be zoned Agriculture Exclusive. The Agriculture/Working Landscape land use designation is appropriate for the entirety of proposed Parcel D based on the zoning and Williamson Act Contract Enrollment.

Evidence: Proposed Parcel D is proposed to be placed under a Williamson Act Contract. It meets the criteria for being placed under contract, will be rezoned Agriculture Exclusive, and is surrounded on several sides by land within Agriculture/Working Landscape land use.

Goal 10-2 of the General Plan requires that the loss of agriculture lands in the Agriculture/Working Landscape land use classification be avoided, in order to maintain rural character and preserve agriculture. In accordance with the Section 5.3.04.G (and Implementation Measure 10-2a(1)) of the Mariposa County General Plan, the following findings are made for this project, which removes approximately 11.89 acres (boundaries of proposed Parcel C) from the Agriculture/Working Landscape Land use and adds approximately 181 acres into the Agriculture/Working Landscape Land Use (net increase of 169 acres):

Required Finding: The subject property is not within an area in which the majority of the surrounding parcels are currently being used or historically have been used for agriculture, timber, or mineral purposes.

Evidence: The proposed 11.89 acre parcel to be removed from the Agriculture/Working Landscape land use designation is bounded on Residential land use designated property on several sides and is currently zoned Mountain Home (a residential zoning district). While not in direct conflict with the Agriculture/Working Landscape land use, Mountain Home zoning is not listed as being compatible with the current land use. The proposed 11.89 acre parcel is currently surrounded on all sides by Mountain Home zoned property. The Residential land use designation is more appropriate for this zone. Furthermore, more than 181 acres are being added to the Agriculture/Working Landscape land use designation as a result of this project. The area is not used for timber or mineral purposes, but is used for agricultural purposes.

Required Finding: The soils, water rights, topography, terrain, and location are not suitable as an economic production unit of sufficient quality for commercial agricultural production.

Evidence: The resultant 11.89 acre parcel is not of sufficient size to qualify for commercial agricultural production, unless an intensive agricultural operation existed. Nothing prohibits the relatively small size of the proposed parcel, as it is located in the Mountain Home zone, which provides for a 5 acre minimum parcel size.

Required Finding: There are no other lands within the proposed land use classification available to the applicant for the proposed or similar project.

Evidence: The 11.89 acre parcel that will be placed under the Residential land use is a small fraction of the 181 acres that will be placed under the Agriculture/Working Landscape land use. The parcel is currently zoned Mountain Home, which provides for a 5 acre minimum parcel size. The Residential land use is more suitable for this parcel. The project has been designed based upon a consideration of existing zoning, terrain, proximity to Silver Bar Road and existing development/land uses on-site.

Required Finding: The characteristics and size of the subject properties make it unsuitable for open space, conservation easements, or other preservation opportunities which further implement the goals and policies of the General Plan.

Evidence: The 11.89 acre parcel is too small for open space, conservation easements, or other preservation opportunities. Based on existing zoning, the parcel could further be reduced to a 5 acre minimum and it being a separate parcel can be sold separately without any restrictions.

Required Finding: The subject property has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Evidence: The proposed 11.89 acre parcel has not been identified in the County General Plan or any area plan as a location with characteristics worthy of preservation within the Agriculture/Working Landscape land use classification.

Finding: There is no net loss in land within the Agricultural/Working Landscape land use designation as a result of this project.

Evidence: Within the project site, approximately 11.89 acres are being removed from the Agricultural/Working Landscape land use designation, while approximately 181 acres are being added to the Agricultural/Working Landscape land use designation. This is a net increase of approximately 169 acres. The acreage being added to the Agriculture/Working Landscape land use is adjacent to that being removed and of similar type and quality. The 11.89 acre being removed and a very large portion of the land being added has SaF (San Andreas-Coarsegold complex) type soil. The area being added to the Agriculture/Working Landscape land use is further away from Silver Bar Road and existing residential development in the area.

