

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: PL – COMB – 01 (Parcel Legality – Combination)
Effective Date: May 15, 2006
Originally Issued: None

Question:

Can the consequences of building over a property line be applied retroactively to encroachments made prior to the effective date of the Combination Ordinance?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**
14.01.110(a)5

INTERPRETATION:

Construction of a dwelling or commercial structure encroaching across any portion of a common property line prior to June 8, 1979 did not combine the parcels into one.

Reason:

The Board of Supervisors adopted Ordinance No. 2672 on May 8, 1979, adding the Combination regulations to the County Code. Prior to this, as a departmental policy, Planning Department staff required combination of parcels where proposed structures encroached over property lines.

County Code Section 14.01.110 (which codifies Ordinance No. 2672) discusses the combination of parcels by action of the owner(s). One of the circumstances in which contiguous parcels or units under common ownership are deemed combined is:

5. Parcel on which a dwelling or commercial structure or portion thereof has been built across the common boundary line of such lots or parcels except when the encroachment was of such a minor and inadvertent nature that it could be eliminated through a boundary adjustment. Such parcels remain combined even if the structure is removed.

It has been the practice of staff to deem parcels combined if a dwelling or commercial structure encroaches over property lines, no matter when the encroachment occurred. County Counsel has advised us that we cannot apply this provision to situations where the encroachment occurred prior to the effective date of Ordinance 2672 — June 8, 1979. We can require combination of parcels with preexisting encroachments when the property owner applies for a building or discretionary permit for the property, even if the proposed development does not encroach.

Tom Burns, Planning Director

Date