

CHAPTER 17.XX BOUNDARY LINE ADJUSTMENTS

- 17.xx.010 Purpose and intent
- 17.xx.020 Definitions
- 17.xx.030 Zoning/General Plan consistency required
- 17.xx.040 Subdivision Map Act consistency required
- 17.xx.050 Exceptions
- 17.xx.060 Public utilities, infrastructure relocation
- 17.xx.070 Adjustment of zone district/General Plan boundaries to conform to new lot lines
- 17.xx.080 Approval process
- 17.xx.090 Appeals
- 17.xx.100 Time limits/expiration date

17.xx.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) and El Dorado County Code Section 16.53. 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.

17.xx.020 Definitions.

“Adjoining lots” means two **or more** lots that touch and form boundaries at a point or line.

“Legal lot” means those lots that have been either created or adjusted through a properly recorded parcel or final map, or a previous boundary line adjustment; or through a properly recorded clear or conditional Certificate of Compliance; or that has been issued any permit or grant of approval for development, with no subsequent violation of the Subdivision Map Act occurring from the date of issuance.

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

17.xx.030 Zoning / General Plan consistency required.

- A. Except as provided in §17.xx.050, (Exceptions) all lots resulting from a boundary line adjustment shall conform to all development standards of the zone district in which they are located to include the following:

- i. Lots shall maintain minimum lot width;
 - ii. Lots shall maintain minimum lot width at the setback line from road frontage;
 - iii. Lots shall maintain minimum lot area;
 - iv. All proposed structures shall meet setbacks and coverage standards; and
 - v. Dwelling unit density shall conform to the zoning standards
- B. Existing lots which cross zone district boundaries may adjust property lines without rezoning the reconfigured lots, provided the minimum lot size is met within each zone district overlying its respective portion of the property.
- C. All resulting lots shall be consistent with General Plan policies establishing minimum lot sizes to protect and maintain adjoining agriculture, timberland, and mineral extraction land uses and adjacent natural resources, as well as with those policies pertaining to flood damage prevention (2.2.6.5, 6.4.1.4, 6.4.1.5, 7.2.2.1, 8.1.3.1, 8.2.2.5, 8.3.2.1, 8.3.2.2, 8.3.2.3, and 8.4.1.1).

17.xx.040 Subdivision Map Act consistency required. 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.

17.xx.050 Exceptions. The following exceptions to §17.xx.030 (Zoning/General Plan consistency) may be permitted:

- A. Where the newly configured lots conform to the provisions of General Plan Policy 2.2.5.12, which allows the creation of a substandard sized lot or lots due to unique geographical features of the land or better management of natural resources, providing the resultant lot(s) shall not be reduced by more than 10 percent of the minimum parcel size requirement under the zone district.
- B. Where existing lots are considered non-conforming by being substandard in size to the minimum requirements of the zone district, the resultant lots may remain non-conforming but shall not be reduced further in size than before the boundary line adjustment was approved, except as follows:
1. Where unique geographical features or important resources exist, under General Plan Policy 2.2.5.12 the Planning Director may approve a boundary line adjustment that results in a greater non-conformity, not to exceed 10 percent of the minimum lot size requirement under the zone district, to better fit said features or consolidate and manage said resources, provided all other provisions of this chapter are satisfied.
- C. Where existing development on the involved 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.

17.xx.060 Public utilities, infrastructure relocation.

- A. Sufficient easements shall be provided to serve each lot involved in a boundary line adjustment. As a result, any road easements that are created shall be irrevocably offered in dedication to the County.
- B. Improvements to existing utilities, roads and drainage facilities serving the lots may also be required, as determined necessary by the Planning Director. Physical improvements shall be limited to providing resultant lots with the same availability of service as the original lots, and to ensuring adequate fire safe access to lots that had minimum access before a boundary line adjustment was approved.

17.xx.070 Adjustment of Zone District/General Plan boundaries to conform to new lot lines.

- A. For the purpose of this section, an increase in land use intensity shall mean the development entitlement of a lot changing from one residential density to a higher density; or changing from agricultural to residential or commercial, or from residential to commercial or industrial land uses or zone districts.
- B. Where an existing property line forms a zone district boundary and/or general plan land use designation boundary, these zoning and/or land use boundaries shall be reconfigured to conform to the adjusted property line, providing the following criteria are met:
 - 1. The change in the zone district boundary does not result in increased land use intensity such as a reduction in setbacks or other development standards that the Planning Director finds should be considered by the Planning Commission and affected property owners in a public hearing.
 - 2. Subject to the criteria set forth in (1) above, a rezone and/or general plan amendment must be submitted by the applicant(s) concurrent with the boundary line adjustment, and must be approved by the Board prior to approval and recordation of said boundary line adjustment.

17.xx.080 Approval process. A lot line adjustment shall be subject to the findings in Title 16 of the El Dorado County Code - *Subdivisions Ordinance* and the approval of the Deputy Director of Planning Services, or his/her designee.

17.xx.090 Appeals.

- A. Any decision by the approving authority may be appealed by the applicant(s) to the Director of Development Services, whose decision 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 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 boundary 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, with prejudice, at any time prior to the final decision being made by the Deputy Director.
- D. Final recordation of the boundary 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 boundary line adjustment until the appeal is decided.

17.xx.100 Time limits/expiration date. Final recordation of the boundary 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. Failure to record within this time will result in the expiration of the boundary line adjustment.

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