

CHAPTER 5.5

LOT LINE ADJUSTMENT

325.5-1. PURPOSE.

This chapter is enacted for the purpose of establishing official policy and procedures whereby Lot Line Adjustments may be approved by the County pursuant to State Law. The provisions of the Subdivision Map Act shall be inapplicable to Lot Line Adjustments. (Ord. 1911, § 1, 10/23/1990)

325.5-2. DEFINITIONS.

For the purpose of this Chapter, "LOT LINE ADJUSTMENT" is the adjustment of a common lot line or lot lines between two or more existing adjacent parcels, where the land(s) taken from one or more parcels is added to an adjacent parcel or parcels, and where a greater number of parcels than originally existed is not thereby created, provided the Lot Line Adjustment is approved by the local agency or advisory agency. "LOT LINE ADJUSTMENT" is deemed to include any and all reconfiguration and/or elimination of common property lines between and among contiguous parcels, except as provided for otherwise in this Ordinance. (Ord. 1911, § 1, 10/23/1990)

325.5-3. BOUNDARY CORRECTIONS.

The adjustment of property lines for the correction of record title descriptions or real property is exempt from the requirements of this chapter provided that the County Surveyor finds that the adjustment is necessary to correct erroneous deed description to coincide with the physical conditions and/or occupation lines of the properties. A written statement declaring the purpose of the correction shall be submitted to the County Surveyors office by a Registered Civil Engineer qualified to practice land surveying or a licensed Land Surveyor, along with the submittal of a Record of Survey for recordation showing the monumentation of the corners of the new property line. (Ord. 1911, § 1, 10/23/1990)

A deed or deeds must be recorded to correct the description and must have a note on the first page as follows: "The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This adjustment is exempt from the provisions of the Subdivision Map Act and local ordinances enacted pursuant thereto." (Ord. 1911, § 1, 10/23/1990)

A copy of the statement and documents will be forwarded by the County Surveyor to the Planning Department. (Ord. 1911, § 1, 10/23/1990)

325.5-4. DECLARATION OF POLICY.

It is the County policy to provide for the adjustment of property boundaries between contiguous parcels in a manner consistent with State Law. The Planning Department shall limit its review and approval to a determination of whether or not the parcels resulting from the Lot Line Adjustment will conform to local building and zoning ordinances. The County of Humboldt shall not impose conditions or exactions on its approval of a Lot Line Adjustment except to conform to local zoning and building ordinances, or except to facilitate the

relocation of existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition of approval to the Lot Line Adjustment. The Lot Line Adjustment shall be reflected in a deed and in a Record of Survey or Notice of Lot Line Adjustment which shall be recorded. (Ord. 1911, § 1, 10/23/1990)

This policy reflects a distinction between "subdivision" as defined by State statutes as a type of land division development, and "lot line adjustment" which is not a land division or a development. (Ord. 1911, § 1, 10/23/1990)

EXCEPTION: When parcels being adjusted are held in common ownership, no new deeds shall be required for the purpose of the Lot Line Adjustment process. A Notice of Lot Line Adjustment shall be required. (Ord. 1911, § 1, 10/23/1990)

325.5-5. APPLICATION PROCEDURES.

The following procedures shall be applicable to the filing, review and processing of applications for approval of Lot Line Adjustments: (Ord. 1911, § 1, 10/23/1990)

(a) All Lot Line Adjustment applications shall be submitted to the Planning Department on application forms supplied by the Department. Said forms shall include the following statements: (Ord. 1911, § 1, 10/23/1990)

(1) "If there is more than one ownership involved, and your Lot Line Adjustment is approved, along with a Record of Survey or Notice of Lot Line Adjustment, you must record a deed or deeds for the area(s) to establish ownership or record for each of the resulting parcels". (Ord. 1911, § 1, 10/23/1990)

(2) "Serious title consequences may result if any of the parcels to be adjusted are subject to prior record liens (i.e. Deeds of Trust, Mortgages, Money Judgments, etc.) and title is subsequently acquired by the lien holder through foreclosure. Those consequences can be avoided by obtaining and recording reconveyances or releases of said liens. Your title company can assist you with these matters." (Ord. 1911, § 1, 10/23/1990)

(b) The following materials shall be submitted along with the completed and signed application: (Ord. 1911, § 1, 10/23/1990)

