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16-53.ord
10/15/08



ORDINANCE NO. _____

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 16.53 of Title 16 of the El Dorado County Ordinance Code is hereby added as follows:

**CHAPTER 16.53
LOT LINE ADJUSTMENTS**

16.53.010	Purpose and intent
16.53.020	Definitions
16.53.030	Application Requirements
16.53.040	Procedure/Approval Process
16.53.050	Zoning/General Plan consistency required
16.53.060	Subdivision Map Act consistency required
16.53.070	Exceptions
16.53.080	Public utilities, infrastructure relocation
16.53.090	Appeals
16.53.100	Time limits/expiration date
16.53.110	Recordation

16.53.010 Purpose and intent. The purpose of this chapter is to provide for the orderly development and effective use of existing, legal lots by permitting adjustments to property lines pursuant to California Government Code §66412(d). It is the intent of this chapter to accommodate such adjustments provided that they are consistent with the zoning and General Plan land use designation of the properties involved and do not adversely impact existing infrastructure necessary to serve the lots.

16.53.020 Definitions.

“Adjoining lots” means lots whose boundaries share at least one common point or line.

“Boundary Line Agreement” means an agreement between adjoining property owners as to the location of a respective property line when its certain location is unclear.

“Legal lot” means those lots that have been either:

1. Created or adjusted prior to March 4, 1972; or
2. Created through a properly recorded parcel or final map; or
3. Created previously through a County approved lot line adjustment; or
4. Has a properly recorded clear or conditional Certificate of Compliance; or
5. Has an issued permit or grant of approval for development from the County, with no subsequent violation of the Subdivision Map Act occurring from the date of issuance.

“Merge” means the adjustment by removal of a lot line between adjoining lots under common ownership that results in the creation of one lot. At least one of the lots involved in the merge must be a legal lot.

16.53.030 Application Requirements. Lot line adjustment requests shall be submitted to Planning Services on forms provided by the Department. The application shall be accompanied by a filing fee as established by the most current Resolution adopted by the Board of Supervisors and shall include, but not be limited to, the following information:

- A. An exhibit map prepared and stamped by a licensed land surveyor or civil engineer licensed to practice land surveying. The exhibit shall be drawn to scale showing all boundaries of affected properties.
- B. Current deeds describing all parcels.

16.53.040 Procedure/Approval Process. Upon receipt of a complete application, the Deputy Director of Planning, or his/her designee, may distribute application documents to interested agencies for review and comment.

- A. Within 30 days of accepting a complete application, the Deputy Director shall determine if the proposed lot line adjustment complies with all applicable State laws and County ordinances. The Deputy Director may refer review of a proposed lot line adjustment to the Development Services Director when it is deemed necessary because of General Plan consistency issues, County policy implications, unique or unusual environmental, infrastructure, or land use incompatibility issues, the scale of the project, or other factors determined by the Deputy Director to be sufficiently significant to warrant such review.

- B. A Boundary Line Agreement can be memorialized through the Planning Services application or referred to the County Surveyor for approval subject to the discretion of the Director.

16.53.050 Zoning / General Plan consistency required.

- A. Except as provided in section 16.53.070, (Exceptions) all lots resulting from a lot line adjustment shall conform to all development standards of the zone in which they are located to include, but not be limited to, the following:
 1. Minimum lot width;
 2. Minimum width as measured at the front setback line;
 3. Minimum lot area;
 4. Setbacks and coverage standards for all proposed structures; and
 5. Dwelling unit density.
- B. Existing lots which cross zone boundaries may adjust property lines without rezoning the reconfigured lots, provided the minimum lot size is met within each zone overlying its respective portion of the property.
- C. All resulting lots shall be consistent with General Plan policies establishing minimum lot sizes, listed under Table 16.53.050.A as follows:

Table 16.53.050.A – General Plan Policies

POLICY	SUBJECT	POLICY SUMMARY**
2.2.1.2	Land Uses	Minimum parcel sizes and densities
2.2.2.2	Agricultural District	20 acre minimum, if suitable for agriculture
2.2.6.5	Texas Hill Reservoir Take Line	10 acre minimum; possible setback buffers
5.2.3.5., 5.3.1.2	Groundwater, wastewater systems	5 acre minimum, with exceptions
6.4.1.4, 6.4.1.5	Floodplain, dam inundation areas	No parcels entirely within 100 year flood plain; New parcels partially within 100 year flood plain must have sufficient land for construction of structures and wastewater systems.
7.2.2.1	Mineral resources	20 acre minimum with exceptions
8.1.3.1, 8.2.2.5	Agricultural lands	10 acre minimum adjacent to such lands, with width-to-length ratio and setback requirements.
8.3.2.1-8.3.2.3, 8.4.1.1	Timber Production lands	10 to 160 acre minimum, as applicable

**** Policy Summary provided for illustrative purposes only. See General Plan Policy for official information.**

16.53.060 Subdivision Map Act consistency required.

- A. A lot line adjustment shall be between four or fewer existing adjoining lots, where the land taken from one lot is added to an adjoining lot, and where a greater number of lots than existed originally will not be a direct result of the lot line adjustment. Adjoining lots in one lot line adjustment may adjoin by separate points or lines in a series and do not have to all share the same point or line.
- B. A lot line adjustment between five or more lots in a subdivision or parcel map must be adjusted through a Map Amendment or Tentative Map application (Title 16.72).
- C. The Director may consider subsequent or serial lot line adjustments that involve all or portions of the same land, in compliance with the intent of the Subdivision Map Act. For these situations, a pre-application meeting with Planning Services is strongly encouraged in order to determine the proper process.

