MARIPOSA COUNTY BOARD OF SUPERVISORS
RESOLUTION NO. 02-143

A RESOLUTION APPROVING LOT LINE ADJUSTMENT NO. 636

WHEREAS, an application to adjust the boundary line between two residential parcels (APNs 021-290-009, 010) and the Lake Don Pedro Golf Course parcel (APN 021-350-019) was submitted to the County; and

WHEREAS, the adjustment of the boundaries of the golf course parcel requires that the boundaries of Planned Development Zone 84-1 also be modified because the golf course parcel is part of this planned development zone which has boundaries that can only be modified through a zoning amendment; and

WHEREAS, the Planning Commission has conducted a duly noticed public hearing on the lot line adjustment and Zoning Amendment 2002-1, and

WHEREAS, the Board of Supervisors has held a duly noticed public hearing on the matter in accordance with County Code and State Law and has considered all input, written and verbal, delivered to the Board.

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors hereby adopts a Notice of Exemption for Lot Line Adjustment No. 636 and Zoning Amendment 2002-1 and approves Lot Line Adjustment No. 636.

NOW, THEREFORE BE IT FINALLY RESOLVED, that the approval of the lot line adjustment is based on the findings as stated and discussed in Exhibit A.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors on this 7th day of May, 2002 by the following vote:

AYES: Reilly, Balmain, Stewart, Pickard

NOES: None

ABSTAINED: None

EXCUSED: Parker

NOT VOTING: None
Board of Supervisors Resolution No. 02-143

Robert C. Stewart, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS,
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN
County Counsel
EXHIBIT A

FINDINGS FOR LOT LINE ADJUSTMENT NO. 636

1. The lot line adjustment involves two legally established non-conforming parcels (012-290-009 & 012-290-010). The non-conformance relates only to parcel size. They will remain in non-conformance to the 2-1/2-acre minimum parcel size standard of the Rural Residential zone with the adjustment. However, the parcels will be brought closer to conformance to the minimum parcel size standard with the addition of the adjusted area. Therefore, it is found that the overall circumstance regarding the size of the parcels is improved with this adjustment. The adjustment involves 0.18 acres which will be removed from the Hidden Hills (Lake Don Pedro) golf course parcel and added to the residential parcels. The size of the golf course parcel (APN 012-350-019) will not be significantly reduced by this adjustment. This finding is made in accordance with the provisions of Section 17.108.040 of the Mariposa County Zoning Ordinance and Section 3.602.A. of the Mariposa County General Plan.

2. The lot line adjustment involves three existing adjacent parcels. It is found that the adjustment results in the exchange of land between the two residential parcels and the golf course 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. This lot line adjustment application involves a unique set of circumstances. It involves a parcel, the golf course parcel, which is part of a planned development zone which was approved under zoning provisions that are no longer in effect. It also involves the fact that the two subject residential parcels involved in the adjustment application were purchased based upon information from Planning Department staff that adjusting the boundary between the two residential parcels and the golf course could be effected through a simple lot line adjustment process.

Planned Development Zone 84-1 was established in 1984 under the provisions of Chapter 17.10 (Planned Development Zone), of the zoning ordinance which was in effect at that time. The Planned Development Zone provision was not incorporated into the current format of Title 17, the county’s zoning ordinance adopted in 1988. A Planned Development Zone was the zoning process or mechanism used prior to 1988 for development projects. Many of the previously approved planned development zones in the county were never constructed. Only a small portion of the development project approved by Planned Development Zone 84-1 was constructed and it was not completed by the project proponents pursuant to the approved conditions. Therefore, Planning Department staff was unable to determine if planned development zones in the county in general and Planned Development Zone 84-1 specifically
remained in effect at the time the Giles' contacted the Planning Department and inquired as to completing a lot line adjustment between the two subject residential parcels and the golf course. The Giles were not informed by staff that such an adjustment may also require an amendment to the boundaries of the Planned Development Zone 84-1 due to the fact that the golf course parcel is part of that zone. The Giles application resulted in a comprehensive review by staff of the processing history and development status of all of the Planned Development Zone projects in the county. A legal opinion was necessary for staff to conclusively determine if planned development zones remained in effect.

Relying upon information from Planning Department staff that their proposal involved a simple lot line adjustment process and not an amendment to the planned development zone, the Giles purchased the two residential parcels and constructed a fence encompassing the proposed adjusted area, and then applied for the lot line adjustment. No county permits were necessary for the physical construction of the fence. Subsequent to the purchase and upgrading of the two residential parcels, the Giles were informed by Planning Department staff that Planned Development Zone 84-1 remains in effect as a legally established non-conforming zone and their application to adjust the boundary line would entail amending the planned development zone boundaries by ordinance, a far more complicated process involving public hearings and approval by the Board of Supervisors. The Giles stated as part of the public record for the project, that they would not have purchased the two residential parcels had they known that adjusting the boundary between the two parcels and the golf course would entail such a complicated and time-consuming process.

