

CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adoption of Ordinance No. 98-1661 Amending Title 16 – Subdivisions by Adding Chapters 16.22 and 16.23 to the Lodi Municipal Code relating to the Merger of Contiguous Parcels and Lot-Line Adjustments

MEETING DATE: August 5, 1998

PREPARED BY: City Attorney

RECOMMENDATION: That the City Council introduce ordinance number 1661.

BACKGROUND: The City currently has in place a rather cumbersome process for the approval of lot-line adjustments. In this process all such requests must be heard and approved by the Planning Commission. The proposed ordinance would streamline the process for approval of lot-line adjustments by placing the authority to approve routine requests at the staff level. Empowering staff to approve lot-line adjustments is appropriate due to the very limited discretion involved in these matters. Government Code § 66412(d) limits the city's review of lot-line adjustments to whether or not such adjustment is consistent with the City's zoning and building codes. If the proposed parcel is consistent with the City's zoning and building codes, the request **must** be approved.

The City also currently requires a hearing before the Planning Commission for the approval of voluntary lot mergers. Such mergers can be proper when two contiguous lots are owned by the same person and such merger is not otherwise inconsistent with the City's zoning and building codes. Such mergers may be necessary, for example, when a person buys adjacent lots within a subdivision and desires to build upon, or very near, the existing property line or when a landowner desires to combine two or more smaller industrially zoned parcels to allow for use by a larger tenant.

Lot-line adjustments and voluntary mergers are not subject to the provisions of the Subdivision Map Act.

The proposed ordinance allows the Community Development Director to approve these routine matters or to refer them to the Planning Commission, at his discretion, should the issues raised be complex, controversial or should there otherwise be the need for a public meeting on the subject. Referral of these matters to the Planning Commission will likely be very rare.

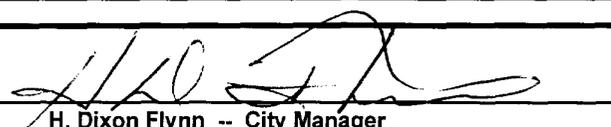
By streamlining the approval process for the vast majority of these matters which are routine in nature, this ordinance will help the City to provide faster and more efficient service to its clients. This ordinance has been brought before the City Council at the request of the Community Development Department and members of the Planning Commission.

FUNDING: Not applicable.

Respectfully submitted,


Randall A. Hays, City Attorney

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. 1661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING TITLE 16 – SUBDIVISIONS BY ADDING CHAPTERS 16.22 AND 16.23 TO THE LODI MUNICIPAL CODE RELATING TO THE MERGER OF CONTIGUOUS PARCELS AND LOT-LINE ADJUSTMENTS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 16.22 – Merger of Contiguous Parcels is hereby added to the Lodi Municipal Code relating to Procedure and Ownership of Contiguous Parcels or Units – to read as follows:

Sections:

16.22.010 Procedure.

16.22.020 Ownership of Contiguous Parcels or Units.

16.22.010 Procedure.

Merger of two or more contiguous parcels or units of land which are held by the same owner shall be accomplished in the following manner:

- A. Anyone wishing to accomplish such a merger shall submit such information as required by the Director of Community Development, along with such fees as are established by resolution of the City Council to the department of Community Development.
- B. Notwithstanding other provisions of this code, a tentative map or parcel map shall not be required for such merger, unless such map is required by the Director of Community Development.
- C. The department of Community Development shall distribute copies of the completed application for lot merger to the Public Works Department and such other departments and agencies as is deemed advisable by the Director of Community Development. Each of these entities shall submit to the department of Community Development a written report indicating its findings and recommendations.
- D. The Director of Community Development shall review and may approve or conditionally approve each proposed merger, which complies with this code, the Lodi General Plan and the Subdivision Map Act of the State. The Director of Community Development may also refer any proposed merger to the Planning Commission for approval or denial.
- E. Upon receiving approval to do a lot merger, the applicant shall submit for review new legal description(s) prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with those items and information which may have been required by the Public Works Department or other departments and agencies. The legal description(s) shall be approved by the City Engineer or other designee of the Public Works Department. Grant deed(s) containing the approved

legal description(s) shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with a Certificate of Lot Merger issued by the Director of Community Development. Copies of the recorded grant deed(s) shall be provided by the applicant.

16.22.020 Ownership of Contiguous parcels or units.

Notwithstanding Government Code section 66424, two or more contiguous parcels or units which have been created under the provisions of the Subdivision Map Act, this title, or any prior law regulating the division of land shall not be deemed merged by virtue of the fact that such contiguous parcels or units are held by the same owner. No further proceedings under the provisions of the Subdivision Map Act or this title shall be required for the purpose of sale, lease or financing of such contiguous parcels or units.

SECTION 2. Chapter 16.23 – Lot-Line Adjustments is hereby added to the Lodi Municipal Code relating to Filing, Fee, Distribution and Authorization-Approval – to read as follows:

Sections:

- 16.23.010 Filing.**
- 16.23.020 Fee.**
- 16.23.030 Distribution.**
- 16.23.040 Authorization—Approval**

16.23.010 Filing.

A person or persons desiring to adjust a lot line between two or more adjacent parcels shall file a completed application form with the department of Community Development. The applicant(s) shall provide the following information with the application:

- A. A brief explanation of the reason for said lot line adjustment;
- B. Copies of a plot plan showing the existing and proposed lot line(s), the location of any existing structures, building envelopes, prominent trees, access to public streets, waterways and other data as indicated on the application form; and
- C. A copy of a preliminary title report prepared by a duly authorized title company on each property that is affected by the lot line adjustment.

16.23.020 Fee.

A processing fee in an amount established by resolution of the City Council shall be paid at the time of submitting the application.

16.23.030 Distribution.

The department of Community Development shall distribute copies of the completed lot line adjustment application to the Public Works Department and such other departments and agencies as is deemed advisable by the Director of Community Development. Each of these entities shall submit to the department of Community Development a written report indicating its findings and recommendations.

16.23.040 Authorization—Approval

- A. The Director of Community Development is authorized to approve or deny all lot line adjustments pursuant to the provisions of Government Code section 66412. The Director of Community Development may also refer any lot line adjustment to the Planning Commission for approval or denial.
- B. Upon receiving authorization to do a lot line adjustment, the applicant shall submit for review new legal description(s) prepared, stamped and signed by a registered civil engineer, qualified to practice land surveying per Section 8731 of the Land Surveyors Act, or a licensed land surveyor, along with those items and information which may have been required by the Public Works Department or other departments and agencies. The legal description(s) shall be approved by the City Engineer or other designee of the Public Works Department. Grant deed(s) containing the approved legal description(s) shall be prepared by the applicant's engineer or land surveyor and recorded with the County Recorder along with the Certificate of Lot Line Adjustment issued by the Director of Community Development. Copies of the recorded grant deed(s) shall be provided by the applicant. When parcels involved are under separate owners, a combining agreement may be required.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this ____ day of _____, 1998.

JACK A. SIEGLOCK
Mayor

Attest:

Alice M. Reimche
City Clerk

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State of California
County of San Joaquin, ss.

I, Alice Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1661 was introduced at a regular meeting of the City Council of the City of Lodi held August 5, 1998, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1998 by the following vote:

Ayes: Council Members -
Noes; Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1661 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney