

Legal Notices & Classifieds

LEGAL NOTICE

COUNTY OF COLUSA ORDINANCE NO. 825

AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS AMENDING APPENDIX IV SUBDIVISIONS OF THE COLUSA COUNTY CODE REGARDING LOT MERGERS

The Board of Supervisors of the County of Colusa ordains as follows:

SECTION 1.

The provisions of this ordinance would allow for the merger of parcels which would reduce the future development potential of the parcels and, as such, are exempt from CEQA pursuant to Title 14, Article 5 of the California Code of Regulations 15061(b)(3) because the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and pursuant to Title 14, Article 5 of the California Code of Regulations Sections 15060(c)(2) because this project will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 2.

The Title to Section 5 of Appendix IV Subdivisions of the County Code is hereby amended to read, "5. Specific procedures – Final maps, parcel maps, lot line adjustments, and mergers".

SECTION 3.

Section 5.40 "Lot mergers" is hereby added to Section 5 of Appendix IV Subdivisions of the County Code as detailed in Exhibit "A" attached hereto and incorporated by reference.

SECTION 4.

The provisions of Section 5.40 of Appendix IV are severable and if any provision of Section 5.40 of Appendix IV or its application in a particular circumstance is held invalid, the remainder of Section 5.40 of Appendix IV, including the application of such part or provision in another circumstance, will not be affected and will continue in full force. The Board of Supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase in Section 5.40 irrespective of the fact that any one, or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 5.

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

Introduced at a regular meeting of the Board of Supervisors held on the 27th day of September 2022, and passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 27th day of September 2022, by the following roll call vote:

AYES: Supervisors Denise J. Carter, Daurice K. Smith, Gary J. Evans, Kent S. Boes, and J. Merced Corona.

NOES: None.

ABSENT: None.

/s/ J. Merced Corona, Chair, Colusa County Board of Supervisors

ATTEST: Wendy G. Tyler, Clerk to the Board of Supervisors

/s/ Melissa Kitts, Deputy Clerk

APPROVED TO FORM:

/s/ Richard Stout, County Counsel

EXHIBIT A

Section 5.40 Lot Mergers

5.41 Voluntary Mergers.

5.42 Involuntary Mergers.

5.43 Appeals.

5.44 Fees.

5.41 Voluntary Mergers.

Two or more contiguous parcels or units of land under common ownership which have been created under provisions of this Article or any previous law regulating the division of land or which were not subject to such provisions at the time of their creation may be merged without reverting to acreage pursuant to the provisions of this section. For purposes of this section, "contiguous" means touching on a common line or lines.

(a) An application for merger into a single lot or parcel shall be made to the Community Development Department on a form approved by the Community Development Director. At the time of filing, the following information and documents are required:

(1) The application shall contain a legal description, signed and sealed by a registered civil engineer with authority to practice surveying or by a licensed land surveyor, describing the resulting parcel proposed by the voluntary merger. Legal description shall be labeled as Exhibit "A", shall contain the expressed language of a merger, and shall note that all previous boundary lines within the interior of the merged parcel are thereby deleted.

(2) All parties having any record title interest in the real property proposed to be merged shall consent to the preparation and recordation of the notice of merger on a form approved by the Community Development Director.

(3) Provide legible copies of all deeds affecting the property beginning with the deed that described the property prior to its current configuration from that time to the present, unless the parcels were created through a recorded tract map, parcel map, or official map or unless waived by the County Surveyor. A typed copy of all handwritten deeds and copies of earlier deeds in the chain of title or deeds describing adjacent property shall be submitted by the applicant if requested by the County Surveyor.

(4) A preliminary title report concerning the property, showing current property owners, and which is not more than three (3) months old as of the date of the application submittal. The preliminary title report shall include the legal descriptions of the existing parcels proposed to be merged and any encumbrances, liens, claims, etc associated with said property.

(5) Any additional or supplemental information which the Community Development Director determines is necessary to determine whether to approve a voluntary merger application pursuant to the provisions of this section.

(b) The Community Development Department shall refer the application for merger to other affected County departments for review which may include but not limited to the Department of Public Works and the Environmental Health Division.

(c) Within a reasonable time after receipt of a complete voluntary merger application and all necessary accompanying information, the Community Development Director shall approve the application and cause a certificate of merger to be recorded if there are no grounds for denial detailed herein.

(d) The Community Development Director may deny any voluntary merger application if they find any of the following:

(1) The application is not in compliance with this section.

(2) Any of the lots involved with the merger have been created in violation of this title or any previous law regulating the division of land.

(3) The voluntary merger results in a nonconforming parcel (including a parcel that does not conform to the Colusa County General Plan, any applicable zoning or building ordinances, or in the enlargement

of a parcel containing an existing nonconforming use or structure) unless the Community Development Director finds that such merger will reduce the degree of nonconformity of the preexisting parcels, will not lead to an increase in the density or intensity of use, and will not give permanency to, intensify, or expand the nonconforming use.

(e) The Community Development Director may impose any conditions upon approval of a voluntary merger that are necessary to achieve conformance with the Colusa County General Plan, any applicable specific plan, and any applicable zoning or building ordinances.