Pursuant to the Mariposa County Zoning Ordinance, section 17.128.050, the following findings must be made before a zoning 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;*
 - a. Through the Land Conservation Act (Williamson Act), the State of California encourages commercial agricultural to occupy lands suited to such enterprises in order to maintain and enhance this type of economic resource of the state. This project will result in execution of a Land Conservation Act Contract on a portion of the site.
 - b. Commercial agricultural uses are common in Mariposa County and permitted to occur on most land use designations. This project will ensure continued commercial agricultural use on the project site.
 - c. The Agricultural Exclusive zoning district includes provisions that require discretionary review for certain uses that by their nature may require measures to reduce impacts to less than significant.
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;*
 - a. The zoning designation of Agricultural Exclusive is necessary to allow for the property to placed under a rolling 20-year contract with the County for agricultural uses. This improves the plan by providing long-term guidance on the use of the property in a manner consistent with the desired land use of the area.
 - b. The requested zoning designation will also provide guidance with respect to day-to-day decision-making.
 - c. The project will ensure that Mountain Home zoned portions of the property are in the Residential land use designation of the General Plan.

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 Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural Element and its emphasis on preserving agricultural lands (Section 10.1.01 of The General Plan), and maintaining the rural character of the county (Section 10.1.04 of The General Plan). The Conservation and Open Space Element confirms the importance of maintaining open space nature of the county. This project will result in the execution of a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserve is consistent with the General Plan, with the recommended condition. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code. This project will result in a net increase in Agricultural Exclusive zoned land and a net increase in land in the Agriculture/Working Landscape land use.

5. *In the case of an amendment to the zoning classification on an individual parcel or 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 proposal meets the minimum dimensional requirements of the Agricultural Exclusive zone, has access to Silver Bar Road, has been used over the last three years for commercial agricultural use and is compatible with adjacent uses and land use designations (Agriculture Exclusive and Mountain Home). The Agricultural Exclusive zoning district is considered to be consistent with the Residential land use classification, per Section 5.3.02.C of the County of Mariposa General Plan.

- b. *the proposed zoning is logical and desirable to provide expanded employment opportunities, or basic services to the immediate residential population or touring public. (Ord. 912 Sec.II, 1997; Ord. 704 Sec.1, 1988).*

The proposal is to maintain commercial agricultural uses on the property for a minimum period of 20-years, which is extended automatically each year until the property owner notifies the county and state of his/her intent to terminate the contract after 20-years.

Williamson Act Contract Findings

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) , the following findings are made:

1. **FINDING:** The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan's purpose.

The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural Element and its emphasis on preserving agricultural lands (Section 10.1.01 of The General Plan), and maintaining the rural character of the county (Section 10.1.04 of The General Plan). The Conservation and Open Space Element confirms the importance of maintaining open space nature of the county. This project will result in the execution of a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserve is consistent with the General Plan, with the recommended condition. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code.

2. **FINDING:** The agricultural preserve will contain 379.45 acres. The parcel meets the minimum size established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing and/or other Agricultural Production Uses or Compatible Uses as specified in the contract must be for producing an agricultural commodity for commercial purposes. The project, upon compliance with the required condition, complies with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve Policy. The parcel has been used

for agricultural purposes for at least three years, and the agricultural commodity has been for commercial purposes.

3. **FINDING:** This project is Categorical Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

CEQA Finding

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.

EXHIBIT 2
RECOMMENDED PROCESSING CONDITIONS
FOR
Lot Line Adjustment No. 2011-105, and Land Conservation Act
Contract No. 2011-106

Recommended Processing Conditions / Steps for Completing Lot Line Adjustment No. 2011-105

1. **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.
2. **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.
3. **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.
4. **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.

5. **Recordation of Certificates of Compliance (MARIPOSA PLANNING RESPONSIBILITY):** Mariposa Planning will record the Certificates of Compliance for all parcels involved in the lot line adjustment. **This step completes the Lot Line Adjustment.** The Certificates of Compliance confirm that the parcels were created legally and are 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 Williamson Act Contracts described below (step 4 in LCA Contract steps).

Recommended Processing Conditions / Steps for Completing Land Conservation Act Contract Nos. 2011-106

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the Williamson Act Contracts, a typed, stamped, and signed copy of the approved legal description for the land that is to be placed under the contract must be provided by the applicant to Mariposa Planning. The description shall contain adjusted Parcel D.
2. **Preparation of Williamson Act Contract (MARIPOSA PLANNING RESPONSIBILITY):** In order to complete this project, two 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 contract. Mariposa Planning will send the original contracts to the property owner(s) involved in the application.
3. **Signing and Notarizing the 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 Contract (MARIPOSA PLANNING RESPONSIBILITY):** When the contract has been signed and notarized by both parties, Mariposa Planning will record the contract concurrently with or following the Certificates of Compliance required to complete the Lot Line Adjustment (step 5 in LLA Processing Conditions above). **This step completes the Land Conservation Act Contract Process.**