Blogs
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California Land Use & Development Law Report

Sequential Lot Line Adjustments Get The Green Light.

Lot line adjustments offer a streamlined alternative to the complex process of subdividing land. However, lot line adjustments have historically been limited to four or fewer adjoining parcels. In a decision that may significantly expand use of lot line adjustments, the court of appeal in *Sierra Club v. Napa County Board of Supervisors* upheld a local ordinance allowing sequential lot line adjustments, effectively sanctioning changes in boundaries of more than four parcels without formal subdivision.

The Subdivision Map Act excludes from its requirements lot line adjustments "between four or fewer existing adjoining parcels" if there is no resulting increase in the number of parcels. Government Code § 66412(d). In 2009, Napa County adopted an ordinance allowing sequential lot line adjustments so long as each was for no more than four parcels. The ordinance required that each lot line adjustment be recorded before submission of the next application. The ordinance also provided that approval by the County of a lot line adjustment is a ministerial act.

The Sierra Club challenged the ordinance, alleging that it opened a "loophole" that would allow unchecked land reconfiguration without proper local review, in violation of the Map Act. It also argued that the County's classification of all lot line adjustments as ministerial was inconsistent with the Map Act.

The court of appeal disagreed on both counts. The court found the ordinance "consistent with the Map Act's exclusion of lot line adjustments from the requirements of the act." It did not conflict with Section 66412(d) because each lot line adjustment still had to comply with the Map Act's requirements – the most important of which was that each lot line adjustment may involve only four or fewer adjoining parcels. The ordinance's requirement that a prior adjustment be recorded before the next application "injects meaningful temporal constraints on larger scale lot line adjustments" and protects against "an endless stream of lots to be adjusted at one time." The court found nothing in the Map Act or its legislative history to suggest that greater protection than this temporal constraint was intended or required by the act.

The court also rejected the claim that Napa's classification of its lot line adjustment decisions as ministerial (thus not requiring compliance with CEQA) was improper. The "the local public agency," said the court "is the most appropriate entity to determine what is ministerial, based on analysis of its own laws and regulations." Looking beyondNapa's ordinance, the court held that the Map Act – which limits local agency review of lot line adjustments to determining whether the resulting lots will conform to the local land use zoning requirements – describes "a prototypical ministerial approval process."

Landowners who own more than four existing adjacent parcels should consider how they may now take advantage of sequential lot line adjustments to reconfigure their parcels without having to undertake the subdivision process. Local agencies, meanwhile, should look at amending their subdivision ordinances to establish a process for review and approval of sequential lot line adjustment applications consistent with the court of appeal's decision.
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