(f) The Community Development Director shall give written notice of the action on the application as follows: by mail to the applicant and owner(s) and representative, if any. Approval of the application does not constitute assurance that future applications for building permits or other land use entitlements on the resulting merged lot or parcel will be approved by the County of Colusa.

(g) As on an approved application, the Community Development Director shall cause the recordation of a certificate of merger and legal description, including the owner's consent to merger, to evidence the merger of parcels. The certificate of merger shall be in a form approved by the Community Development Director, and shall include a statement of any conditions imposed upon the approval of the merger. The certification shall further include notations to the effect that:

(1) Approval of the merger does not guarantee that the resulting lot or parcel is developable; and

(2) The previously existing individual lots or parcels, which have been merged, are not separately available for sale, lease or financing purposes, except as allowed pursuant to the provisions of the Subdivision Map Act and local ordinance.

(h) Prior to the recordation of the certificate of merger, all encumbrances, including bonded indebtedness, shall be modified to apply uniformly to the resulting parcel, rather than to the portions of the resulting parcel corresponding to the separate parcels prior to the merger. With respect to property taxes, all property taxes or special assessments due which are a lien but not yet payable shall be pre-paid.

(i) Development of the parcel resulting from merger pursuant to this section must be in compliance with any and all applicable state and county statutes, ordinances and regulations.

5.4.2 Involuntary Mergers.

(a) Pursuant to Government Code Section 66451.11 et seq., the County may initiate the merger of a parcel of land with a contiguous parcel held by the same owner(s), if the Community Development Director determines that all of the following requirements are satisfied:

(1) The affected parcels are held by the same owner(s) as of the date the notice of merger is recorded as required by this section;

(2) One of the affected parcels does not conform to the standards for minimum parcel size under the applicable zoning;

(3) One of the affected parcels is undeveloped by a legally constructed structure, or developed only with an accessory structure; or developed with a single structure (other than an accessory structure) that is partially sited on the contiguous parcel with which it is proposed to be merged; and

(4) With respect to each affected parcel, one or more of the following conditions is met unless one of the conditions of Government Code Section 66451.11.7 (A) through (E) exists:

(A) The parcel comprises less than 5,000 square feet in area at the time the merger is determined,

(B) The parcel was not created in compliance with applicable laws or ordinances in effect at the time of its creation,

(C) The parcel does not meet current standards for sewage disposal and domestic water supply,

(D) The parcel does not meet slope stability,

(E) The parcel does not have legal access which is adequate for vehicular and safety equipment access and maneuverability,

(F) Its development would create health or safety hazards,

(G) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(b) The Community Development Director shall mail, by certified mail, a notice of intention to determine the status of the affected parcels to the then current owner(s) of record. The notice shall advise the owner(s) that the affected parcels may be merged under the standards specified in this section, and it shall advise the owner(s) of the opportunity to request a hearing of the determination of status and to present evidence at the hearing that the affected parcels do not meet the criteria for merger. The Community Development Director shall cause the notice of intention to determine status to be filed for recordation with the office of the County Recorder on the date that the notice is mailed to the property owner(s).

(c) If the property owner files with the Community Development Director a request for a hearing on determination of status within 30 days after recordation of the notice of intention to determine status, the Community Development Director shall set a hearing date for the Planning Commission to consider the merger. The Community Development Director shall notify the property owner(s) of the hearing date by certified mail. The Planning Commission shall conduct a hearing not more than 60 days following receipt of the property owner's request for the hearing. The hearing date may be postponed or continued with the mutual consent of the Community Development Director and property owner(s).

(1) At the Planning Commission hearing, the property owner(s) may present evidence that the affected parcels do not meet the standards for merger specified in this section. At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels are to be merged or are not to be merged, and shall notify the owner of its determination.

(A) Should the Commission determine that the lots are to be merged, the Community Development Director shall cause to be recorded a notice of merger specifying the names of the record owners and legal description describing the real property within 30 days after conclusion of the hearing.

(B) Should the Commission determine that the lots are not to be merged, the Community Development Director shall cause to be recorded a release of notice of intention to determine status and shall mail a clearance letter to the then current owner(s) of record within 30 days after the conclusion of the hearing.

(d) If the owner of the affected parcels does not file a request for a hearing within the 30-day period after recordation of the notice of intention to determine status, the Community Development Director shall make a determination that the affected parcels are to be merged or are not to be merged. No later than 90 days after the date when the Community Development Director mailed the notice of intention to determine status, a notice of merger or a release of notice of intention to determine status shall be recorded.

5.4.3 Appeals.

(a) Decisions of the Community Development Director made under the provisions of this section are final unless appealed by an applicant or any aggrieved person to the planning commission within ten days after the date of said decision.

(b) Decisions of the Planning Commission made under the provisions of this section are final unless be appealed by an applicant or any aggrieved person to the Board of Supervisors within ten days after the date of said decision.

5.4.4 Fees.

(a) Fees for processing applications under this section shall be set by the Board of Supervisors.

10/06/2022 - CCPR #2022-0903