

Lot Line Adjustment on Williamson Act Land

PURPOSE

The purpose of this policy is to provide guidance to project planners when reviewing certain lot line adjustment applications that involve land restricted by a Williamson Act contract(s).

GENERAL

When a lot line adjustment is proposed between four or fewer existing and adjoining parcels, the local agency's review, approval, and conditioning of the proposed lot line adjustment is limited. However, if a lot line adjustment involves land that is restricted by a Williamson Act contract(s), then the proposed lot line adjustment must not conflict with the Williamson Act contract restrictions. The Williamson Act permits the parties to a Williamson Act contract(s) to mutually agree to rescind the existing Williamson Act contract(s) and simultaneously enter into a new contract(s) if certain findings are made by the Board of Supervisors. These findings are required to reflect a rescind and replace Williamson Act contract to reflect a revised property description. These findings are not required if the lot line adjustment would not change an exterior boundary of the Williamson Act contracted lands and the owner chooses not to rescind and replace the original contract with separate contracts on the adjusted parcels.

AUTHORITY

1. Government Code (Williamson Act) § 51257
2. Government Code (Subdivision Map Act) § 66412(d)

PROCEDURE

When the lot line adjustment proposed would result in a change to an exterior boundary of Williamson Act contracted land, the project planner shall analyze the proposed lot line adjustment under Government Code (Williamson Act) § 51257¹ in addition to the requirements of Government Code (Subdivision Map Act) § 66412(d). The project planner shall prepare a staff report that provides the Board of Supervisors with staff's analysis, response, and recommendation as to all seven findings required by the Williamson Act § 51257(a). All findings made by the Board must be supported by substantial evidence in the record. Lot line adjustments will be placed on the morning agenda typically as a consent item.

¹ Note that Government Code (Williamson Act) § 51257(e) states that § 51257 "shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2009, deletes or extends that date." If after that date an applicant proposes a lot line adjustment involving Williamson Act restricted land, then check with County Counsel to see if § 51257 has been extended by legislative act.

The seven findings required by Williamson Act § 51257(a) must be listed in both the staff report and draft Board resolution. Staff's response to each finding should contain facts supporting staff's recommendation as to whether each particular finding can or cannot be made. Staff's report to the Board should contain both the text of the required finding and staff's corresponding response and recommendation.

ATTACHMENTS

A. Staff Report Format for Lot Line Adjustments

S:\PROJ_REVIEW\Ag. Preserve Processing\Staff Report Format for LLA under WA

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

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