

LOT LINE ADJUSTMENT GENERAL INFORMATION AND APPLICATION

Mariposa County Planning Department
5100 Bullion Street, P.O. Box 2039
Mariposa, CA 95338

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To the Applicant:

The attached application package contains all the necessary information and the materials needed to submit a lot line adjustment application. This package includes a list of materials that must be submitted by the applicant in order to meet the application filing requirements. In addition, general information is provided relating to the costs and time required in order to process the lot line adjustment application.

General Information and Instructions:

When preparing the lot line adjustment application and the required site plan, it is important to provide as much detail and information in the application as possible. Applications that are confusing, missing information or inaccurate may cause delays in processing. By providing complete and accurate information the applicant will lessen the chance for delays and requests for additional information. In order for the application to be considered complete, all the items listed in the "Required Materials and Items" section must be submitted with the required application form and fees to Mariposa Planning.

Applicants are strongly encouraged to have a pre-application meeting with Planning Department staff to discuss the application. Staff would review the application and discuss the application requirements, costs, and the processing of the application with the applicant. Such pre-application meetings are at no cost to the applicant and could save both application costs and time. Please call the Mariposa County Planning Department at (209) 966-5151 if you wish to schedule a meeting to discuss the application or if you have any questions regarding the application package.

Applications may be mailed to our office. Please be aware, however, that incomplete applications will be mailed back to the applicant along with a written list describing information needing to be part of the application. This will cause a delay in the processing of the application. For this reason, we strongly encourage applicants to submit their application in person.

As part of the application requirements for the submittal of a lot line adjustment, each of the applicants involved must provide the appropriate deeds, documents or information that conclusively establishes the legality of each of the parcels involved in the lot line adjustment process. For the purpose of processing a lot line adjustment, a legal parcel is defined as one of the following:

1. Any parcel created prior to March 4, 1972.

2. Any parcel delineated on a parcel map or final map approved and recorded by Mariposa County.
3. Any parcel upon which a Certificate of Compliance or a Certificate of Development has been approved and recorded by Mariposa County.
4. Any parcel to which a Building Permit has been issued.

An application that does not include deeds, documents or information establishing parcel legality will be considered incomplete.

If the applicant cannot confirm parcel legality, the applicant may request staff to verify parcel legality by submitting a Certificate of Compliance application that would then be processed concurrently with the lot line adjustment application. This will require submittal of additional fees beyond the fee required for processing the lot line adjustment application. Generally, if an application is submitted in conjunction with another application the fees would be reduced 50 percent. The application for the certificate of compliance would be acted upon at the same time as the lot line adjustment application. The certificate of compliance application is the process through which the Planning Director makes a determination regarding parcel legality for each parcel that a certificate of compliance has been requested.

Purpose:

The purpose of a lot line adjustment is to allow the modification of the boundaries between two (2) or more existing adjacent legal parcels where the land taken from one parcel is added to an adjacent parcel. In a lot line adjustment, property is transferred from one parcel to another allowing the parcel sizes and shapes of each parcel to be reconfigured based on the modified parcel boundary line(s). A lot line adjustment cannot result in the creation of an additional parcel or the elimination of a parcel. Lot line adjustments involving 5 or more parcels are not exempt from the Subdivision Map Act and cannot be processed with this type of application.

A lot line adjustment may be used to reduce parcel size as long as the parcel remains above the minimum parcel size for the zoning district in which it's located. A substandard parcel, or a parcel that does not meet the minimum parcel size requirement, may be reduced if it is shown that the lot line adjustment will result in the improvement of the circumstances/design of both parcel involved. The applicant would be required to provide supporting information to confirm that the lot line adjustment will result in the improvement of the circumstances and/or design of both parcels. Improvement of the circumstances and/or design of a parcel may include providing a building site on the parcel, improving the area of frontage along an easement, improving accessibility, proposed parcel line coinciding with any natural features (i.e., fence line, Chinese rock wall, natural break in topography, etc.), and the proposed parcel line coinciding with an existing land use classification boundary line.

A lot line adjustment involving parcels subject to a Williamson Act or Land Conservation Act contract are subject to state law provisions. Please contact Mariposa Planning staff for additional information regarding these provisions.

Review and Approval Process:

Once the application has been accepted by Planning, State and local agencies involved with the lot line adjustment are consulted. Mariposa Planning allows at least twenty-one (21) days for these agencies to comment on the lot line adjustment application. Based on the comments received and staff review, additional information may be required by Planning. If additional information or materials are required, the applicant is notified in writing within thirty (30) days as to what the deficiencies are and what is needed to complete the application for processing.