(1) Two copies of the present owner of records' vesting deeds, and a Lot Book Report to Title Report for each lot. (Ord. 1911, § 1, 10/23/1990)

(2) Six copies of a Lot Line Adjustment plot plan accurately drawn to scale on one sheet of paper at least 8 ½" x 11" in size that shows the following information for each lot to be adjusted: (Ord. 1911, § 1, 10/23/1990)

(I) All exterior and interior lines shall be shown on the map and dimensioned based on information of record. (Ord. 1911, § 1, 10/23/1990)

(ii) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines. (Ord. 1911, § 1, 10/23/1990)

(iii) Areas (in square footage or acreage) of the initial and resulting parcels shall be identified. (Ord. 1911, § 1, 10/23/1990)

(iv) All existing structures, their uses, and other constructed improvements, located within 50 feet of the proposed new boundaries shall be accurately located and shown with dimensions from the property lines. (Ord. 1911, § 1, 10/23/1990)

(v) The names, County road numbers and widths of abutting rights-of-way and their locations. (Ord. 1911, § 1, 10/23/1990)

(vi) The locations, purpose and width of all proposed and existing easements, streets and appurtenant utilities located within 100 feet of the proposed new boundaries. (Ord. 1911, § 1, 10/23/1990)

(vii) The approximate location of all watercourses, drainage channels and existing drainage structures located within 100 feet of the proposed new boundaries. (Ord. 1911, § 1, 10/23/1990)

(viii) Approximate high-water lines of all areas subject to inundation location within 100 feet of the proposed new boundaries. (Ord. 1911, § 1, 10/23/1990)

(ix) Assessed owners and Parcel Numbers. (Ord. 1911, § 1, 10/23/1990)

(x) North arrow and scale. (Ord. 1911, § 1, 10/23/1990)

(xi) Vicinity map if the location cannot be determined from the plot plan. (Ord. 1911, § 1, 10/23/1990)

(xii) Location of wells and septic tanks and primary and reserve septic leach areas within 100 feet of proposed new boundaries. (Ord. 1911, § 1, 10/23/1990)

(3) Fees per County adopted schedule. (Ord. 1911, § 1, 10/23/1990)

(4) A written statement from the applicant explaining the reason(s) for the proposed adjustment (This statement is to assist the applicant in ensuring that the Lot Line Adjustment will accomplish his/her goal, and the statement will have no effect on review or approval of the Lot Line Adjustment). (Ord. 1911, § 1, 10/23/1990)

(c) The Planning Department may distribute the application to any affected public agencies and public utility districts or companies for review and comment. Agencies receiving project applications must submit any response to the Planning Department within 15 days of referral date established by the Planning Department. (Ord. 1911, § 1, 10/23/1990)

325.5-6. PROJECT APPROVAL CRITERIA.

A Lot Line Adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria: (Ord. 1911, § 1, 10/23/1990)

(a) The application is found to be complete. (Ord. 1911, § 1, 10/23/1990)

(b) Either (1) the parcels to be adjusted are found to be in compliance

with the Subdivision Map Act and local subdivision regulations, or (2) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment. (Ord. 1911, § 1, 10/23/1990)

(c) The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction or preexisting non-conformities with zoning and building ordinances. (Ord. 1911, § 1, 10/23/1990)

325.5-7. PLANNING DIRECTOR ACTION ON THE LOT LINE ADJUSTMENT.

The Planning Director shall tentatively approve any proposed Lot Line Adjustment that, in the Planning Director's opinion, conforms with approval criteria in § 325.5-6. The Planning Director's tentative approval shall be expressed in writing and shall be subject only to those conditions outlined in Section 325.5-9 of this Chapter. The Planning Director's action shall become effective ten (10) days from the date thereof, unless appealed as provided for in § 325.5-10 of this Chapter. (Ord. 1911, § 1, 10/23/1990)

325.5-8. PUBLIC HEARING REQUIREMENTS.

If the Planning Director finds that the proposed adjustment does not qualify for approval, or believes that the adjustment may result in a significant deprivation or property rights of other landowners, he shall schedule the proposed adjustment for a public hearing before the Planning Commission. Notice shall be provided as required by State law. Any interested person may appear at the hearing and shall be heard. A copy of a complete staff report with any appurtenant materials provided to the Planning Commission shall be delivered to the applicant and his or her agent at least 2 days prior to the hearing. (Ord. 1911, § 1, 10/23/1990)

325.5-9. CONDITIONS OF TENTATIVE APPROVAL.

