

Chapter 17.10

LOT LINE ADJUSTMENTS

Sections:

- 17.10.010 Purpose.
- 17.10.020 Applicability.
- 17.10.030 Application and processing.
- 17.10.040 Approval or denial of adjustment.
- 17.10.050 Completion of adjustment.
- 17.10.060 Expiration.

17.10.010 Purpose. This chapter prescribes the procedures for the preparation, filing, processing, and approval or denial of lot line adjustments consistent with the policies of the General Plan, the requirements of this Code, and the requirements of Government Code Section 66412 (d), part of the California Subdivision Map Act ("Map Act"). (Ord. 641 (part), 2013).

17.10.020 Applicability. As provided by Map Act Section 66412(d), the lot line adjustment procedure is for relocating lot lines 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 created. (Ord. 641 (part), 2013).

17.10.030 Application and Processing. A lot line adjustment application shall be prepared, filed, and processed as prescribed by this section.

(a) Application submittal and contents. A lot line adjustment application shall include a completed application form and all information and other materials required by the town staff and shall be filed with the planning department.

(b) Application fees. Application fees shall be established from time to time by resolution of the town council. An applicant must pay the fee, when the application is submitted. The Town may require the applicant to submit a deposit to cover consultant review of the lot line adjustment.

(c) Application review. Town staff shall review the application for completeness and accuracy. The application may be referred to any town department or any public agency that may be affected or have an interest in the proposed lot line adjustment.

(d) Environmental review. A lot line adjustment is considered a ministerial project and for that reason is not subject to environmental review under the California Environmental Quality Act ("CEQA").

(f) Public notice. No public notice is required as the lot line adjustment application is a ministerial action. The town planner shall mail a courtesy notice of intent to take action on the lot line adjustment at least 10 days prior to the decision to all adjacent property owners.

(g) Concurrent Permit Processing: When a lot line adjustment is part of a project that requires one or more discretionary planning entitlements, then the lot line adjustment shall be reviewed as part of the discretionary planning application. (Ord. 641 (part), 2013).

17.10.040 Approval or denial of adjustment. The town staff shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this chapter, the Town general plan and zoning ordinance, and the California Building, and

related codes as adopted in the town (hereafter, "Building Code"). The town engineer may approve, conditionally approve, or deny the lot line adjustment in compliance with this Section.

(a) Required Findings: A proposed lot line adjustment shall be approved if the town finds all of the following:

(1) The adjustment will not create a greater number of parcels than existed prior to the adjustment;

(2) The adjustment will not result in an increase in the number of non-conforming parcels;

(3) The adjustment will not increase the non-conformity of any parcel; and

(4) All of the parcels resulting from the adjustment are consistent with the General Plan, Zoning Ordinance, and Building Code.

(b) Conditions of Approval. In approving a lot line adjustment, the town staff shall adopt conditions only as necessary to conform the adjustment and proposed parcels to the requirements of the General Plan, Zoning Ordinance, Building Code or to facilitate the relocation of existing utilities, infrastructure, or easements.

(c) Appeal. The decision of town staff may be appealed to the town council. Any appeal shall be filed with the town clerk within 10 days of the date of the decision, shall state the reason(s) for the appeal, and be accompanied by the appeal fee, established by the town council from time to time by resolution. (Ord. 641 (part), 2013).

17.10.050 Completion of adjustment. Within two years after approval, the lot line adjustment process shall be completed in compliance with this section through the recordation of a deed, after all conditions of approval have been satisfied.

(a) Completion by Deed. A lot line adjustment shall not be considered complete or become effective until recordation in the official records of Marin County of a grant deed or deeds signed by the record owners. Prior to recordation, the applicant shall submit deeds to the town engineer for review and approval in compliance with Subsection (b) below, and shall pay the review fees. The legal descriptions provided in the deeds, including an accompanying plat, shall be prepared by a qualified registered, civil engineer, or a land surveyor licensed or registered in the State in accordance with state law and shall be accompanied by a preliminary title report prepared within fifteen days of the date of submission by a title company approved by the town engineer.

(b) Review and Approval by the Town Engineer. The town engineer, or his or her designee, shall:

(1) Examine the deeds to ensure that all record title owners and lien holders have consented to the adjustment;

(2) Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the lot line adjustment as approved by the review authority;

(3) Verify that the property owners have obtained partial reconveyances from any mortgagor or other lien holder for any portion of a parcel being transferred to an adjacent parcel and that any liens covering the adjacent property have been modified to cover the newly created larger parcel;

(4) If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and

(5) After approval of the legal description, assemble the deeds and return them to the applicant's title company for recordation. (Ord. 641 (part), 2013).

17.10.060 Expiration. The approval of a lot line adjustment shall expire and become void, if the adjustment has not been completed as required by this Section within two years of

approval. (Ord. 641 (part), 2013).