

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

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2007-010

A resolution recommending that the Mariposa County Board of Supervisors conditionally approve Lot Line Adjustment No. 2006-328, Land Conservation Act Contract Modification No. 2006-351 and Land Conservation Act Contract Modification No. 2006-338; Frank Berlogar, and Russell and Cecilia Bryson, applicants. Assessor Parcel Numbers 011-240-009 and 011-240-010 (portion)

WHEREAS an application for a lot line adjustment was received on October 31, 2006 from Russell and Cecilia Bryson and Frank Berlogar for two parcels located at 3853 Old Toll Road and 3949 Old Toll Road (new addresses off of Corbett Creek Road have not yet been assigned), also known as Assessor Parcel Numbers 011-240-009 and 011-240-010 (portion); and

WHEREAS both of these parcels are encumbered by Land Conservation Act ("Williamson Act") contracts, and the contracts must be modified to reflect the proposed lot line adjustment; and

WHEREAS two applications for Land Conservation Act ("Williamson Act") contract modifications were received on December 12, 2006 for each parcel; 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 February 15, 2007; 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 April 4, 2007; and

WHEREAS the public hearing was rescheduled and fully re-noticed for April 20, 2007 at the concurrence of both applicants; 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.

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

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend to the Mariposa County Board of Supervisors that they approve Lot Line Adjustment No. 2006-328, Land Conservation Act Contract Modification No. 2006-351 and Land Conservation Act Contract Modification No. 2006-338.

BE IT THEREFORE FINALLY RESOLVED THAT the Planning Commission recommendation for project approval is based upon the findings set forth in Exhibit A and the processing conditions set forth in Exhibit B of this resolution.

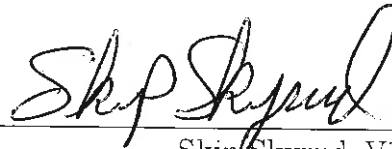
ON MOTION BY Commissioner Ross, seconded by Commissioner Hagin, this resolution is duly passed and adopted this 20th day of April 2007 by the following vote:

AYES: Hagin, Ross, Skyrud, and DeSantis

NOES: None

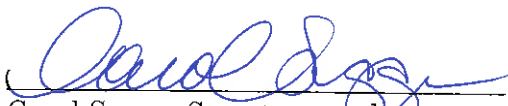
EXCUSED: Rudzik

ABSTAIN: None



Skip Skyrud, Vice Chairman
Mariposa County Planning Commission

Attest:



Carol Suggs, Secretary to the
Mariposa County Planning Commission

Exhibit A

Lot Line Adjustment 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. 2006-328:

1. **FINDING:** The lot line adjustment involves two parcels which meet the minimum parcel size and density standards of the Agriculture/Working Landscape land use designation and the Agricultural Exclusive zoning district in their existing and modified configurations. The parcels are in compliance with the Mariposa County Zoning Ordinance and the Mariposa County General Plan. This finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.05.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 one parcel and added to an 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.

Williamson Act Contract Modification Findings

In accordance with Mariposa County Resolution No. 77-157 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 property is currently and will continue to be used for agricultural purposes. This applies to the entire project site.
2. **FINDING:** The agricultural preserve containing Parcel A will contain 168.85 acres after the lot line adjustment and the agricultural preserve containing Parcel B will contain 160 acres after the lot line adjustment. Both of these proposed parcel sizes meet the minimum size 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 must be profitable, except in extraordinary circumstances (such as natural disasters).

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 (for both parcels).
6. **FINDING:** After the adjustment, both parcels will be large enough to sustain their 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 February 15, 2007.
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 a minor change in acreage. The LLA may actually result in a slight increase in the overall agricultural productivity of the project site area, as the amended property line will follow an existing road, allowing the road and property line to be fenced for livestock control.
8. **FINDING:** The LLA is not likely to result in the removal of adjacent land from agricultural use. There is not 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 LLA is consistent with the General Plan, including Section 5.3.05.D and Implementation Measure 10-2a(2).

Exhibit B

Processing Conditions / Steps for Completing Lot Line Adjustment No. 2006-328

1. **Preparation of Transfer Descriptions (APPLICANT'S RESPONSIBILITY):**
The project involves a transfer of property from Berlogar to Bryson. A land surveyor or other qualified individual must provide the County Surveyor (Jerry Freeman, 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 (Jerry Freeman, 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. **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.

7. **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).

**Processing Conditions / Steps for Completing Land Conservation Act
Contract Modification
Nos. 2006-351 and 2006-338**

1. **Preparation of Legal Description (APPLICANT'S RESPONSIBILITY):** Prior to recordation of the modified Williamson Act Contracts for each of the modified parcels, a typed, stamped, and signed copy of the approved legal description for the adjusted Parcel A and the adjusted Parcel B must be provided by the applicant to Mariposa Planning. (This is the same legal description as noted in step 2 in LLA Processing Conditions above).
2. **Preparation of Modified 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 modified contract. Mariposa Planning will send the original contracts to each property owner 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 has been signed and notarized by both parties, Mariposa Planning will record the contracts concurrently with the Certificate 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.**