



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

**ENGINEERING &  
SURVEYING DIVISION**

Michael J. Johnson, AICP  
Agency Director

Richard Eiri, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors  
**FROM:** Michael Johnson, AICP Agency Director, Engineering and Surveying Division  
**DATE:** October 22, 2013.  
**SUBJECT:** Amendments to Chapter 16 of the Placer County Code

**ACTION REQUESTED**

Introduce the attached Ordinance amending Chapter 16 of the Placer County Code to:

- A. Amend Article 16.04.010 - to eliminate the reference to "divisions by gift".
- B. Eliminate Article 16.04.080 - to eliminate the entire Article addressing "Gift Deeds".
- C. Amend Article 16.20.360 - to permit the use of the "Voluntary Merger" process to combine parcels created by deeded descriptions.

There are no net County costs associated with these actions.

**BACKGROUND**

The Community Development Resource Agency is proposing the following changes in County Code to implement the Board of Supervisor's direction to improve efficiency and streamline County processes. If implemented, these changes will eliminate a regulation that is adequately addressed by other County Code sections and allow the public to utilize a more economical and less time consuming process to merge contiguous parcels.

The California Government Code regulating divisions of land, known as the Subdivision Map Act (the SMA), defines "subdivision" as a division of land for the purpose of "sale, lease or financing, whether immediate or in the future". County Code Article 16.04.080 - "Gift Deeds" was enacted to recognize and restrict divisions of land not for sale, lease or finance. County Code Article 16.04.080 requires that Gift Deeds comply with planning and building codes, the SMA and that Gift Deeds are only available to certain family members. Since the County doesn't permit or regulate the recordation of Gift Deeds, ensuring compliance with this Article is problematic. Current Planning and Building Codes, together with the SMA, require a permitting and approval process providing adequate public protection without the Gift Deed Article. Eliminating Article 16.04.080 "Gift Deeds" will not deprive individuals from conveying property by gift in conformance with the SMA and then applying for permits regulated by planning and building codes.

Eliminating County Code Article 16.04.080 - "Gift Deeds" will leave one reference in County Code related to Gift Deeds. Article 16.04.010 - "Purpose" contains a reference to "divisions by gift" that should be removed if the Gift Deed Article is eliminated.

County Code Article 16.20.360 - "Voluntary Merger" establishes a process for merging contiguous parcels of land. Currently, Voluntary Mergers are available to only those parcels created by a Final or Parcel Map. Properties created by deeded descriptions, rather than a Final or Parcel Map, do not qualify

for the Voluntary Merger process. Property owners wishing to combine parcels created by deeded descriptions are required to be merged by using a Minor Boundary Line Adjustment (MBLA). Eliminating the restriction that limits Voluntary Mergers to only those parcels created by a Final or Parcel Map, will allow all parcels of land to be merged by using the Voluntary Merger process. The resulting merger deed will describe the single parcel by simply referencing the recording information of the previous individual parcels. Property owners desiring a more elaborate resulting legal description may still merge their contiguous parcels of land using the MBLA process.

**ENVIRONMENTAL CLEARANCE**

The adoption of these revisions to the Placer County Code is not a "project" as defined in Section 15378 (b) (5) of the CEQA Guidelines.

**FISCAL IMPACT**

None

**ATTACHMENTS**

Attached to this report for the Board's information/consideration are:

Attachment A: Proposed Ordinance Amending County Code Articles 16.04.010, 16.04.080 and 16.20.360

ATTACHMENT A

Before the Board of Supervisors  
County of Placer, State of California

AN ORDINANCE AMENDING:  
PLACER COUNTY CODE,  
CHAPTER 16,ARTICLE 16.04,  
SECTION 16.04.010A AND  
DELETING ARTICLE 16.04,  
SECTION 16.04.080 AND  
AMENDING ARTICLE 16.20,  
SECTION 16.20.360 RELATING  
TO SUBDIVISION  
REGULATONS

Ordinance No.: \_\_\_\_\_  
FIRST READING: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

Clerk of said Board

Chair, Board of Supervisors

\_\_\_\_\_  
Clerk of the Board Signature

\_\_\_\_\_  
Chair Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Placer County Code, Chapter 16, Article 16.04, Section 16.04.010, Subsection A is hereby amended as follows:

A. This Chapter 16 is enacted for the purpose of adopting subdivision regulations in accordance with the Subdivision Map Act contained in California Government Code, Title 7, Division 2. All divisions of land, ~~including divisions by gift,~~ shall be subject to the provisions of this chapter, unless otherwise provided herein.