These unique circumstances relating to this adjustment and the complications involving the planned development zone provides substantial evidence in the public record that the approval of this adjustment should not be construed as setting a precedent for future lot line adjustment applications involving the golf course and surrounding residential parcels. The Giles' purchase of the two residential parcels relied upon incomplete information provided directly to them by Planning Department staff causing the Giles to be involved in a process for which they had not contemplated when their purchase of the parcels was completed.

4. The project is a minor lot line adjustment in an area with an average slope of less than 20%. The adjustment was processed concurrently with Zoning Amendment 2002-1 which modifies the boundaries of Planned Development Zone 84-1 to reflect the adjusted area. The adjustment and accompanying zoning amendment 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 California Environmental Quality Act.
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222
ROBERT C. STEWART, CHAIRMAN
PATTI A. REILLY, VICE-CHAIRMAN
DOUG BALMAIN
GARRY R. PARKER
BOB PICKARD

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Lot Line Adjustment No. 636 and Ordinance Modifying Boundaries of Planned Development Resolution No. 02-143

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on May 7, 2002

ACTION AND VOTE:

10:05 a.m. Skip Strathearn, Planner, appeared on behalf of Eric Toll, Planning Director;
PUBLIC HEARING: Adopt a Notice of Exemption and Approve Lot Line Adjustment No. 636; Adopt an Ordinance Modifying the Boundaries of Planned Development Zone (PDZ) 84-1 Pursuant to Zoning Amendment 2002-1
BOARD ACTION: Skip Strathearn presented the staff report, reviewed the history and processing of the lot line adjustment request. He advised that he will revise the draft ordinance to reflect the new legal description of the Planned Development Zone, which will supercede the previous description. Public portion of the hearing was opened, and there was no input. Public portion of the hearing was closed, and the Board commenced with deliberations. (M)Balmain, (S)Reilly, Res. 02-143 was adopted approving a Notice of Exemption and approve Lot Line Adjustment No. 636 with the recommended findings; and Ordinance No. 974 was adopted modifying the boundaries of Planned Development Zone (PDZ) 84-1 pursuant to Zoning Amendment 2002-1 with the recommended findings/Ayes: Reilly, Balmain, Stewart, Pickard, Excused: Parker. The hearing was closed. Mr. Gile, applicant, withdrew his appeal on this matter. Jeff Green, County Counsel, advised that the appeal is nullified as a result of the action taken.

cc: Jeff Green, County Counsel
File
RECOMMENDED ACTION AND JUSTIFICATION: Policy Item: Yes ____ No X __

a) Adopt a Resolution adopting a Notice of Exemption and approving Lot Line Adjustment No. 636 with the recommended findings, and

b) Adopt an ordinance modifying the boundaries of Planned Development Zone (PDZ) 84-1 pursuant to Zoning Amendment 2002-1 with the recommended findings

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On March 19, 2002 the Board heard an appeal of the Planning Commission's 1/4/02 denial of the lot line adjustment and at that hearing referred the matter back to the commission for reconsideration of the adjustment. The Board also directed the commission to initiate the process to amend the boundaries of PDZ 84-1 which is required to effect the lot line adjustment since the golf course parcel is part of the PDZ. The boundaries of the PDZ can only be modified by ordinance.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

ALTERNATIVES: Deny the lot line adjustment and zoning amendment.

NEGATIVE ACTION: If the amendment to the PDZ boundaries and lot line adjustment are not approved, the two residential parcels and the Hidden Hills (Lake Don Pedro) Golf Course parcel would remain in their present configuration and the boundaries of the planned development zone would not be amended.

COSTS: (X) Not Applicable

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<td>C. Required additional funding</td>
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COSTS: ( ) 4/5th Vote Required

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<td>C. Source Description</td>
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Balance in Reserve Contingencies, If Approved: $ 

SPECIAL INSTRUCTIONS

List the attachments and number the pages consecutively:

Memorandum to Board with Attachments
Attachment 1 Planning Commission Resolution
Attachment 2 Staff Report to Planning Commission
Attachment 3 Commission Minutes
Attachment 4 Commission Resolution Initiating Amendment
Attachment 5 Draft Board Resolution
Attachment 6 Draft Board Ordinance

CLERK'S USE ONLY

Res. No.: 02-143
Vote - Ayes: ___ Nays: ___ Absent: ___ Approved ___
Abstained: ___ Denied: ___ Minute Order Attached: ____ No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date:

ATTEST: MARGIE WILLIAMS, Clerk of the Board

By: _________
Deputy

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

_______ Recommended
_______ Not Recommended
_______ For Policy Determination
_______ Submitted for Comment
_______ Returned for Further Action

Comment:

A.O. Initials: 

Action Form Revised 10/95