

RESOURCE MANAGEMENT AGENCY Planning Department

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PLANNING COMMISSION DATE: December 1, 2009

AGENDA ITEM: #6

CZ	#2009-004	Amendment to the County Code, Title 17, Chapter 17.74
APN	Countywide	Applicant: Madera County
CEQA		EXEMPT

REQUEST:

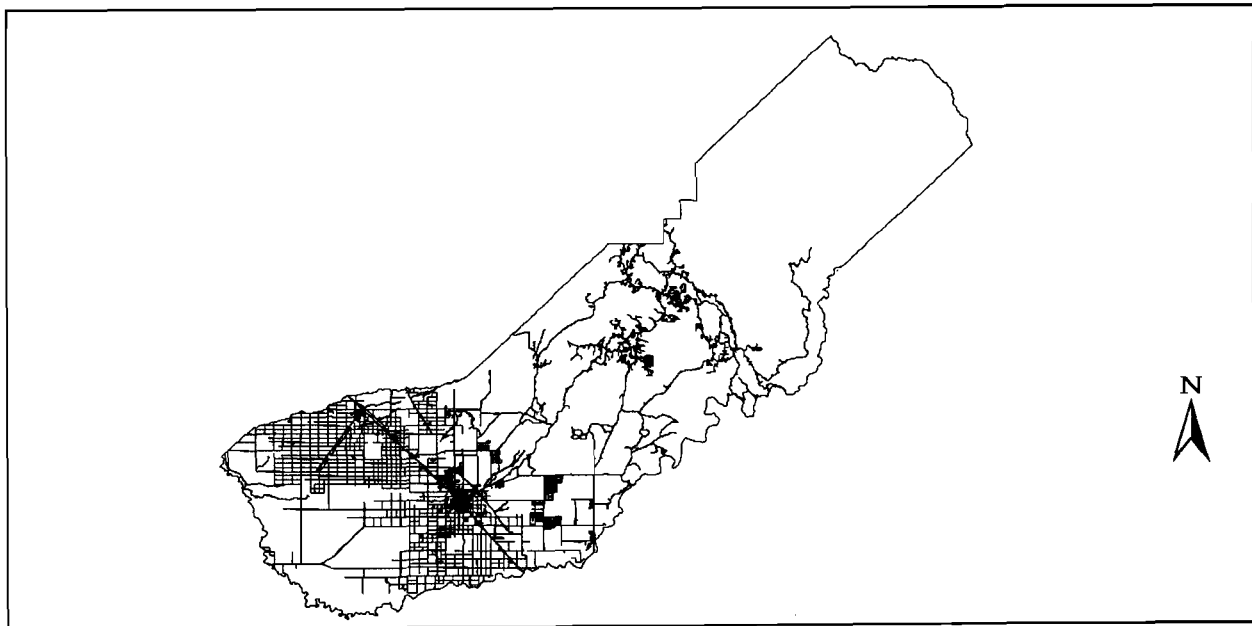
This is a proposal by the County of Madera to amend the Madera County Ordinance, Title 17, Chapter 17.74 to comply with State law.

LOCATION:

The proposed amendments will affect all zone districts in Madera County.

ENVIRONMENTAL ASSESSMENT:

Under the provisions of the California Environmental Quality Act (CEQA), Section 15061(b)(3), and the Madera County Environmental Guidelines, the County has determined that this amendment will not have a significant effect on the environment and is exempt from CEQA.



RECOMMENDATION:

Approve the proposed amendments to sections of the Madera County Code, Title 17.74, Lot Line Adjustments

BACKGROUND:

The Title 17 was first adopted in 1963 and is a document that grows and changes as needed. The last major amendment was in 2004. It consists of Lot Line Adjustment, Parcel Map, and Subdivision Ordinances.

This item was before the Commission for public comment on August 4, 2009.

PROJECT DESCRIPTION:

We are looking at the Lot Line Adjustment, Parcel Map, and Subdivision Ordinances for compliance with new State laws. Currently, the Lot Line Adjustment is before you for review.

ORDINANCES/POLICIES:

Madera County Code Title 17, Chapter 17.74.

ANALYSIS:

As the State amends the law, we must also amend County Ordinance. The Planning Department is currently comparing Title 17 with State law with the intention of amending all Chapters to bring them into compliance. The first is Chapter 17.74, Lot Line Adjustment. Only minor changes were needed. The Subdivision Map Act does not provide for appeals of the decision, however, the ability to appeal will remain in the ordinance.