16.53.070 Exceptions. The following exceptions to subsection E (Zoning/General Plan consistency) may be permitted:

- A. Existing Conforming Lots: Where existing conforming lots are proposed to be reconfigured to a nonconforming lot size due to unique geographical features of the land or better management of natural resources, the resultant lot(s) shall not be reduced more than 10 percent of the minimum lot size requirement under the zone.

Where existing development on the proposed reconfigured lots will be rendered non-conforming to specific development standards such as setbacks, frontage and coverage requirements, the resultant non-conformity will be allowed providing it does not exceed 10 percent of each applicable development standard.

- B. Existing Non-conforming Lots: Where some or all of the existing lot(s) are non-conforming in size to the minimum requirements of the zone or General Plan and where unique geographical features or important resources exist, the Deputy Director may approve a lot line adjustment subject to the following:
 - 1. A greater non-conformity may be allowed to better fit said features or to consolidate and manage said resources, provided:
 - a. It does not increase the non-conformity by more than 10 percent of each existing lot size;

- b. The resultant smallest lot shall be equal to or greater in size than the existing smallest lot; and
 - c. Existing conforming lots that may be involved in the adjustment remain subject to Subsection 16.43.070.A.
2. All other provisions of this Ordinance shall apply.
- C. Non-conforming structure on property line: Where a non-conforming structure straddles a property line between two lots under separate ownership, a lot line adjustment can be approved that reduces the size of one of the lots by greater than 10 percent of the minimum requirements of the zone in order to clarify ownership of the existing structure. Any resulting non-conformance to development standards that are either created or enlarged shall be considered as legal, non-conforming.

16.53.080 Public utilities, infrastructure relocation.

- A. Sufficient easements shall be provided to serve each lot involved in a lot line adjustment. Any road easements that are created may be required to be irrevocably offered in dedication to the County, based on the recommendation from the Department of Transportation and approval by the Deputy Director.
- B. Improvements to existing utilities, roads and drainage facilities serving the lots may also be required, as determined necessary by the Deputy Director. Physical improvements shall be limited to providing resultant lots with the same availability of service as the original lots, ensuring the same level of access that the lots had before a lot line adjustment was approved.

16.53.090 Appeals.

- A. Any decision by the approving authority may be appealed by the applicant(s) to the Director, whose decision shall be final, except for those issues involving road and public utility easements. For those excepted issues, the decision of the Director can be appealed to the Zoning Administrator subject to the timelines indicated below. The decision of the Zoning Administrator shall be final.
- B. An appeal must be filed within ten working days from the decision by the Deputy Director by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board of Supervisors, to the Planning Services. The appellant shall clearly identify on the appeal form the specific reasons for the appeal. The Director shall consider all issues raised by

the appellant, and may consider other relevant issues related to the lot line adjustment on appeal.

- C. The decision on an appeal shall be rendered no more than 30 days from receipt of a completed appeal form and fee. The appellant(s) may withdraw the appeal at any time prior to the final decision being made by the Director.
- D. Final recordation of the lot line adjustment shall be stayed until the conclusion of the appeal period set forth in Subsection B above. A properly filed appeal shall stay the recordation of the lot line adjustment until the appeal is decided.

16.53.100 Time limits/expiration date. Final recordation of the lot line adjustment must occur within one year from either the end of the appeal period, or from the final decision on an appeal, whichever comes later. Two, one-year time extensions can be allowed subject to written request of the applicant accompanied by a fee as established by the most current Resolution adopted by the Board of Supervisors, and approval by the Deputy Director. Failure to record within this time will result in the expiration of the lot line adjustment.

16.53.110 Recordation. Lot line adjustment approvals are not effective until recorded in the Office of the County Recorder. Upon recordation of a lot line adjustment all pre-existing lot lines are deemed erased by the newly recorded adjustment. Documents used to record lot line adjustments shall be submitted to the County Surveyor for review and recordation and shall include the transfer deeds that reflect the new property descriptions, executed by all affected owners of record. Any existing deeds of trust shall be revised to reflect the new property descriptions and shall be approved by the beneficiaries of said deeds of trust.

Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the ____ day of _____, 2008, by the following vote of said Board:

Ayes:

ATTEST
SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk