

CALIFORNIA COASTAL COMMISSION

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July 13, 1999

TO: Commissioners and Interested Persons

FROM: Steven F. Scholl, Deputy Director
Bill Van Beckum, Coastal Planner

SUBJECT: **PROPOSED DE MINIMIS AMENDMENT (NO. 1-99) TO THE
COUNTY OF SONOMA LOCAL COASTAL PROGRAM**

The County of Sonoma is proposing that its certified Local Coastal Program (LCP) be amended to modify LCP Zoning Ordinance provisions, to prohibit the use of lot line adjustments to increase subdivision potential or to increase the number of developable parcels. The overall effect would be to require applications that would result in increased subdivision potential or increases in developable parcels to be processed as subdivision applications, which require a heightened level of review. This LCP request was filed as complete on April 23, 1999, under Section 30514 of the Coastal Act and Title 14, Section 13553 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive director that the filed LCP amendment is "de minimis" under Section 30514 of the Coastal Act. A de minimis LCP amendment is a change to a local government's LCP which has no impact, either individually or cumulatively, on coastal resources.

In this case, the proposed amendment adds a new section to zoning ordinance provisions regarding lot line adjustments, to clarify restrictions on lot line adjustment applications.

The proposed amendment specifies, in a new section of the County Coastal Zoning Ordinance, certain instances where the use of lot line adjustments would be prohibited. Specifically, the proposed amendment would add to the Ordinance, as new Section 26C-450.5, text that prohibits the use of lot line adjustments for approval of developments that would "(a)(1) ... result in increased subdivision potential for any affected parcel," or that would "(a)(2) ... result in a greater number of developable parcels than existed prior to the adjustment."

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The amendment also specifies criteria for classifying a parcel as a "*developable*" parcel for purposes of subsection 26C-450.5(a)(2), including requirements that (A) the parcel meets certain criteria regarding road access, and water and sewer availability, or (B) the parcel has an existing legal dwelling unit or had a legal dwelling unit which was destroyed by fire or other calamity within the last five years. The amendment additionally specifies limited instances in which the provisions of subsection (a)(2) would not apply, such as any lot line adjustment where all of the parcels resulting from the adjustment comply with LCP and general plan minimum lot size and density requirements. The overall effect of the amendment would be to require applications for developments that do not meet the new criteria for lot line adjustments to be processed as subdivisions, which require a heightened level of review. The complete text of the proposed ordinance amendment is included on pages 3 -5 of attached **Exhibit 1**, the Board of Supervisors' ordinance amending both the County-wide Zoning Ordinance and the Coastal Zoning Ordinance to include the lot line adjustment restrictions.

The Executive Director has determined that the proposed LCP amendment will have no adverse impact on coastal resources because the changes proposed in the amendment merely involve clarifications designed to improve the implementation and enforcement of an ordinance intended to protect coastal resources.

Pursuant to Section 30514(d)(3)(A) of the Coastal Act, the proposed amendment has been noticed in the agenda for the Commission's July 15, 1999 meeting, located at the Marin County Board of Supervisors Chambers, Administrative Bldg., Room 322, Marin County Civic Center, San Rafael. Any public comments received will be made available to the Commission before the meeting. Pursuant to Section 34514(d)(3)(C) of the Coastal Act, if three or more members of the Commission do not object to the de minimis determination, then the amendment will be deemed approved and will take effect ten days after the date of the Commission's meeting. Alternatively, if three or more members of the Commission object to the Executive Director's determination that the proposed amendment is de minimis, then the proposed amendment shall be set for a public hearing at a later date as a major LCP amendment.

For additional information, please contact Bill Van Beckum at the North Coast office in San Francisco (415) 904-5260.

EXHIBIT NO.	1
APPLICATION NO. SONOMA CO. LCP	
AMENDMENT 1-99	
"De Minimis"	

ORDINANCE NO. 5154

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTERS 26 AND 26C OF THE SONOMA COUNTY CODE TO PROHIBIT THE USE OF LOT LINE ADJUSTMENTS TO INCREASE SUBDIVISION POTENTIAL OR TO INCREASE THE NUMBER OF DEVELOPABLE PARCELS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Chapter 26 of the Sonoma County Code is hereby amended as follows:

(a) Section 26-88-010 is amended to delete subsection (n) and to redesignate the remaining subsections accordingly.

(b) Section 26-88-190 is added to read:

Sec. 26-88-190. Limitations on lot line adjustments.

(a) Notwithstanding any other provision of this code, except as otherwise provided in subsection (b), all lot line adjustments shall be subject to the following limitations:

(1) No lot line adjustment shall result in increased subdivision potential for any affected parcel.

(2) No lot line adjustment shall result in a greater number of developable parcels than existed prior to the adjustment. To be deemed a developable parcel for the purposes of this subsection, a parcel shall comply with one of the following requirements:

(A) The parcel meets all of the following criteria:

(i) The parcel has legal access to a public road or right-of-way, or is served by an existing private road that connects to a public road or right-of-way; and

(ii) The parcel is served by public sewer, or the parcel, as determined by the planning director, is likely to meet the

criteria for approval of an on-site sewage disposal system for a one bedroom residence, as specified in Chapters 7 and 24 of this code and in the basin plans adopted by the applicable regional water quality control board, without the use of an off-site septic easement. For the purposes of this subsection, "served by public sewer" shall mean either that a parcel is currently receiving public sewer service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; and

(iii) On parcels less than 25 acres, the parcel is served by public water supply, or the parcel is located within an Area 1, 2, or 3 groundwater availability area as shown on Figures RC-2a to RC-2i of the general plan. Where public water service is not available and where the parcel is located within an Area 4 groundwater availability area, a well or spring yield test, as defined in Section 7-12 of this code, shall be required to demonstrate that an adequate water supply is available on-site or off-site. For the purposes of this subsection, "served by public water supply" shall mean either that a parcel is currently receiving public water service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; or

(B) The parcel has an existing legal dwelling unit or had a legal dwelling unit which was destroyed by fire or other calamity within the last five (5) years.