On August 4, 2009, this item was presented to the Planning Commission and to the public. Applicant, who have submitted Lot Line Adjustment applications since 2001, were sent a public hearing notice. Only two comment letters, one telephone call, and public comments from the August 4, 2009 meeting were received. The Commission considered the proposed changes at their November 3, 2009 meeting. The following issues still needed to be considered.

- 1) 17.74.030 (C) A written consent to the proposed lot line adjustment, on a form prescribed by the Planning Department, signed by ~~each person~~ a minimum of one person holding record title interest in the affected parcels (includes deeds of trust, which must be rewritten to reflect the change in legal description);

The phrase "each person" was replaced by "minimum of one person".

- 2) 17.74.055 Final Lot Line Adjustment Drawing. To complete the Lot Line Adjustment after approval by the Parcel Map Committee (Chaired by the Planning Director or his representative), a Final Lot Line Adjustment Drawing must be submitted. ~~must be stamped and signed by a licensed land surveyor or licensed civil engineer registered prior to January 1, 1982, that is authorized to practice all land surveying.~~ A Title Report current within 30 days must be submitted. Conditions of approval must be met before the final Lot Line Adjustment drawing is recorded. The conditions may include, but not be limited to the following: taxes on all property involved must be paid or bonded or; deeds to transfer the adjusted property must be recorded concurrently or before the Final Lot Line Adjustment drawing; and evidence of partial reconveyance, extinguishing any liens that may exist on the property involved must be filed with the Planning Department. A Certificate

of Compliance, which establishes the legality of the resulting boundaries, will be recorded with the Final Lot Line Adjustment Drawing.

The phrase "Final Lot Line Adjustment Drawing must be stamped and signed by a licensed land surveyor or licensed civil engineer registered prior to January 1, 1982, that is authorized to practice all land surveying." was removed. This is not required to comply with the Subdivision Map Act and the proposed ordinance will still comply with State Law.

17.74.090 - Expiration of tentative approval. The applicant shall fulfill all conditions within ~~six~~ *twelve (12)* months of the date of parcel map committee approval or board of supervisors' approval whichever is later. This period may be extended for two additional six-month periods by written application to the parcel map committee prior to expiration of the initial period or previous approved extension. The request for time extension shall be accompanied by a fee as set by resolution of the board of supervisors. *If additional entitlements or annexations are necessary, the time line is suspended from the time the entitlement application is submitted until the completion of the entitlements.* (Ord. No. 278R, § 1, 11-25-08)

The time limit will be extended to 12 months with a possibility of two, six month time extensions.

The intention of staff is to modify the ordinance to comply with State law. The procedure as it currently is applied appears to be working. It is not our intention to make the process more difficult. The proposed changes will comply with State law and address the concerns of the public.

GENERAL PLAN CONSISTENCY STATEMENT:

The proposed text amendments are consistent with the goals and policies of the General Plan.

RECOMMENDATION:

Recommend approval of the amendments to Title 17 to the Board of Supervisors.

ATTACHMENTS:

Exhibit A, Chapter 17.74.
Exhibit B, Submittal Checklist
Exhibit C, Procedure Flow Chart

LOT LINE ADJUSTMENTSections:

17.74.010	Lot line adjustment defined.
17.74.020	Affected parcel defined.
17.74.030	Application
17.74.040	Parcel map committee review.
17.74.050	Parcel map committee decision.
17.74.060	Appeal to Board of Supervisors.
17.74.070	Board of Supervisors hearing.
17.74.080	Conditions.
17.74.100	Certificate of approval

17.74.010 Lot line adjustment defined. A "lot line adjustment" is an alteration of an existing boundary line between *four or fewer* existing contiguous legal parcels, *where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the Parcel Map Committee which is chaired by the Planning Director or his appointee. A lot line adjustment is an exclusion from the Subdivision Map Act and shall be reviewed in accordance with Section 66412(d) of the Government Code and this Chapter.* A Lot Line Adjustment may be granted pursuant to this chapter; provided, that:

- A. No additional parcels are created; and
- B. The sizes of all the altered parcels comply with the applicable general plan designation and zoning in effect on the date the application is filed; and
- C. No tax rate area boundary line will be altered.
- D. *A local agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, and zoning and building ordinances.*
- E. *The applicant (s) are required to pre-pay the real property taxes prior to the approval of the lot line adjustment.*
- F. *The local agency shall require the relocation of existing utilities, infrastructure, or easements to facilitate the adjustment, if necessary.*
- G. *No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment.*
- H. *The lot line adjustment shall be reflected in a deed, which shall be recorded.*
- I. *No record of survey shall be required for a lot line adjustment unless required*

by Section 8762 of the Business and Professions Code (Professional Surveyor's Act).