Tentative approval of Lot Line Adjustments may only be conditioned upon the following: (Ord. 1911, § 1, 10/23/1990)

(a) Conditions to conform to local zoning and building ordinances consistent with the provisions of § 325.5-6. (Ord. 1911, § 1, 10/23/1990)

(b) Conditions to facilitate the relocation of existing affected utilities, infrastructures or easements. (Ord. 1911, § 1, 10/23/1990)

(c) The recordation of a Record of Survey monumenting the corners of the new property line(s). The County Surveyor shall not require the Record of Survey if in his/her opinion any one of the following findings can be made:

(1) The new boundary line(s) are already adequately monumented of record. (Ord. 1911, § 1, 10/23/1990)

(2) The new boundary line(s) can be accurately described from Government Subdivision Sections or eloquent parts thereof. (Ord. 1911, § 1, 10/23/1990)

(3) The new boundary line(s) can be accurately described and located from existing monuments of record. (Ord. 1911, § 1, 10/23/1990)

(4) The new boundary is based upon physical features (i.e. roads, creeks, etc.) which themselves monument the line. (Ord. 1911, § 1, 10/23/1990)

(d) If the filing of a Record of Survey has not been required or has been waived, a Notice of Lot Line Adjustment shall be recorded for the resulting parcels. The following information must be submitted to the Public Works Division for review prior to recordation: (Ord. 1911, § 1, 10/23/1990)

(1) A copy of the deeds to be recorded for the adjusted parcels; provided however, that when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the Notice of Lot Line Adjustment. (Ord. 1911, § 1, 10/23/1990)

(2) A Lot Book, Preliminary Title Report or other evidence satisfactory to the County Surveyor regarding ownership of parcels. (Ord. 1911, § 1, 10/23/1990)

(3) Completed "Notice of Lot Line Adjustment" forms (these are available from the Planning Department). (Ord. 1911, § 1, 10/23/1990)

(4) Items under parts (1) & (2) above, which have been previously submitted with the application, may be waived. (Ord. 1911, § 1, 10/23/1990)

(e) The Notice of Lot Line Adjustment and/or the Record of Survey shall include the following statement: "The County's approval of the Lot Line Adjustment does not imply nor guarantee approval of any subsequent County permits to develop this property. Nor does the review of Lot Line Adjustments include review for code violations. The approval is therefore no indication nor assurance to any subsequent purchaser that the property is free from violations." (Ord. 1911, § 1, 10/23/1990)

Upon written application to the County Surveyor's Office, the County Surveyor or his designee may waive any requirement for filing of a Record of Survey if, in the opinion of the County Surveyor, the requirement will create an undue hardship and the absence of survey data will not be detrimental to future owners of the lots adjusted, or an abundance of survey data exists of record such that the survey and preparation of the Record of Survey is an unnecessary expense and the parcels can be conveyed by metes and bounds descriptions. (Ord. 1911, § 1, 10/23/1990)

325.5-10. APPEALS.

Any person aggrieved by an action of the Planning Director or Planning Commission may take an appeal to the Board of Supervisors and with the Planning Department within ten (10) days of said action. The notice of appeal filed with the Planning Department shall be accompanied by a fee set by resolution of the Board of Supervisors sufficient to cover the cost of processing the application for appeal. Upon receipt of the notice of appeal, the Planning Department shall forthwith transmit to the Board of Supervisors all the papers constituting the record upon which the action appealed from was taken. (Ord. 1911, § 1, 10/23/1990)

325.11. LOT LINE ADJUSTMENT EFFECTIVE PERIOD.

The instruments of record as approved by the County Surveyor's Office shall be recorded and the Lot Line Adjustment shall be completed within thirty-six (36) months of approval of the Lot Line Adjustment. (Ord. 1911, § 1, 10/23/1990)

Prior to expiration, the applicant or property owner may request extension of the filing deadline by submitting a written extension request and a filing fee as set by resolution of the County Board of Supervisors. (Ord. 1911, § 1, 10/23/1990)

The Planning Director may grant a maximum of three years extension of the filing deadline if the Planning Director finds that the conditions under which the tentative approval was issued have not significantly changed. (Ord. 1911, § 1, 10/23/1990)