

BOUNDARY LINE ADJUSTMENTS

The Boundary Line Adjustment is a two part process by which you can move property lines between adjoining parcels or dissolve a line in order to merge parcels.

Step One

The first part begins with submittal of the following items to the County Surveyors Office:

- an application
- \$100.00 application fee

After review by the County Surveyors staff, it is circulated to the County Building and Planning Departments for review. Based on the recommendations of those departments, the application is approved, conditionally approved or denied. This part of the process takes 1 to 2 weeks.

Step Two

Once approved, the second step is to have a Record of Survey prepared and submitted by a licensed surveyor or qualified civil engineer along with a \$150 map check fee, to the County Surveyors Office. While the map is being checked by the County Surveyor, the County Tax Collector will review the map and determine property taxes that must be paid by the applicant in order to record the map. Depending on the time of year, you may be required to pay your next years taxes before completion of the boundary line adjustment. Generally, this second step takes one to four weeks, depending on the backlog of projects being reviewed by the County Surveyor.

Other Considerations

If you need to vacate an easement and process a boundary line adjustment, you may want to consider filing a type of parcel map called a Boundary Line Adjustment Parcel Map instead of a Record of Survey. The parcel map vacates and creates easements by recordation of the parcel map. A boundary line adjustment parcel map does not require a tentative parcel map or a separate easement vacation application. In this situation, it may be preferable to process a parcel map because otherwise, the boundary line adjustment must be finalized by a record of survey and you must apply for an easement vacation as a separate process. C:\PLAN\VAR\VAR\IANCE.PUL



VARIANCES BOUNDARY LINE ADJUSTMENTS and EASEMENT VACATIONS

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VARIANCES

A variance is the process by which a property owner may request that certain standards for development required by the zoning ordinance, be adjusted when a property has unique, special or unusual circumstances that would prevent the owner from executing his or her property rights. If you believe that you need a variance to develop your property, visit the Planning Department public counter and discuss your situation with a planner. If you do need a variance, the planner will give you an application package which lists all required information, documents and fees to be submitted.

TYPES OF VARIANCES

There are several types of variances, some of which can be acted upon by the Planning Director, while others require a public hearing by the Planning Commission.

A. Variances which can be acted upon by the Planning Director

1. Proposed structure height
2. Proposed structure setbacks/distance between buildings
3. Reduction in number and size of parking spaces up to 25% of the required amount.
4. Paving requirements subject to review in the event of a change of use.
5. Proposed driveway width and parking area dimensions.

Most variances fall under this category, and the vast majority of those processed are for setbacks from property lines. These types of variances can be approved by the Planning Director and generally take about 3 weeks to process.

B. Variances subject to review by the Planning Commission

1. Lot size.
2. Lot dimensions of width or depth.
3. Vision clearance.
4. Road standards - as specified in the County Road Ordinance.
5. On-site signs for businesses.
6. As-built variances for existing situations or buildings.

These types of variances are more likely to have the potential for controversy, may conflict with neighboring parcels or could have an impact on the safety and welfare of citizens in the area. The processing time generally requires 2-3 months because a staff report must be prepared and the hearing date must be scheduled and noticed.

Road Easements

In order to vacate a road easement, you must submit an application with a fee of \$400.00 to the Public Works Department. The affected agencies and adjacent land owners within 300' will be contacted for their comments and the appropriate CEQA documentation will be prepared. Road easement vacations generally require two separate approvals and a public hearing, before the Board of Supervisors. The process normally takes a minimum of 3 months to complete.

Drainage Easements

If you need to vacate a drainage easement, you must obtain approval of the Public Works Department. The process takes about 4 weeks and requires approval of the Board of Supervisors. If the vacation requires a public hearing, then the process will take 6 to 8 weeks.

OTHER CONSIDERATIONS

If you need to vacate a drainage as a result of boundary line adjustment, you may want to consider processing a type of parcel map called a Boundary Line Adjustment Parcel Map. The parcel map vacates and creates easements by recordation of the parcel map. A boundary line adjustment parcel map does not require a tentative parcel map or a separate easement vacation application. In this situation, it is preferable to process parcel map because otherwise, the boundary line adjustment must be finalized by a record of survey and you must apply for an easement vacation.

EASEMENT VACATIONS

An easement is a right granted to someone to use another persons property for a specific purpose. It is recommended that you review your property title report prior to submitting for any permit approval to determine if you will need to vacate an easement.

TYPES OF EASEMENTS

There are many different types of easements, but those that usually need vacating for variance and boundary line adjustments are:

- road and access easements
- drainage easements
- equestrian easements
- equestrian easements
- public utility easements
- pedestrian easements

Road, access and drainage easements can occur anywhere on a parcel, but public utility, pedestrian and equestrian easements usually are located along property lines and within setbacks. An easement must be vacated if you propose to put a structure within the easement that is no longer used for its intended purpose.