17.74.020 Affected parcel defined. As used in this chapter, "affected parcel" means and refers to any parcel whose size or shape will be changed by the proposed lot line adjustment.

17.74.030 Application. An completed application form provided by the County for a lot line adjustment shall be submitted to the planning department and shall be considered filed when all the following have been provided:

A. A drawing which represents the proposed adjustment identifying the existing parcels and the resulting parcel(s) with acreage or square footage which satisfies the requirements of the Planning Department;

B. A signed statement setting forth the specific reasons for the proposed lot line adjustment;

C. A written consent to the proposed lot line adjustment, on a form prescribed by the Planning Department, signed by a minimum of one person holding record title interest in the affected parcels (includes deeds of trust, which must be rewritten to reflect the change in legal description);

D. Copies of all deeds by which the owners of the affected parcels hold title;

E. The filing fee as set by resolution of the Board of Supervisors;

F. ~~A "title report" covering all affected parcels issued within thirty days insuring the county in the minimum amount of one thousand dollars;~~ A preliminary title report or a current statement describing all rights-of-way, easements, lien holders, and record title interests to which each parcel shown on the lot line adjustment map is subject.

G. Such other relevant documentation and information as may reasonably be requested by the planning department. (Ord. 278N § 17(part), 2004).

17.74.040 Parcel map committee review. ~~Within thirty days after the application has been filed, the parcel map committee shall hold a meeting to review the application.~~ After acceptance of the lot line adjustment application as complete, the planning department shall provide a copy of the application to each member of the parcel map committee and each member of the parcel map committee shall file a recommendation regarding the application with the planning department. The parcel map committee may make rules and regulations pertaining to meeting procedures and the processing of applications, including continuances of committee meetings not to exceed sixty days. Composition of the parcel map committee shall be as described in Section 17.72.040. (Ord. 469 §1 (part), 1982).

17.74.050 Parcel map committee decision. The parcel map committee shall approve, disapprove, or conditionally approve the application based only upon the limits provided in Section 66412 in the Subdivision Map Act. Conditions of approval shall be

consistent with Section 17.740.030, B, C, D and G of this code. The parcel map committee shall cause written notice of its decision to be given by mail to the applicant, any person who has filed with the Planning Department a written request for special notice of lot line adjustment applications and any person, who has filed with the planning department a written request for special notice. ~~and to any person, as determined by the committee, whose property may be adversely affected by the decision.~~

17.74.055 Final Lot Line Adjustment Drawing. ~~To complete the Lot Line Adjustment after approval by the Parcel Map Committee (Chaired by the Planning Director or his representative), a Final Lot Line Adjustment Drawing must be submitted. must be stamped and signed by a licensed land surveyor or licensed civil engineer registered prior to January 1, 1982, that is authorized to practice all land surveying. A Title Report current within 30 days must be submitted. Conditions of approval must be met before the final Lot Line Adjustment drawing is recorded. The conditions may include, but not be limited to the following: taxes on all property involved must be paid or bonded or, deeds to transfer the adjusted property must be recorded concurrently or before the Final Lot Line Adjustment drawing; and evidence of partial reconveyance, extinguishing any liens that may exist on the property involved must be filed with the Planning Department. A Certificate of Approval, which establishes the legality of the resulting boundaries, will be recorded with the Final Lot Line Adjustment Drawing.~~

17.74.060 Appeal to Board of Supervisors. Any person aggrieved by the decision of the parcel map committee may appeal the decision to the Board of Supervisors within ~~ten or fifteen~~, as cited in other sections, days of the date of the decision. The appeal shall be in writing, shall state the specific objections, shall be accompanied by a fee as set by resolution of the Board of Supervisors, and shall be filed with the Planning Department. (Ord. 278N § 17(part), 2004).

17.74.070 Board of Supervisors hearing. The Board of Supervisors shall hold a noticed, public hearing to consider the appeal within forty-five days of the filing date of the appeal. At least ten days notice shall be given to the applicant and to those persons described in Section 17.74.050. The Board of Supervisors may approve, disapprove, modify or conditionally approve the decision of the parcel map committee. (Ord. 278N § 17(part), 2004).

