

# DEVELOPMENT SERVICES DEPARTMENT

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EL DORADO

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## MEMORANDUM

**DATE:** June 12, 2008  
**Agenda of:** July 24, 2008  
**TO:** Planning Commission  
**Item #:** 11.a  
**FROM:** Lillian MacLeod, Senior Planner  
**SUBJECT:** OR07-0004, Draft Lot Line Adjustment Ordinance

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## **BACKGROUND**

A workshop was held before the Planning Commission on September 27, 2007 regarding the Draft Lot Line Adjustment Ordinance. Public comment included concern over the proposed requirement for zoning and land use boundary line adjustments to be processed concurrent with the lot line adjustment, when applicable. Subsequent meetings were held on January 23, 2008 and February 19, 2008 between staff, Supervisor Sweeney, the Surveyor's Office, and representatives from S.A.G.E. The Draft Lot Line Ordinance reflects input from these discussions and the previous public workshop.

## **SUMMARY OF DRAFT ORDINANCE PROVISIONS**

1. Codifies current requirements under the Subdivision Map Act and Chapter 16.53 of the County Code;
2. Incorporates General Plan Policy 2.2.5.12 by:
  - a. Codifying the 10 percent maximum reduction in minimum lot size requirements under the applicable zone, which has been and is currently being applied as part of the process, and extend this to existing substandard lots (Exhibit A);
  - b. Applying the 10 percent reduction to development standards of existing structures.
3. Provides exceptions to the 10 percent maximum reduction requirement in specific instances.
4. Provides a solution to indeterminate lot lines through a Lot Line Agreement process.
5. Clarifies instances where improvements ensuring adequate access, utilities, drainage facilities or fire safety can be required to insure public health, safety and welfare.

6. Streamlines the permit process by:
  - a. Omitting common practice of reviewing for the potential of one or more lots being enlarged to allow further subdivision.
  - b. Limiting agencies' considerations to conformance to General Plan policies, as well as local zoning and building ordinances, and to the relocation of existing utilities, infrastructure, or easements.
  - c. Providing clear direction to staff and the public through a new Zoning Ordinance provision.

## **DISCUSSION**

Staff is proposing the Draft Lot Line Ordinance be located in Title 17 rather than have it remain in Title 16, due to the proposed regulations addressing specific Zoning Ordinance requirements, such as lot size, development standards, residential density and zoning boundaries. Further, under Measure LU-A, staff is directed to implement General Plan Policy 2.2.5.12 as a revision to the Zoning Ordinance and not Title 16. New provisions will allow a 10 percent reduction to zoning development standards. Staff also recommends that the LLA Ordinance be placed in the Zoning Ordinance near the land use permit procedures section for easy reference (17.22).

However, as an alternative the Ordinance could be placed in Title 16, as an update to the current Code subject to the direction of the Board, with a reference or bookmark to its location in Title 17. Regardless of where the Ordinance is placed, links to Titles 16 and 17 can both be found on Planning Services' website and the public can be directed to either one.

## **ENVIRONMENTAL REVIEW**

The Lot Line Adjustment Ordinance is exempt from the requirements of CEQA pursuant to Section 15601(b.3) of the CEQA Guidelines stating that "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The Ordinance establishes a purpose and procedure for adjusting lot lines that conforms to the Subdivision Map Act as well as the General Plan, and as such, will have no significant impact on the environment.

## **RECOMMENDATION**

Forward a recommendation to the Board of Supervisors to take the following actions:

1. Certify the project is exempt from environmental review pursuant to Section 15061 of the CEQA Guidelines; and
2. Approve OR07-0004 incorporating the Lot Line Adjustment section into Title 17, the County Zoning Ordinance; or

3. As an alternative, direct staff to craft a limited reference in Title 17 to assist staff and the public as to its location in Title 16, as an update to Chapter 16.53.

## **ATTACHMENTS**

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|--------------|---|
| Attachment 1 | 2008 Public Draft Lot Line Adjustment Ordinance |
| Exhibit A    | General Plan Policy 2.2.5.12                    |
| Exhibit B    | Chapter 16.53 of the County Code                |
| Exhibit C    | Zoning Interpretation of June 28, 1993          |