REQUIREMENTS

Vacations can only be processed if:

the easement is not being used for its intended purpose and
the easement holder agrees to the vacation.

OR

the easement is being used but can be relocated on-site to
the satisfaction of the easement holder.

Access, public Utility, Pedestrian & Equestrian easements

In order to vacate an access, public utility, pedestrian or equestrian easement, you must submit to the County Surveyors Office:

- an application
- a fee of \$100.00 or \$270.00, depending on the nature of the vacation
- letters of approval from all easement holders agreeing to the vacation

Road Easements

In order to vacate a road easement, you must submit an application

Regardless of the reason, there are some situations that cannot be modified with a variance. Limits on density, types of uses allowed and the size of billboards are specifically outlined in the Zoning Ordinance and are not subject to the variance process.

C. Variances cannot be applied for in these situations:

1. Density
2. Permitted or conditional uses
3. Size of billboards

VARIANCE PROCEDURES

Administrative Variance (Prior to Construction)

This three week process begins by submitting a complete application package and the \$70.00 processing fee. If your property is within a homeowners association you must obtain a letter of approval from the association and submit it along with your application.

Your application package is assigned to a project planner who distributes it immediately to departments, agencies, and adjacent property owners. These parties are given two weeks to review and comment on your variance.

During the third week, any comments received from any departments, agencies or adjacent owners are reviewed by the project planner. However, if an adjacent owner has objections to your variance, they

can request that it be considered before the Planning Commission. (The process for Planning Commission review is described below). If your variance is approval, it is signed by the Planning Director. In addition, the departments and agencies may condition you to complete other tasks prior to final approval of your variance. Once the variance is signed by the Planning Director a copy of the approval notice will be sent to you indicating the conditions of your approval and guidelines you must follow.

If your variance must be considered by the Planning Commission because its approval by the Planning Director was appealed by an adjacent property owner, your project planner will immediately begin preparing a staff report for the Commission. The staff report will explain the reason you requested the variance, it will discuss the adjacent owners concerns with the variance and will present recommendations as to the approval or denial of your request. There are no additional fees to process the appeal and the process is completed within 2 months.

At the public hearing, the Planning Commission will discuss your variance, listen to public testimony about it, and either approve or deny your variance. You will receive written notice of the Panning Commission's final action on our variance. There are no additional fees for the appeal and the process is completed in about two months.

Planning Commission Approved Variances

There are three circumstances in which the Planning Commission must review a variance:

1. As-built variance
2. Other types of variances as identified under Item B.
3. Appeal of an administrative variance

This two month process begins by submitting a complete application package and a \$500.00 processing fee, (except for #3 which does not require a fee).

Your application package is assigned to a project planner who distributes it immediately to departments, agencies and adjacent property owners who have two weeks to review and comment on your variance.

When the two week distribution period ends, the project planner then schedules the variance for public hearing and prepares a staff report for the Planning Commission. The staff report will explain the reason you requested the variance, provides recommendations as to approval or denial of your request and includes any conditions of approval placed on your project. The Planning Commission, at the hearing, will discuss your project and will listen to public testimony about your project and either approve or deny your variance.

OTHER CONSIDERATIONS

Easement Vacations

As a part of the approval of your variance, sometimes you will need to complete a task requested by a department as a condition of its approval of your project. Most often you will be required to vacate (abandon) an existing easement if it is within the setback that you are requesting a variance for. However, easement vacations can only be processed if:

- the easement is not being used for its intended purpose and
- the easement holder agrees to the vacation.
- the easement is being used but can be relocated on-site to
- the satisfaction of the easement holder.

In order to vacate an easement, you must submit an application to the County Surveyors Office, a fee of \$100.00 and letters of approval for the vacation from all people who have a legal right to use the easement. If vacation of a drainage easement is required, then you must obtain approval of the Public Works Department. Both processes take about 4 weeks and require approval by the Board of Supervisors.

Generally, the types of easements you will encounter are drainage, public utility, road, pedestrian and equestrian easements. It is recommended that you review your property title report before you file your variance application to determine if you will need to vacate an easement.

Public Works Department issues

With respect to front or corner setback variance request, the Public Works Department will consider the following items prior to recommending approval.

- ✖ snow removal operations
- ✖ road maintenance
- ✖ slope stability
- ✖ sight distance
- ✖ existing & future utility locations
- ✖ future road improvements and right-of-way requirements
- ✖ drainage
- ✖ potential hazards
- ✖ off-street parking configuration and driveway slopes

Therefore, please consider these factors prior to filling your variance request in order to alleviate any potential delays.