(b) The provisions of subsection (a)(2) shall not apply to any of the following:

(1) Any lot line adjustment where all of the affected parcels are in the CO (Administrative and Professional Office), C1 (Neighborhood Commercial), C2 (Retail Business and Service), C3 (General Commercial), LC (Limited Commercial), K (Recreation and Visitor-Serving), MP (Industrial Park), M1 (Limited Urban Industrial), M2 (Heavy Industrial), M3 (Limited Rural Industrial), or PF (Public Facilities) zoning districts.

(2) Any lot line adjustment where all of the parcels resulting from the lot line adjustment comply with the applicable density and minimum lot size requirements of this chapter and the general plan.

(3) Any lot line adjustment where all of the affected parcels were lawfully created on or after March 1, 1967.

(4) Any lot line adjustment where all of the affected parcels are in the LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), or DA (Diverse Agriculture) zoning districts, provided that all of the parcels resulting from the lot line adjustment are a minimum of ten (10) acres in size and the owners of those parcels all record covenants, in a form satisfactory to county counsel, prohibiting any new residential development on the parcels for a period of ten (10) years, except for agricultural employee housing, farm family housing, and seasonal and year-round farmworker housing, as allowed by the applicable zoning district.

(5) Any lot line adjustment for which an application was filed and determined to be complete by the planning department on or before March 23, 1999, provided that the application is not thereafter withdrawn, denied, or substantially revised.

SECTION II. Chapter 26C of the Sonoma County Code is hereby amended to add Section 26C-450.5 to read:

Sec. 26C-450.5. Limitations on lot line adjustments.

(a) Notwithstanding any other provision of this code, except as otherwise provided in subsection (b), all lot line adjustments shall be subject to the following limitations:

(1) No lot line adjustment shall result in increased subdivision potential for any affected parcel.

(2) No lot line adjustment shall result in a greater number of developable parcels than existed prior to the adjustment. To be deemed a developable parcel for the purposes of this subsection, a parcel shall comply with one of the following requirements:

(A) The parcel meets all of the following criteria:

(i) The parcel has legal access to a public road or right-of-way, or is served by an existing private road that connects to a public road or right-of-way; and

(ii) The parcel is served by public sewer, or the parcel, as determined by the planning director, is likely to meet the criteria for approval of an on-site sewage disposal system for a one bedroom residence, as specified in Chapters 7 and 24 of this code and in the basin plans adopted by the applicable regional water quality control board, without the use of an off-site septic easement. For the purposes of this subsection, "served by public sewer" shall mean either that a parcel is currently receiving public sewer service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; and

(iii) On parcels less than 25 acres, the parcel is served by public water supply, or the parcel is located within an Area 1, 2, or 3 groundwater availability area as shown on Figures RC-2a to RC-2i of the general plan. Where public water service is not available and where the parcel is located within an Area 4 groundwater availability area, a well or spring yield test, as defined in Section 7-12 of this code, shall be required to demonstrate that an adequate water supply is available on-site or off-site. For the purposes of this subsection, "served by public water supply" shall mean either that a parcel is currently receiving public water service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; or

(B) The parcel has an existing legal dwelling unit or had a legal dwelling unit which was destroyed by fire or other calamity within the last five (5) years.

(b) The provisions of subsection (a)(2) shall not apply to any of the following:

(1) Any lot line adjustment where all of the affected parcels are in the CS (Rural Services), C2 (Community Commercial), C3 (Commercial Services), or CF (Fishing Commercial) zoning districts.

(2) Any lot line adjustment where all of the parcels resulting from the lot line adjustment comply with the applicable density and minimum lot size requirements of this chapter and the general plan.

(3) Any lot line adjustment where all of the affected parcels were lawfully created on or after March 1, 1967.

(4) Any lot line adjustment where all of the affected parcels are in the LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), or DA (Diverse Agriculture) zoning districts, provided that all of the parcels resulting from the lot line adjustment are a minimum of ten (10) acres in size and the owners of those parcels all record covenants, in a form satisfactory to county counsel, prohibiting any new residential development on the parcels for a period of ten (10) years, except for agricultural employee housing, farm family housing, and seasonal and year-round farmworker housing, as allowed by the applicable zoning district.

(5) Any lot line adjustment for which an application was filed and determined to be complete by the planning department on or before March 23, 1999, provided that the application is not thereafter withdrawn, denied, or substantially revised.

SECTION III. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the ~~__~~ day of ~~-----~~, 1999, and finally passed and adopted this 23 day of March, 1999, on regular roll call of the members of said Board by the following vote:

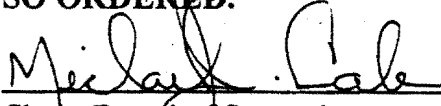
SUPERVISORS:

KERNS aye SMITH aye KELLEY no REILLY aye CALE aye

AYES 4 NOES 1 ABSTAIN ABSENT

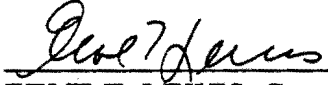
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.



Chair, Board of Supervisors
County of Sonoma

ATTEST:



EEVE T. LEWIS, County Clerk and
ex-officio Clerk of the Board of
Supervisors