Once the application is determined to be complete and no additional information is required, a staff checklist is prepared for the lot line adjustment. The checklist report is a written discussion of the proposed lot line adjustment and issues relating to the adjustment of the parcel line (i.e., access, minimum parcel size, design, septic disposal, etc.). In addition, the staff checklist will include the Planning Director's determination of the lot line adjustment application based on the information provided. If a lot line adjustment is proposed in conjunction with a land division application, the lot line adjustment would generally be discussed within the staff report prepared for the land division application.

Once the staff checklist is complete and action taken on the application, the applicant is notified in writing, and the project action is noticed by Planning staff, through the public noticing requirements.

Any determination made by the Planning Director relating to the application may be appealed to the Planning Commission or to the Board of Supervisors. The applicant may meet with the staff assigned to the project to discuss any questions or concerns relating to the Director's decision or the appeal process.

If the Planning Director denies the lot line adjustment, or if conditions of approval are recommended, a letter is sent to the applicant with the Director's decision including the required conditions. At this time the applicant may: 1) withdraw the application; 2) place the application on hold to provide additional information; 3) discuss possible changes to the staff report or project design with Planning Staff; or 4) request that the application and staff report be scheduled as a timed matter for consideration by the Planning Commission. This will allow the applicant to address the Commission and provide additional information or materials relating to the lot line adjustment proposal. A timed matter is not considered to be a public hearing item. However, the hearing may be opened for public input. A lot line adjustment application does not require a public hearing except in those cases discussed above. The application is included in the Commission agenda as an "Attention Item" that may or may not be discussed and deliberated by the Commission. Planning staff's recommended action relating to the proposed lot line adjustment would stand unless modified by the Commission.

The processing of a lot line adjustment normally takes six to eight (6-8) weeks from the time the application is deemed complete. Generally a lot line adjustment application is determined to be categorically exempt from environmental review. (CEQA Guidelines, Section 15305[c],)

The Planning Director's approval of the lot line adjustment is only the first step in the process of finalizing the application. Following the Mariposa Planning's approval, the applicant must provide Mariposa Planning with a typed, stamped and signed legal description of each parcel after the adjustment is prepared by a licensed surveyor, engineer or other qualified individual, as well as a copy of the legal description for the acreage to be adjusted. These legal descriptions must be approved by the County Surveyor prior to the next steps. Following approval of the legal

descriptions, the parties involved must complete the transfer of the portion of property affected by the lot line adjustment. The transfer of property is typically accomplished through the recordation of a deed where one property owner transfers interest of a portion of property to the other property owner involved in the lot line adjustment process. As part of the application the applicant is required to provide Mariposa Planning with copies of the recorded deeds and/or documents transferring interest in the property.

In addition, any trust deeds associated with a property involved in a lot line adjustment must be modified to reflect the revised parcel's legal description. Modification of any trust deeds prevents the carryover of an existing trust deed onto either of the parcels being transferred from one owner to the other. The applicant must provide copies of recorded documents that indicate existing trust deed(s) on the parcel have been modified. Liens of the property must also be addressed at this phase.

Prior to the recordation of the Certificate of Compliance, a Verification of Taxes Paid form for each parcel must be submitted to this office. A Verification of Taxes Paid form can be obtained at the County Tax Collector's office, (209) 966-2621, and may require payment of the current year's full assessment as well as next year's assessment. This form indicates to staff whether or not taxes have been paid and whether Certificates of Compliance can be recorded. The tax status requirement is handled through the Tax Collector's office.

The Mariposa County Recorder will require a fee for the recordation of the Certificate of Compliance. The amount due for recordation is based upon the number of pages to be recorded. For further information please contact the Mariposa County Recorder's office at (209) 966-5719. Mariposa Planning attaches the legal description provided to the Certificates of Compliance on each parcel for recordation. The Certificate of Compliance is a recorded document that finalizes a lot line adjustment and confirms that the adjusted parcels were created in conformance with County Code.

Lot Line Adjustment applications are also subject to recording fees, which are paid at the end of the process. The check is made out to the Recorders Office. In addition, the County Clerk requires a \$25 fee for the filing of the Notice of Exemption.

Appeal Process:

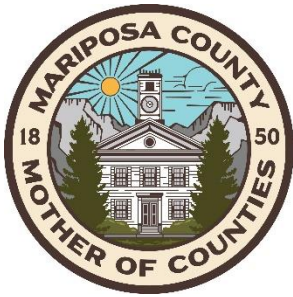
Any determination made by Mariposa Planning relating to the completeness of the application, requirements for additional information or the approval or denial of the lot line adjustment application may be appealed to the Planning Commission or Board of Supervisors. **The appeal must be received within twenty (20) calendar days from the date the written determination was made.**

Any decision made by the Planning Director relating to the approval or denial of the lot line adjustment application may be appealed to the Planning Commission. **The appeal must be received within twenty (20) calendar days from the date the written determination was made.** Further information regarding the appeal process and appeal fees may be obtained from Planning Department staff.