17.74.080 Conditions. The following conditions shall be imposed on the application:

A. Those conditions consistent with Section 17.74.030 B and Section 66412 (d) of the Government Code;

AB. Submission and approval of records of survey, if required;

BC. Submission of properly executed, unrecorded deeds necessary to document the transfer of land ownership and the resulting parcels reflecting the approved legal descriptions;

GD. Such other conditions as may be necessary to insure adequate access, satisfactory sewage disposal; acceptable lot configuration and to protect the public health safety and general welfare.

17.74.090 - Expiration of tentative approval. The applicant shall fulfill all conditions within ~~six~~ *twelve (12)* months of the date of parcel map committee approval or board of supervisors' approval whichever is later. This period may be extended for two additional six-month periods by written application to the parcel map committee prior to expiration of the initial period or previous approved extension. The request for time extension shall be accompanied by a fee as set by resolution of the board of supervisors. *If additional entitlements or annexations are necessary, the time line is suspended from the time the entitlement application is submitted until the completion of the entitlements.* (Ord. No. 278R, § 1, 11-25-08)

17.74.100 Certificate of approval. Upon compliance with this chapter, all conditions and all applicable provisions of law; payment of all taxes, assessments and charges which are a lien, whether then payable or not; and upon payment of all applicable recordation fees, the County Counsel shall execute a certificate of approval. The Planning Department shall then cause the approved application and exhibit map to be recorded in the office of the county recorder, together with any deeds; and, records of survey (if required); and, the written consents to the lot line adjustment. Upon recordation of the foregoing, the lot line adjustment shall be deemed perfected.

General

- 1. The applicant, or the applicant's agent, must complete the Lot Line Adjustment application form. The information must be typed or neatly lettered. Signatures should appear in the same form as title is held. (The form must be returned as provided. No copies can be accepted.)

Submit the following with Lot Line Adjustment application form.

- 2. The Site Plan or drawing(s) submitted with the lot line adjustment proposals may be 8½" x 11", 11" x 17" or 18" x 26" in size (one 8½" x 11" or 11" x 17" is required for our computer system). Larger or smaller map sizes are not acceptable. The scale must be large enough to show all details clearly. Eight (8) copies of the site plan must be submitted with the application form. The drawing must be legible. The following information must be included on the site plan:
 - a) Date, north arrow, and scale of drawing.
 - b) Existing parcel lines (broken and thin) with dimensions with the area (size in acres) of the original parcel.
 - c) Adjusted parcel lines (solid and bold) with dimensions with the sizes (acreages) and approximate dimensions of the proposed parcels.
 - d) A description of the original parcel sufficient to locate it on an Assessor's map (a current, valid Assessor's Parcel Number will suffice).
 - e) Structures existing on the parcel with approximate distances to the proposed division lines. In addition, well and septic system (including leach field) locations must be shown. Each structure or location shown must be identified (house, barn, well, etc.).
 - f) A vicinity map sufficient to locate the parcel in the field and/or in the office without the necessity of referring to additional maps.

Note: The adjustment of a substandard parcel can not result in a parcel that is more substandard.

- 3. A copy of the deed that includes by which each of the owners of the indicated APN's currently holds title.
- 4. A preliminary title report or a current statement describing all rights-of-way, easements, lien holders, and record title interests to which each parcel shown on the lot line adjustment map is subject.
- 5. The application fee (\$1,563.00)

Final Lot Line Adjustment Drawing.

To complete the Lot Line Adjustment after approval by the Parcel Map Committee (Chaired by the Planning Director or his representative), a Title Report currently within 30 days must be submitted. Conditions of approval must be met before the Final Lot Line Adjustment Drawing is recorded. The conditions may include, but not be limited to the following: taxes on all property involved must be paid or bonded or; deeds to transfer the adjusted property must be recorded concurrently or before the Final Lot Line Adjustment Drawing; and evidence of partial reconveyance, extinguishing any liens that may exist on the property involved must be filed with the Planning Department. A Certificate of Approval, which establishes the legality of the resulting boundaries, will be recorded with the Final Lot Line Adjustment drawing.

Appeals.

Any action of the Planning Director (or Parcel Map Committee) may be appealed to the Planning Commission within 15 calendar days following the action.

