

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

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**STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION**

Resolution  
No. 2009-028

**A resolution denying Lot Line Adjustment No. 2009-090, James Craig and Robin Dormer and Irwin and Jessica Ida, applicants. Assessor Parcel Numbers 015-052-019 and 015-052-018.**

WHEREAS an application for Lot Line Adjustment No. 2009-090 was received on June 10, 2009 from James Craig and Robin Dormer and Irwin and Jessica Ida for a property located at 5999 Meadow Lane and 5769 Clouds Rest in Mariposa, also known as Assessor Parcel Numbers 015-052-019 and 015-052-019; and

WHEREAS Lot Line Adjustment No. 2009-090 proposes to adjust the boundary between APNs 015-052-018 and 015-052-019 to locate a well and home that encroaches over the property line on the correct parcel; and

WHEREAS both parcels are located in the Residential land use and Rural Residential zoning designation, which establishes a minimum parcel size of 5 acres when on-site well and sewage disposal is provided and therefore both parcels are existing, non-conforming in size; and

WHEREAS Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.01 of the Mariposa County General Plan requires that in a proposal to modify the boundaries of one or more parcels or lots that do not meet minimum parcel or lot size standards of the applicable zone, the planning commission may approve such boundary modifications provided such modifications will result in the improvement of the circumstances and/or design of both parcels or lots. Under no circumstances can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel or lot; and

WHEREAS the Planning Director considered the information provided and does not support the findings as required by County Code and the General Plan; and

WHEREAS based on this the applicants were given several processing choices and the applicants chose to take the application for Planning Commission review; and

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

WHEREAS a Lot Line Adjustment No. 2009-090 was scheduled for Planning Commission consideration as an action item at the Planning Commission meeting on the 6<sup>th</sup> day of November 2009; and

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

WHEREAS the Planning Commission considered all of the information in the public record, including the Staff Report, and testimony presented by the applicant,

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby deny Lot Line Adjustment No. 2009-090; and

BE IT THEREFORE BE IT FURTHER RESOLVED THAT the project is denied based upon the inability of the Commission to make all of the required findings required by State Law and County Code. The Commission's findings for denial are set forth in Exhibit 1 of this Resolution.

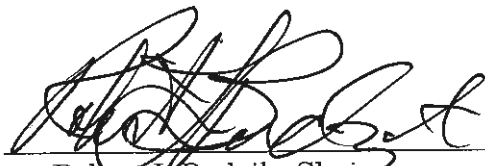
ON MOTION BY Commissioner Francisco, seconded by Commissioner Tucker, this resolution is duly passed and adopted this November 6, 2009 by the following vote:

AYES: Francisco, Tucker, Marsden, Ross, 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 – Findings

1. **FINDING:** The lot line adjustment involves two (2) parcels which in their current or modified configurations do not comply with the minimum parcel size standards of the Residential land use classification of the General Plan and the Rural Residential zoning district of Title 17. In a proposal to modify the boundaries of one or more parcels or lots where one or more of the parcels or lots do not meet minimum parcel or lot size standards of the applicable zone, the planning commission may approve such boundary modifications provided such modifications will result in the improvement of the circumstances and/or design of both parcels or lots. Under no other circumstances can a boundary modification proposal be approved wherein such modification will result in the creation of a substandard parcel or lot. (Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 5.3.01 of the Mariposa County General Plan).

**EVIDENCE:** It cannot be found that the project meets the required finding. This finding requires that in a case where one or more of the parcels or lots do not meet minimum parcel size, the County can approve the lot line adjustment provided that the adjustment results in improvement of the circumstances and/or design of both parcels. In this case, Parcel A goes from 0.461 to 0.524 acres and Parcel B goes from 0.556 to 0.493 acres. Parcel A goes from being more non-conforming to less non-conforming, however Parcel B goes from less non-conforming to more non-conforming, meaning the situation for Parcel A improves since more acreage is added to an already non-conforming parcel, but it worsens for Parcel B as acreage is removed from a non-conforming parcel. Because of this staff cannot find that the "...circumstances and/or design of both parcels..." is improved. Making a very substandard parcel, which is undeveloped, smaller (reducing the development area) cannot be found to be an improvement.

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 by the lot line adjustment (this finding is made in accordance with the provisions of Section 66412(d) of the State Subdivision Map Act.

**EVIDENCE:** The lot line adjustment increases the size of Parcel A and decreases the size of Parcel B. A greater number of parcels than originally existed is not being created by the lot line adjustment. This finding is made in accordance with the provisions of Section 66412(d) of the State Subdivision Map Act.

3. **FINDING:** The location of the house and well on Parcel A over the property line on Parcel B are existing conditions. The applicant has not presented evidence to show why an equal acreage exchange project cannot achieve the same project objective, which is to put the house and well on the correct property.

4. **FINDING:** The location of the house and well on Parcel A over the property line on Parcel B are existing conditions. The location of a septic system on Parcel C for future residential development on Parcel B is an indication of the limited development potential (soils and setbacks) on Parcel B. The applicant has not presented evidence to show why merging Parcels B and C and then conducting a Lot Line Adjustment between the merged parcels and Parcel A cannot achieve the same project objective (to put the house and well on the correct property line) and address the nonconformity issues associated with Parcel B.