Application Fees:

Application fees must be paid before the application will be accepted for processing. See the fee schedule within this application for fee costs.

Attachments: Sample Site Plan



LOT LINE ADJUSTMENT APPLICATION

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FOR OFFICE USE ONLY

Date Submitted _____ Received By _____
Fees Paid \$ _____ Receipt No. _____ Received By _____
Application No. _____ Application Complete _____
Final Action _____ Date _____
Certificate of Compliance - Document No. _____

APPLICANT INFORMATION

PARCEL A, or 1:

Applicant Name _____
Mailing Address _____
Daytime Telephone Number (_____) _____ E-Mail _____
Property Owner Name _____
PLEASE PROVIDE IF DIFFERENT THAN APPLICANT, OR IF THERE ARE MORE THAN ONE OWNER OF THE PARCEL

PARCEL B, or 2:

Applicant Name _____
Mailing Address _____
Daytime Telephone Number (_____) _____ E-Mail _____
Property Owner Name _____
PLEASE PROVIDE IF DIFFERENT THAN APPLICANT, OR IF THERE ARE MORE THAN ONE OWNER OF THE PARCEL

PARCEL C, or 3:

Applicant Name _____
Mailing Address _____
Daytime Telephone Number (_____) _____ E-Mail _____
Property Owner Name _____
PLEASE PROVIDE IF DIFFERENT THAN APPLICANT, OR IF THERE ARE MORE THAN ONE OWNER OF THE PARCEL

If there are more than three applicants, please attach an additional sheet of paper with the information required on each additional applicant. If applicant is not the owner, then complete Agent Authorization section on signature page and attach letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. Applicant must also be a lessee, purchaser in escrow, or optionee of the subject property. If there is more than one property owner, please list the name and mailing address of all other individuals holding an interest in the property on an additional sheet of paper.

Agent Name _____

Mailing Address _____ Town _____ Zip Code _____

Daytime Telephone Numbers (_____) _____ (_____) _____

E-mail _____

PARCEL INFORMATION

Driving directions to properties _____

Purpose of lot line adjustment (providing this information will enable mariposa Planning staff to assist the applicant, should changes to the project be necessary):

Provide the information below for each parcel involved in the lot line adjustment. If there are more than three parcels involved, please attach an additional sheet with the information for each additional parcel.

	<u>Parcel A/1</u>	<u>Parcel B/2</u>	<u>Parcel C/3</u>
Property Address	_____	_____	_____
Assessor's Parcel Number (APN)	_____	_____	_____
General Plan Land Use	_____	_____	_____
Zoning Districts	_____	_____	_____
Existing Parcel Size (acres)	_____	_____	_____
Proposed Parcel Size (acres)	_____	_____	_____
Existing Septic System (Y/N)	_____	_____	_____
Associated County applications	_____		

REQUIRED SIGNATURE(S)

Affidavit

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

<u>Property Owner</u> <i>(printed name):</i>	<u>2nd Property Owner</u> <i>(printed name):</i>	<u>Applicant</u> <i>(printed name):</i>
<u>Property Owner</u> <i>(signature):</i>	<u>2nd Property Owner</u> <i>(signature):</i>	<u>Applicant</u> <i>(signature):</i>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

IMPORTANT: This page must be signed by all property owners and any authorized applicant.

IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.

IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

Affidavit

Applicant/Agent Authorization:

I/we, _____, Property Owner(s) hereby authorize _____ to act as a representative/Applicant and/or _____ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<u>Property Owner (printed name):</u>	<u>Applicant (printed name):</u>	<u>Agent (printed name):</u>
<u>Property Owner (signature):</u>	<u>Applicant (signature):</u>	<u>Agent (capacity/title):</u>
<u>Property Owner (capacity/title):</u>	<u>Applicant (capacity/title):</u>	
Date:	Date:	
<u>2nd Property Owner (printed name):</u>	<u>Co-Applicant (printed name):</u>	
<u>2nd Property Owner (signature):</u>	<u>Co-Applicant (signature):</u>	
Date:	Date:	

REQUIRED MATERIALS AND ITEMS FOR A COMPLETE LOT LINE ADJUSTMENT APPLICATION

1. Completely filled out Lot Line Adjustment Application signed by each of the applicants.
2. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all owners who have an interest in the property.
3. Two copies of a Title Report or Parcel Map Guarantee, or similarly recognized document from a Title Company which insures that it contains all record interest holders in the property including utility easement holders. The report must be dated no more than thirty (30) days prior to submittal of the application.
4. For each parcel affected by the lot line adjustment, the appropriate deeds, documents or information establishing parcel legality.
5. Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the staff hour charge of \$110 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Check applicable:		
	<input type="checkbox"/> Lot Line Adjustment (LCA Parcels) Deposit	\$958.00
	<input type="checkbox"/> Lot Line Adjustment (Non LCA Parcels)	\$710.00
	Document Conversion	\$59.00
	Public Noticing	\$55.00
Agency Review Fees:		
	Public Works	\$114.00
	Health Department (for Non LCA Parcels only)	\$168.00
(Health fees are deposit based. Any additional time will be billed directly from Health to the applicant)		
Total:		

NOTE: Should staff determine that a Categorical Exempt needs to occur then an additional fee of \$138.00 will be billed to applicant at that time.