SECTION 2. Placer County Code, Chapter 16, Article 16.04, Section 16.04.080 is hereby deleted as follows:

**~~16.04.080 Gift deeds.~~**

~~\_\_\_\_\_ All divisions of land created by gift, testamentary disposition, or the division of previously undivided interests in land, shall be subject to all provisions of this chapter, except as provided in this section.~~

~~\_\_\_\_\_ A. \_\_\_\_\_ Exceptions. The creation of new parcels of land by gift deed, testamentary disposition, or the division of previously undivided interests in property between the family members listed in subsection B of this section shall be exempt from the provisions of this chapter, provided:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Each parcel of land resulting from a division pursuant to this section shall be consistent with the county general plan or community plan applicable at the time the parcel is created, and shall comply with the minimum parcel size requirements of the applicable zone district as set out in Chapter 17, the Placer County zoning regulations; and~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ No construction shall be permitted on parcel(s) created under this section without compliance with all applicable building regulations, including but not limited to regulations of the Placer County health department.~~

~~\_\_\_\_\_ B. \_\_\_\_\_ Exempt Family Members. The following list of members of the same family shall be eligible to divide land between family members pursuant to this section:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ Parents and children, including stepparents and stepchildren;~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Grandparents and grandchildren;~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Siblings;~~

~~\_\_\_\_\_ 4. \_\_\_\_\_ Aunts and uncles;~~

~~\_\_\_\_\_ 5. \_\_\_\_\_ Nieces and nephews;~~

~~\_\_\_\_\_ 6. \_\_\_\_\_ Mothers-in-law and fathers-in-law for the limited purpose of giving or receiving;~~

~~\_\_\_\_\_ C. \_\_\_\_\_ Certificate of Compliance Requirements. A certificate of compliance, or conditional certificate of compliance, must be obtained prior to the sale, lease or finance, other than financing of improvements for the sole use and enjoyment of the donee, of any parcel of land created pursuant to this section. Conditional certificates of compliance may be issued setting forth applicable conditions for any future sale, lease or financing of the parcel(s). Development standards to be imposed for issuance of a conditional certificate of compliance are those which are in effect on the date of issuance of such certificate.~~

~~\_\_\_\_\_ D. \_\_\_\_\_ Future Subdivision. For purposes of determining the number of parcels created and the appropriate subdivision standards to be applied to any future subdivision of parcels created or remainder parcels resulting from the division of land under this section, the donor of the property shall be deemed a "subdivider" and the cumulative total of parcels created shall be deemed a "subdivision" as those terms are defined in the Subdivision Map Act.~~

~~\_\_\_\_\_ E. \_\_\_\_\_ Tax Laws Applicable. Nothing in this chapter shall be deemed to supersede other laws applicable to the division of land including, but not limited to, provisions of the Revenue and Taxation Code relating to the reassessment of property upon a change of ownership or transfer of an interest in property. (Prior code § 19.50)~~

SECTION 3. Placer County Code, Chapter 16, Article 16.20, Section 16.20.360 is hereby amended as follows:

**16.20.360 Voluntary merger.**

A. Subject to the limitations set forth in subsections B and C of this section, u **Upon request of application by** the legal owner of contiguous parcels created by subdivision, the planning director may approve pursuant to Government Code Section 66499.20  $\frac{3}{4}$ , the merger of the parcels without reverting to acreage. **This application shall be limited to the merger of entire contiguous parcels.** Any such request **application** shall be in writing signed by all owners and accompanied by any such data, documents or maps as may be required by the planning director. **This includes including a legal description of the newly combined parcel prepared in accordance with the application.** ~~to illustrate or legally describe the proposed configuration.~~ In approving the combination of parcels, the planning director may impose reasonable conditions. Upon approval, a certificate of merger in a form approved by county counsel shall be recorded with the county recorder. The filing of the certificate of merger shall constitute legal merger of the land **parcels** affected thereby.

~~B. \_\_\_\_\_ Voluntary mergers of parcels which create additional subdivision potential shall only be approved where the property owner consents to a condition which limits the subdivision potential of the property to that which existed prior to the merger.~~

~~\_\_\_\_\_ C. \_\_\_\_\_ The voluntary merger of commonly held parcels which are unbuildable because of size, lack of access, water or sewage disposal constraints or topography~~

~~shall not be approved unless the owner of the parcels either (i) merges all commonly held contiguous parcels to achieve maximum compliance with the underlying General Plan/Community Plan and zoning in effect as of the date of the application; or (ii) merges commonly held contiguous parcels into configurations which are consistent with the underlying General Plan/Community Plan and zoning in effect as of the date of the application. For purposes of this subsection, "commonly held" parcels shall mean contiguous parcels which are held by the same owner. (Ord. 5251-B (Exh. A), 2003)~~

SECTION 4. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.