

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: LD-01 (Lot Line Adjustments)
Effective Date: 06/30/06
Originally Issued: 05/15/02
Revised: 12/16/02, 06/23/06

Question:

Does Senate Bill 497 affect processing of lot line adjustments by the County?

**Applicable Ordinance Section(s)
and/or General Plan/LUP Policy(ies)**
§ 13.10.673; § 14.01.105-L; § 14.01.107.4

Interpretation:

Yes, in the following way: as of the effective date of Senate Bill 497, lot line adjustments in Santa Cruz County shall involve only four or fewer parcels.

Reason:

Senate Bill 497, effective January 1, 2002, amended state law regarding lot line adjustments (Government Code Section 66412, the Subdivision Map Act). State law now:

- a. Limits lot line adjustments to four or fewer parcels, and
- b. Requires that a local government's review and approval of a lot line adjustment be limited to a determination of whether or not the resulting parcels conform to zoning and building ordinances and to the local general plan - coastal plan and to any applicable specific plan, and
- c. States that the parcels be adjoining, i.e., touching, and not merely adjacent, i.e., nearby.

Before the enactment of Senate Bill (SB) 497, Government Code Section 66412 placed no limit on the number of parcels that could be involved in a lot line adjustment. Further, Section 66412 provided that the local government determination of approval was limited to whether or not the resulting parcels conformed to zoning and building ordinances only. Finally, Section 66412 required that the lots be "adjacent," which was construed in some cases to mean nearby rather than touching.

Senate Bill 497

Senate Bill 497 amended Section 66412(d) of the State Subdivision Map Act. Section 66412 in general makes the Subdivision Map Act inapplicable to, among other things, lot line adjustments.

In relevant part, Section 66412 reads as follows:

ordinances requires that no additional building sites be created and that lot line adjustments be consistent with the General Plan. (emphasis added)

The Board of Supervisors-amended portions of the County Code regarding lot line adjustments (Ordinance 4281, 12-14-93), included County Code Section 14.01.107.4, which requires that a finding be made that "[t]he Lot Line Adjustment conforms with the County Zoning Ordinance (including, without limitation, County Code Section 13.10.673). . . ." County Code Section 13.10.673, states, in part, that "[n]o Lot Line Adjustment shall be approved unless it is consistent with the General Plan, Specific Plan and Local Coastal Plan (where applicable)."

So, some eight years before the enactment of SB 497, the County zoning Ordinance already included a requirement that all lot line adjustments be found consistent with the County's General Plan, and any applicable Specific Plan and Local Coastal Plan.

Since 1993, the County has required that lot line adjustments be found to be consistent with the General Plan, Specific Plans and Local Coastal Plan (where applicable). Therefore, the current County approach for determining that lot line adjustments are "consistent with the General Plan, Specific Plan and Local Coastal Plan (where applicable)" fulfills the requirement of SB 497 that "the lot line adjustment will conform to the local general plan" and "any applicable coastal plan."

Number of lots

The County has followed state law and allowed lot line adjustments among an unlimited number of lots. With the change in state law, the County will now limit a lot line adjustment to four or fewer parcels.

Relative location of lots involved in a lot line adjustment

The Subdivision Map Act previously used the word "adjacent" to describe the locational relationship among parcels involved in a lot line adjustment. Over time adjacent was construed in some cases to mean that the parcels had to be near-by or close to each other. The current language in the Act uses the word "adjoining," meaning touching. The County has historically required that parcels involved in a lot line adjustment be contiguous, meaning the same as adjoining (touching), and not separated by other non-involved parcels. Properties separated by roads, however, are considered contiguous. Section 14.01.105-S, provides that "[p]roperty shall be considered as contiguous units if it is separated by roads, streets, utility easement or railroad rights-of-way." SB 497 does not change this requirement.



Tom Burns, Planning Director



Date

66412. This division [the Subdivision Map Act] shall be inapplicable to:

(a). . . .

(b). . . .

(c). . . .

(d) A lot line adjustment between four or fewer existing adjoining 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 local agency or advisory agency. A local agency or advisory 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 coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable coastal plan, and zoning and building ordinances. . .

According to information from the Office of Legislative Counsel of California, the statutory provisions regarding lot line adjustments required amendment for the following reasons:

1. To restore the original intent of the minor lot line adjustment exemption of the Subdivision Map Act which, according to the author of the 1976 amendment allowing for the exemption, was to "enable two adjoining property owners to adjust their lot boundary lines without having to go through the Subdivision Map Act procedures."
2. To clarify past court decisions which had interpreted the language in the Subdivision Map Act regarding the term "adjacent" so that a "virtually unlimited number of parcels could be strung together based on a bare minimum of proximity and exempted from the Act."
3. To clarify that lot line adjustments may not create new parcels nor may they allow for development beyond that which could have been allowed before the adjustment.
4. To prevent the use of lot line adjustments as an exception to the usual requirements for subdivision approval in order to effectively "resubdivide" property without providing infrastructure or conforming to land use plans.

Existing County Lot Line Adjustment Ordinances

On November 16, 1993 the Board of Supervisors amended portions of chapters 14.01, 13.20, and 18.10; and Section 13.10.673 of the County Code regarding lot line adjustments (Ordinance 4281, 12-14-93). The current lot line adjustment regulations contained in those portions of the County Code are the result of those amendments.

The November 5, 1993 letter to the Board from the Planning Director accompanying the then recommended amendments included a discussion of substantive changes proposed. That letter states, in part, that

[t]he required findings for approval of a lot line adjustment now refer directly to the need for conformity with County zoning and building ordinances, as specifically provided in the Map Act. By extension, conformity with the zoning and building