Following Planning Director approval, but prior to the recordation of the Certificates of Compliance, the applicant shall provide Mariposa Planning with a "Verification of Taxes Paid" form from the County Tax Collector's office that indicates there are no delinquent or unpaid taxes from previous tax years due and owed on the properties; and Recording fees for the Certificates of Compliance will also need to be provided to Mariposa Planning at a later date.

6. If a substandard parcel or a parcel that does not meet the minimum parcel size requirement is proposed to be further reduced in area, then the applicant must provide supporting information to confirm that the lot line adjustment will result in the improvement of the circumstances and/or design of both parcels.
7. Six (6) copies of an accurate site plan that indicates the affected parcels drawn to scale and containing the information listed on the Lot Line Adjustment Site Plan Requirements Checklist. To ensure that all the required information is shown on the site plan, use the Lot Line Adjustment Site Plan Requirement Checklist and check off each item drawn. The site plan must be drawn to scale in ink or other non-erasable marker on a single sheet with a minimum size of 11"x17" and a maximum size of 18"x26". Planning staff recommends that applicants use the site plan form provided with this application packet
8. One 8-1/2" x 11" reduction of the tentative map.

**LOT LINE ADJUSTMENT
SITE PLAN REQUIREMENTS CHECKLIST**

1. The applicant's name and address.
2. The name and address of all legal owners of record for each parcel involved.
3. The street address and Assessor's Parcel Number (APN) of the project site.
4. The location of the parcels designated by township, range, section, quarter section, town site or subdivision.
5. If the site is prepared by someone other than the applicant, include the name, address, telephone number, and license number (if applicable) of the individual who prepared the site plan.
6. The date the site plan was prepared.
7. A north arrow and scale.

The site plan must be drawn to scale as follows:

<u>Combined Parcel Size</u>	<u>Scale</u>
Less than 1 acre	1 inch = 20 feet
1 to 2.5 acres	1 inch = 30 feet
2.6 to 5 acres	1 inch = 50 feet
5.1 to 20 acres	1 inch = 100 feet
Over 20 acres	Please discuss with Planning staff.

Note: Combined parcel size is the total acreage of all the parcels involved in the lot line adjustment process.

8. The dimensions of all existing and proposed property lines shall be shown and labeled on the site plan and each parcel shall be identified with a name, number or letter.
9. The approximate acreage of each existing and proposed parcel.
10. The existing parcel lines shall be shown as dashed lines (-----), and the proposed parcel lines shall be shown using solid lines (___).
11. The location, widths, and purposes of all existing easements for utilities, drainage, and unimproved access located on each parcel.
12. The location, width, surface, grade and length of existing access roads and driveways, including turnouts, turnarounds and bridges or crossings. Access must be shown from the project site to the nearest state highway, County road or easement road offered for dedication to the County.

13. Approximate percent of ground slope with arrows indicating the direction of slope in the area of the lot line adjustment. This information is needed to determine the level of environmental review required under the California Environmental Quality Act (CEQA). Alternatively, this information may be placed as a note on the tentative map.
14. All topographic features shall be shown in sufficient detail and to a scale that will accurately reflect the true conditions of terrain within the affected parcels.
15. The approximate location of all drainage courses, major creeks with names, small gullies, and direction and percentage slope toward each drainage course. Include any dams or ponds, and show their relationship to existing and proposed parcel lines.
16. The locations, sizes and dimensions of all existing structures on the property. Include houses, decks, additions, garages, sheds, mobile homes and travel trailers. Each structure must be identified and labels as existing or proposed.
17. The setback distance of existing structures from all existing and proposed property lines; the centerline of all state highways, County roads and road easements.
18. The location of existing wells, septic tanks and septic leaching fields on each parcel. Wells or septic disposal systems located within 100 feet of a proposed parcel line shall be indicated with a measured distance from the proposed parcel line on the site plan.
19. The source of data used to prepare the site plan (i.e., USGS Topographic maps, Assessor's Map, Parcel Map, Record of Survey, etc.).
20. A general vicinity map that indicates the location of the affected properties. Show major roads, streams, prominent landmarks, adjoining sections and other information sufficient to locate the property and show its relation to the surrounding area.

A sample site plan that has all the required information is included in this application packet. Please contact Mariposa Planning at (209) 966-5151 or toll free at (866) 723-5151 for clarification in preparing a site plan, or visit the office during business hours.

